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CITY OF SACRAMENTO

DEPARTMENT OF PERSONNEL

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DONNA L. GILES
DIRECTOR OF PERSONNEL

March 25, 1985

Personnel and Public Employees Committee
of the City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Informational Item re: Attempts to Amend
City Charter Section 84

SUMMARY

Section 84 of the City Charter mandates that each vacant civil service position be filled from the "three candidates" standing highest on an eligible list. In 1979, 1980 & 1982, the City Council placed before the voters, measures which would have allowed more than three individuals to be considered for each vacancy. In each instance, the ballot propositions were defeated.

The Affirmative Action/Equal Employment Opportunity Program Status Report 1984, again identified Section 84 as a key stumbling block in achieving an effective equal employment opportunity program.

The following provides some background information on the previous attempts to amend §84.

BACKGROUND

On May 19, 1978, the Personnel and Public Employees Committee (P & PE) began an extensive review of the personnel sections of the City Charter. Included in the committee action were reviews of the sections of the Charter which cover personnel selection, specifically §84 (Examinations); §85 (Preferences); §86 (Record of Efficiency); §87 (Discriminations); §88 (Employee Development Programs) and §92 (Power and Duties of the Civil Service Board).

At the request of the P & PE Committee, the City Council on May 9, 1979, voted to submit several proposed Charter amendments to the voters. One of the controversial proposals was a measure to modify §84, the charter provision

which requires civil service positions be filled from the top three names on an eligible list. A portion of §84 reads:

"All officers or employees shall be chosen or promoted, whenever a list of eligibles is furnished by the civil service board, from the three candidates standing highest on the list."

The proposal approved by the Council would have allowed the Civil Service Board (renamed the Civil Service Commission) to determine the type of certification process that would be used at the entry level. The "rule of three ranks" would be the minimum acceptable process.

The Council proposal was titled "Measure D" and put on the ballot for the September 25, 1979 election. In addition to §84, Measure D would have amended 17 other "personnel related" charter sections. Measure D was endorsed by the Sacramento Bee and the Sacramento Union (See Attachments A & B). A ballot argument against Measure B was authored by the Chair of the Citizens Committee against Tax Abuse and Waste. Measure D was defeated 16,276 (48.07%) to 17,582 (51.93%). (For the complete text of the ballot measures and the ballot arguments, see Attachment C).

The P & PE Committee analyzed the election results and concluded that one reason for the defeat of Measure D was the fact that it included a controversial provision to modify a preference awarded to veterans. At the request of the Committee, Measure D was redrafted, leaving out any discussion on Veteran's preference and resubmitted to the voters in November 1980 as "Measure B." The language on the modification to Veterans' Preference was redrafted and submitted as "Measure C".

Measures B & C were endorsed by the Sacramento Bee and opposed by the Sacramento Union. (See Attachments D & E). In addition, Measure B had the support of the Sacramento Central Labor Council, Sacramento Police Officers Association, the Sacramento Firefighters Association and the Stationary Engineers - Local 39. The ballot argument against Measure B was again authored by the Chair of the Citizens Committee against Tax Abuse and Waste. Measure B was defeated 38,591 (43.04%) to 51,079 (56.96%). Ironically, Measure C passed. (For the complete text of Measure B and the ballot arguments, See Attachment F).

On July 27, 1982, the City Council voted to submit to the voters five proposed amendments to the City Charter. The proposed amendments included changes to Sections 84, §92 (re: employee discipline), §107 (re: employee vacation allowances), and §108 re: employee longevity pay). In addition, the Council proposal would add §93 (re: employment of people due to consolidations, etc.). Measure B, the proposed amendments to §84, was endorsed by the Sacramento Bee and the Sacramento Union. (See Attachments G & H). The ballot argument against Measure B was for the third time, authored by the Chair of the Citizens Committee against Tax Abuse and Waste.

Measure B was defeated. The vote was 43,482 (49.20%) to 44,895 (50.80%).
(For the complete text of Measure B and the ballot arguments, See Attachment I.)

RECOMMENDATION

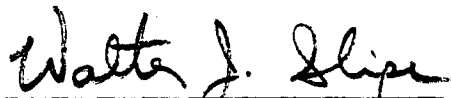
This is an informational item. There is no staff recommendation

Respectfully Submitted,



DONNA L. GILES
Director of Personnel

SUBMITTAL APPROVED:



WALTER J. SLAPE
City Manager

Attach/

SACRAMENTO BEE

9/19/79

Yes On Measure D

After long consultations with public employee, veteran and minority groups, the City Council has put together a collection of civil service reforms that all the competing interests have endorsed. It will be on the ballot as Measure D. The proposed reform package would improve the city's affirmative action program and rationalize its veterans preference system, without being unfair to white males or to existing employees. We urge the voters to pass it.

If Measure D is passed, the city will maintain its current merit system for hiring and promoting employees. But the rules about who can be interviewed for a new job, among those who pass the civil service test, would be more flexible: The Civil Service Commission would determine whether only those who score in the top 3 percent on their exams, or some other even larger group, would be eligible for interviews. In the case of promotional exams, however, the commission would be required to retain the present practice of interviewing only the top three scorers. Thus, without changing the rules in mid-stream for current city employees and without giving up the benefits of a merit system, Measure D would insure that more women and minority candidates are considered for city jobs.

Similarly, the proposed changes in the veterans preference system would not eliminate the extra points veterans now get on their civil service exams, a bonus designed to compensate them for the disruption in their civilian careers that their military service caused. But if Measure D passes, the bonus would be reduced from 10 points to 5, and only disabled veterans would be entitled to use it for the rest of their lives. Other veterans could use it only for a period of 10 years (or more, for former prisoners of war) after their release from active duty. In this way, the veterans preference would be maintained for those who most need it, while its discriminatory effects on women and minority men, who make up only a tiny fraction of the veteran population, would be reduced.

Measure D also would increase the political independence of the city's Civil Service Commission, would update some archaic language in the city charter's civil service articles and would expand protections against discrimination for both permanent and probationary employees. It would be minimally disruptive, yet still an important step forward in the city's personnel policies. It has the support of community leaders from a wide spectrum of interest groups, and it deserves the support of the voters as well.

SACRAMENTO

UNION

9/21/79

'Yes' on D, E; 'no' on F

ATTACHMENT B

Significance seen in ballot measures

Measures A, B and C dealing with a proposed sports stadium have stirred the most controversy in next Tuesday's Sacramento Municipal Election. But three other measures on the ballot are significant to the aspirations and pocketbooks of many Sacramentans.

Measure D asks voters to amend the City Charter as it deals with civil service and personnel matters that have not been systematically updated since they were adopted in 1921.

It would authorize a newly constituted Civil Service Commission to certify eligible candidates for entry-level city jobs under a new method. At present an employee is hired from among the three applicants standing highest on the civil service list after taking exams ("rule of three"). The three top scorers may be separated by only hundredths of a point if there is a large number of applicants, as in the case of police and fire department examinations.

MEASURE D WOULD provide for a "rule of three ranks." The scores of applicants would be rounded off to the highest whole percent, with applicants receiving the same score filling one rank. Instead of there being just three candidates from which to choose, the hiring department would likely have many more, and could consider sex, race and other factors.

While thus opening up the selection process for entry level jobs, all promotional positions in the civil service would still be filled from among the three candidates who ranked highest on the promotional eligibility list. This recognizes the fact that there probably would not be a large number of eligible candidates for promotion.

Another provision of Measure D would reduce from 10 to 5 the preference points that veterans who serve during wartime now receive in their examination scores. And except for disabled veterans, an applicant could use the veterans' preference only within 10 years of the last war or campaign in which he served.

THIS IS A REASONABLE compromise of a veterans' benefit that has been found discriminatory by courts in other states. It is pointed out that relatively few women can point to wartime service in the armed forces to qualify them for the 10-point exam boost.

Measure D is an overdue reform of city civil service policies and

regulations, and we urge a "yes" vote.

Measure E asks the voters whether the City Charter should be amended to provide increased cost-of-living benefits to members of the City Employees Retirement System. Again, we recommend a "yes" vote.

At present, a retired member receives an inflation increase of no more than 3 percent only if he or she has been retired for a full fiscal year. Thus, an employee who retires two weeks into the fiscal year, on July 15, would be required to wait 23 1/2 months for the first increase. Measure E would give proportionate cost-of-living increases to eliminate the inequity.

MEASURE F PROPOSING a charter amendment relating to the appointment of former City Council members to city commissions is an outgrowth of a controversy 18 months ago involving former Councilman Burnett Miller. Although 17 persons had applied for an opening on the Housing and Redevelopment Commission, city officials and council members staged some questionable maneuvers to nail down the job for Mr. Miller.

These tactics included extending the filing deadline "to accommodate Burnett" and ramming through an ordinance to get around a City Charter provision stating that no former council member can hold a salaried position within the city's ranks in the year following retirement from the council. The new ordinance states that one commissioner can serve without compensation, which Mr. Miller agreed to do.

Measure F would permit council members who serve on boards and commissions during the year after they retired from office to receive the same pay that other board members receive. It would seem to be a worthy proposal, since it would allow the city to capitalize on the expertise gained by a council member while in office. This was obviously a compelling reason for the council's appointment of Mr. Miller, who was an exceptionally able council member.

Nevertheless, there is a risk of the council falling into an "old boy" habit of appointing departing colleagues to prestigious positions on commissions and boards. There's nothing wrong with a one-year "cooling off" period that will encourage qualified citizens to become involved in local government. We urge a "no" vote on Measure F.

MEASURE D

Relating to City Charter Revision

D Shall the Sacramento City Charter be amended by revising Articles VII and VIII, relating to the civil service and certain other personnel matters?

YES

NO

COMPLETE TEXT OF THE PROPOSED CITY CHARTER REVISION

TO AMEND ARTICLES VII AND VIII OF THE CHARTER OF THE CITY OF SACRAMENTO RELATING TO THE CIVIL SERVICE AND CERTAIN DEPARTMENTAL AND PERSONNEL PROVISIONS. TO BE EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE. TO READ AS FOLLOWS:

ARTICLE VII. Civil ServiceSec. 80. Creation of Commission.

The civil service commission shall consist of five citizens of the city who shall have no connection with city government. The city council shall appoint said members for such terms as are established by ordinance. Commission members in office on the effective date of this section shall continue in office during their unexpired terms unless removed as provided by law. Vacancies on the civil service commission from whatever cause shall be filled by the city council for the unexpired term.

Sec. 81. Executive Officer.

The civil service commission may appoint and define the duties of an executive officer of the civil service commission. The city council shall determine the compensation to be paid the executive officer. The executive officer, if other than the director of personnel, shall have no power to administer personnel services and programs. In legislative matters the executive officer may conduct investigations and make recommendations to the commission.

Sec. 82. Power to Administer Oaths.

The executive officer of the civil service commission and such other employees authorized by the commission shall have the power and authority to take affidavits and administer oaths in all matters relating to civil service. The commission shall have the power to subpoena witnesses, books, records and papers in the conduct of hearings held under Sec. 90.

Sec. 83. Exemptions and Classified Service.

The officers and employees of the city who shall be exempt from the rules and regulations of the civil service commission shall include:

- (a) Officers directly elected by the people;
- (b) Members of advisory boards and commissions;
- (c) The city manager, and any person or persons employed as assistant city manager, and confidential secretary;
- (d) Those officials of the city government responsible for the operation of a city department or division, along with those persons who may be employed as assistants to such officials;
- (e) The executive officer of the civil service commission; and
- (f) Those employees occupying positions in classes which are filled only on a part-time, seasonal, or limited term basis.

The city council shall, by resolution, designate those classes of positions, employees in which shall be considered exempt from the rules and regulations of the civil service commission, in accordance with the intent and meaning of this section.

Sec. 84. Examinations.

For the purpose of establishing eligible registers from which positions in the classified service shall be filled, it shall be the duty of the civil service commission to conduct competitive examinations open to all persons who lawfully may be appointed to any position within the class for which such examinations are held, and who meet the minimum qualifications requisite to the performance of the duties of such position as established by the civil service commission.

The civil service commission shall determine the manner in which eligibles for entry level positions shall be certified to the appointing authority except that the commission shall not use any method of certification which would result in fewer persons being certified than would be certified under the "rule of three ranks." As used herein the "rule of three ranks" shall be defined as the certification process whereby appointment is made from among the eligibles whose scores, at the time of certification, represent the three highest ranks on the list; for purposes of ranking, scores of eligibles on an eligible list shall be rounded to the highest whole percent and a rank shall consist of one or more eligibles with the same whole percentage score.

All promotional positions in the classified service shall be filled from the three candidates standing highest on the promotional eligibility list.

The commission shall determine the manner in which eligibles for entry level positions shall be certified not later than the time the job announcement is posted. The commission shall determine which positions are entry level positions and which positions are promotional positions.

Sec. 85. Veterans' Preferences.

(a) In all tests and examinations held by the civil service commission pursuant to the provisions of this Charter, any person who at the time of taking such test or examination has served in the army, navy, marine corps, air force, or coast guard of the United States in time of war or in time of peace in a campaign (excepting the Army of Occupation of Berlin) or expedition for service in which a medal has been authorized by the government of the United States and who received an honorable discharge therefrom or who, after such service of the United States in time of war, has continued in such service or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, as such persons are defined by state law in effect at that time and who has obtained a percentage qualifying such applicant for any position under civil service regulations, shall be allowed an increase of five points above the credit of such examination. Preference under this subsection shall be limited to ten years after the date of termination of the last war or campaign or expedition during which such person served in the armed forces.

(b) Veterans who are declared by the United States Veterans Administration to have a service connected disability of 30% or more at the time of taking such test or examination, if otherwise qualified for the preference provided for by subsection (a), shall be entitled to such preference without limitation as to the time during which such preference may be used.

(c) Former prisoners of war and persons formerly declared missing-in-action, if otherwise qualified for the preference provided for by subsection (a), shall be entitled to such preference. Preference under this subsection shall be limited to 10 years after the date of termination of the last war or campaign or expedition during which such person served in the armed forces plus the time that such status as prisoner of war or person formerly declared missing in action existed, as verified by the United States Veterans Administration.

(d) Preference under this section does not apply to promotions, or to promotional examinations.

Sec. 86. Employee Development Programs.

Notwithstanding Sec. 84 or any other provision of this Charter, the civil service commission may provide for the establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with the potential for development, in order to provide career development opportunities for such persons, including but not limited to members of disadvantaged groups, handicapped persons, and veterans entitled to preference under Sec. 85 of this article. Such programs may provide for probationary and permanent appointment to the classified service upon the satisfactory completion of the training period prescribed by the civil service commission. The civil service commission shall provide for the establishment of such programs when requested to do so by the city council.

[COMPLETE TEXT OF MEASURE D CONTINUED ON NEXT PAGE]

(COMPLETE TEXT OF MEASURE D, CONTINUED)

Sec. 87. Probations.

Appointment or promotion to office or employment in the classified service shall not be deemed complete until a period of probation has elapsed. The civil service commission shall by rule establish a probationary period for each class in the classified service. A probationer may be discharged or reduced at any time within the probationary period and thereupon shall have no right to appeal under Sec. 90 of this Charter, except that any probationer who has been discharged or reduced in violation of any applicable state or federal law prohibiting discrimination in employment may appeal said discharge or reduction in accordance with the provisions of Sec. 90 of this Charter.

Sec. 88. Right of Appeal.

If discharged after the expiration of said period, the employee so discharged may appeal in accordance with the provisions of Sec. 90 of this Charter.

Sec. 89. Disciplinary Power.

The city manager or other official or board in whom is vested disciplinary or removal power shall be allowed full freedom on such matters, it being the intent and spirit of this article to provide a fair and honest approach to municipal employment for every inhabitant of the city, but in no sense to handicap or curtail the responsible administrative officer in securing efficient service.

Sec. 90. Power and Duties of the Civil Service Commission.

(a) It shall be the duty of the civil service commission to:

(1) Adopt and maintain the classification plan, which shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. The commission may establish additional classes and divide, combine, alter or abolish existing classes.

Each position in the classified service shall be allocated by the director of personnel to one of the classes established by the plan; provided, that whenever a new or additional position is authorized by the city manager, the director of personnel shall allocate each proposed position to an appropriate existing class or recommend the creation of new class to the civil service commission.

When action is taken by the commission to establish additional classes or to divide, combine, alter or abolish existing classes, or upon the reallocation of positions by the director of personnel, the civil service commission shall determine the manner in which the incumbents of positions affected shall attain status.

(2) Formulate rules covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers, establishing lists for re-employment after resignation, certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

(3) Hear appeals, upon written request from any employee in the classified service, who may be suspended without pay, demoted, dismissed, or otherwise disciplined by the appointing authority. The commission shall define the manner, time, and place by which such appeal shall be heard and the judgment of the commission shall be final.

(4) Hear appeals, upon written request, from any employee in the classified service, with reference to the allocation or reallocation of his position by the director of personnel.

(5) Provide, by rule, for the interpretation and administration of ordinances affecting personnel, when specifically directed to do so by the city council, and provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section.

(b) The commission, subject to budgetary approval of the city council, may employ or contract for hearing officers to hear appeals of the actions specified in paragraphs (3) and (4) of sub-section (a) of this section and to prepare recommendations for the commission. The commission may adopt rules to implement this sub-section.

ARTICLE VIII. Certain Departmental and Personnel Provisions.

Sec. 95. Police and Fire Departments.

There shall be in the City of Sacramento a police department and a fire department. All sworn police and uniformed fire positions in the classified service above the grade of police officer and firefighter respectively shall be filled by promotional examination only.

Sec. 96. Powers and Duties of the Fire Chief.

The fire chief shall have control, management and direction of all members of the fire department in the lawful exercise of the chief's functions with full power to detail any of the members to such public service as the chief may direct. The chief shall recommend to the city manager members of the force for demotion or dismissal and can suspend and prefer charges against any officer or member.

Sec. 97. Firefighters.

No member of the fire department shall be allowed, without the consent of the city council, to receive any money, gratuity or compensation for any service rendered as a firefighter.

The members of the fire department shall not engage in any other employment, work, profession, business or enterprise that is inconsistent, incompatible, in conflict with, or adversely affects the performance of their duties as firefighters, or that is inimical to the most effective performance of the mission of the Sacramento Fire Department or the best interests of the city.

The city council shall have the exclusive and non-delegable authority and duty to define, interpret and implement the terms of this section by resolution and such definition and interpretation shall be final and conclusive. The process and procedure followed by the city council in so defining, interpreting and implementing this section shall be by unilateral legislative action not subject to and expressly excluded from any meeting and conferring procedure with employee organizational representatives that is or may be provided for under any other law. In the event a court or administrative body of competent jurisdiction renders a final judgment or order invalidating this paragraph or any part thereof then the terms and provisions of this section as hereinabove provided shall be null and void and this section shall thereupon on the effective date of such final judgment or order and thereafter read as follows:

No member of the fire department shall be allowed, without the consent of the city council, to receive any money, gratuity or compensation for any service rendered as a firefighter. The members of the fire department shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this Charter provided.

Sec. 98. Powers and Duties of the Chief of Police.

The chief of police shall have control, management and direction of all members of the police department in the lawful exercise of the chief's functions with full power to detail any of the members to such public service as the chief may direct. The chief shall recommend to the city manager members of the force for demotion or dismissal and can suspend and prefer charges against any officer or member.

Sec. 99. Police Officers.

It shall be the duty of each member of the police force to be acquainted with the provisions of this Charter, with all ordinances of the city and with all laws of the state defining public offenses and regulating criminal proceedings.

No member of the police force shall be allowed to receive, without the consent of the city council, any money, gratuity or compensation for any service rendered as an officer.

The members of the police force shall not engage in any other employment, work, profession, business or enterprise that is inconsistent, incompatible, in conflict with, or adversely affects the performance of their duties as police officers, or that is inimical to the most effective performance of the mission of the Sacramento Police Department or the best interests of the city.

The city council shall have the exclusive and non-delegable authority and duty to define, interpret and implement the terms of this section by resolution and such definition and interpretation shall be final and conclusive. The process and procedure followed by the city council in so defining, interpreting and implementing this section shall be by unilateral legislative action not subject to and expressly excluded from any meeting and conferring procedure with employee organizational representatives that is or may be provided for under other law. In the event a court or administrative body of

(COMPLETE TEXT OF MEASURE D. CONTINUED)

competent jurisdiction renders a final judgment or order invalidating this paragraph or any part thereof then the terms and provisions of this section as hereinabove provided shall be null and void and this section shall thereupon on the effective date of such final judgment or order and thereafter read as follows:

No member of the police force shall be allowed to receive, without the consent of the city council, any money, gratuity or compensation for any service rendered as an officer except rewards which have been publicly offered for the apprehension and conviction of criminals. The members of the police force shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their official duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this Charter provided. It shall be the duty of each member of the police force to become acquainted with the provisions of this Charter, with all ordinances of the city and with all laws of the state defining public offenses and regulating criminal proceedings.

Sec. 100. Salaries of Employees.

The annual compensation of the employees of the city shall be fixed by resolution of the city council. All salaries shall be paid not less frequently than semimonthly and shall be in full compensation for all duties and services performed by such employees of the city.

Sec. 101. Rewards.

The city council may reward any city employee for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the city council, but shall not exceed in any one instance one month's salary.

IMPARTIAL ANALYSIS OF MEASURE D PREPARED BY CITY ATTORNEY

Measure D would amend the Charter of the City of Sacramento on matters relating to civil service and other personnel provisions. Many of the amendments are nonsubstantive in nature. The principal substantive changes are listed below:

1. At the present time, the Director of Personnel serves as the Secretary of the Civil Service Board.

Measure D would authorize the Board (renamed the Commission) to appoint and define the duties of an executive officer.

2. At present, civil service officers and employees are to be selected, after examination, from the three candidates standing highest on the civil service list ("rule of three").

Measure D would authorize the Commission to determine the manner in which eligibles for entry-level positions will be certified to the appointing authority; provided that the method selected by the Commission results in at least as many people being certified as would be certified under the "rule of three ranks". Under the "rule of three ranks," the scores of applicants on a list are rounded to the highest whole percent and a rank consists of one or more applicants with the same whole percentage score.

All promotional positions in the civil service would continue to be filled from the three candidates standing highest on the promotional eligibility list.

3. At present, veterans who served during time of war are entitled to an increase of ten points in their examination score. There is no limitation on the time during which the preference may be used.

Measure D would decrease the veterans' preference in examinations from ten to five points. With the exception of disabled veterans, an applicant would be entitled to use the veterans' preference only within ten years from termination of the last war or campaign during which such person served in the armed forces. The amendment would broaden slightly the type of military service qualifying for use of the preference.

4. At present, probationary employees in the civil service system are not entitled to appeal disciplinary actions.

Measure D would authorize a probationary employee who has been disciplined in violation of any applicable state or federal law prohibiting discrimination in employment to appeal to the Civil Service Commission.

5. Measure D would retain the present provision requiring promotion from within the police and fire departments, but would delete the length of service requirements for promotion in those departments.

6. Measure D would delete from the Charter the present vacation and longevity pay provisions.

ARGUMENT IN FAVOR OF MEASURE D

The personnel and civil service sections of the City Charter are the only remaining major sections which have never been systematically up-dated since they were adopted in 1921. How out-of-date these sections are is illustrated best by Section 85 where branches of military service are listed. There is no mention of the air force because it did not exist at the time this was drafted.

After more than a year of work involving hundreds of hours and participation of numerous community organizations and individuals, Measure D comes to the voters with the consensus support of almost every group concerned with these important and sensitive matters. Labor and management, veterans groups, minority representatives, the League of Women Voters, the City Council and numerous other groups and individuals have approved this compromise package.

Measure D balances the competing demands for equal opportunity, merit civil service and recognition of military service to our country; balances management discretion and employee rights; and balances independent civil service and responsiveness to the citizenry.

Measure D will up-date the antiquated 1921 Charter into modern personnel practice for the 1980's. Vote Yes on D.

Sacramento City Council
s/Phillip L. Isenberg, Mayor

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

Citizens should VOTE NO on D, as this charter amendment seeks to authorize preferential hiring practices at the expense of equal job opportunities for all in city employment. Special treatment for some job applicants that is based on ethnic origins, sex or economic situation is a blow to equal job opportunities for the most able applicants!

Measure D works against the creation of an efficient and effective city work force by making ability ratings, as determined by competitive examinations, secondary in the awarding of city jobs. Naturally, this is against the interests of the taxpayers and inhibits cost-effective municipal services!

Under this proposed amendment, favoritism for selected job applicants would be made lawful by the use of preferential appointment devices, such as, "selective certification", "rule-of-three-ranks", and, informal ethnic job quotas for most jobs.

There is NO QUESTION that such preferential hiring practices in disregard of competitive ability scores on city job examinations will act as a body blow to our merit civil service! Ultimately, it will result in the deterioration of municipal services and rising costs per service unit!

Citizens concerned with fairness to our veterans should VOTE NO because this measure abolishes all veterans' preferences for city promotional jobs.

Measure D steps back into the past by opening the door to favoritism and special treatment in city employment!

Cast your NO VOTE on D to prevent ability and merit appointments from becoming obsolete in our city services!

s/Raymond E. Vandegriff, Chairman
Citizens Committee Against Tax
Abuse and Waste

ARGUMENT AGAINST MEASURE D

Citizens should VOTE NO on these proposed revisions of our city charter if they wish to retain the MERIT PRINCIPLE in city civil service. A MERIT SYSTEM requires the filling of city jobs on an ability basis, as determined by competitive examinations, open to all qualified applicants without regard to their race, creed or color!

VOTE NO because these charter revisions scrap the "rule of three" that governs appointments from eligible lists to city jobs and which, has historically served, to force the appointing officers to consider merit and ability first, instead of personal preferences, political connections or ethnic backgrounds!

Sacramentans long ago determined that favoritism, special treatment, based on the race, religion or origin of particular job applicants, could have no place in an efficient city service. Therefore, our current charter provides for ability rating in competition with all other applicants and that competence to perform the duties of the position determine which individuals get city jobs!

VOTE NO because these amendments will allow the city hall politicians to use "the rule of three ranks", selective certification, ethnic job quotas and, other forms of special treatment, in the awarding of city jobs with little regard for the individual merits or demonstrated abilities of city job applicants.

Citizens should recognize that when the "merit principle" is set aside or made secondary in the appointment process, we have nothing left but a political "spoils system", one of special treatment for selective job applicants, based on "who they know", not, "what they know" about their job duties.

VOTE NO to preserve MERIT HIRING according to rated ability of job applicants or face a rapid deterioration in municipal services, plus, the escalation of unit costs!

s/Raymond E. Vandegriff, Chairman
Citizens Committee Against Tax
Abuse and Waste

REBUTTAL TO ARGUMENT AGAINST MEASURE D

Far from undermining the Merit civil service system as Mr. Vandegriff argues, Measure D affirms the Merit principle and fully complies with current court and congressional decisions.

The Rule of Three Ranks has nothing to do with "selective certification, ethnic job quotas and other forms of special treatment." What it does do is recognize that written tests are not the only way to measure ability (many very well qualified people have trouble with written tests). And no tests are accurate enough to say that a person with a score of 98.57 is better than a person with a score of 98.54. Yet the opponent of Measure D would have us automatically take the person who has as little as 3-hundredth of a point higher score regardless of any other qualifications.

The greatest irony in Vandegriff's argument is that some minority groups feel Measure D does not go far enough. Measure D must be a pretty good compromise if a few people on each side don't like it for opposite reasons!

Measure D does not in any way change who does the appointing. The Civil Service System is still run by the independent Civil Service Commission and not by politicians.

Concerning veterans' preference, Vandegriff simply misstates the facts. Read the measure yourself and you'll see the City still has veterans' preference. The measure is endorsed by veterans groups.

This is a complex proposal in a controversial field. The overwhelming support of almost every concerned group is a measure of its fairness and balance. Vote YES on D.

Sacramento City Council
s/Phillip L. Isenberg, Mayor

MEASURE E

Relating to City Charter Revision

E Shall the Sacramento City Charter be amended by revising Article XVII, relating to the Sacramento City Employees' Retirement System to provide increased cost-of-living and survivors' benefits?

YES

NO

COMPLETE TEXT OF THE PROPOSED CITY CHARTER REVISION

TO AMEND SECTIONS 374 AND 379 OF ARTICLE XVII OF THE CHARTER OF THE CITY OF SACRAMENTO AND TO ADD SECTION 435a TO ARTICLE XVII OF THE CHARTER OF THE CITY OF SACRAMENTO, RELATING TO THE SACRAMENTO CITY EMPLOYEES' RETIREMENT SYSTEM, TO BE EFFECTIVE JANUARY 1, 1980, TO READ AS FOLLOW:

ARTICLE XVII. Sacramento City Employees Retirement System

Sec. 374. Duty to Continue Existing System.

The council shall provide, by ordinance or ordinances, for the continuance, as part of the retirement system, of all employee retirement plans in operation upon the effective date of this article. Except as otherwise specifically provided in this article, no such plan, or any provision thereof, shall be modified or amended except through the adoption of an ordinance approved by a majority of the voters voting upon such proposition at a general municipal election or a special municipal election called for such purpose. Allowances existing in favor of or on account of retired employees of the city at the time of the adoption of this article shall be continued in force in accordance with the provisions under which said allowances were made. Except as provided in Sec. 379, nothing in this article shall be construed as changing the status of members of such existing plans or the benefits thereunder. Notwithstanding any other provision in this article, the council shall provide by ordinance for continuation of the benefits of transferred members (as defined in former Charter Sec. 359 and 360) pursuant to former Charter Sec. 359 through 366; provided, however, that any such transferred member shall have the right to elect in the manner provided by Sec. 401 to have his rate of contribution, as required by former Charter Sec. 365, based upon the rate of contribution for members of the plan established by Charter Sec. 399.

The council shall enact an ordinance or ordinances prescribing the conditions by which any member of the system retired for service or disability under the provisions of former Charter Sec. 173, 175.13 or 302 may make an election to receive a reduced retirement allowance during the member's lifetime in order that the member's surviving spouse may receive a continuation allowance. The provisions of said ordinance or ordinances shall substantially conform to the provisions of Charter Sec. 435a, provided that no continuation allowance shall be payable unless one would otherwise be payable under the provisions of the Charter which apply to the member and provided further that the continuation allowance under former Charter Sec. 173 shall be two-thirds of the member's reduced allowance.

Sec. 379. Cost-of-Living Adjustment.

The city Council shall enact an ordinance or ordinances prescribing the conditions according to which, as of July 1 of each year, every monthly allowance payable to or on account of a member of this system whose retirement or death as a member of this system occurred prior to July 1 of the preceding year shall be increased or decreased by a percentage of the allowance then being received. Such percentage shall approximate, to the nearest one-tenth of one percent, the percentage of annual increase or decrease, if any, in the cost of living during the whole of the preceding calendar year by reference to the current U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index for the San Francisco-Oakland area (or the Sacramento area, in the event the Index is established for the Sacramento area), for the whole of the preceding calendar year; provided that such increase or decrease shall not exceed three percent of any allowance in any year, regardless of the percentage of change in cost of living; and provided further that no allowance shall be reduced below the amount payable at death or retirement.

(COMPLETE TEXT OF MEASURE E CONTINUED ON NEXT PAGE)

The Sacramento Bee

Locally owned and operated for 123 years

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Editorials

Yes On B And C

The City Council's attempt to reorganize and update Sacramento's civil service system was voted down by the people last year, apparently because of the objections of local veterans organizations to provisions that would have limited the veterans hiring preference. Now, on the November ballot, the council is trying a different tack. It has modified its veterans preference proposal (Measure C) and separated it from the rest of the proposed civil service reforms (Measure B) which are less controversial. The result does not seem to have mollified the veterans, who still oppose Measure C, but it has produced two fair and workable charter amendments that deserve the community's endorsement.

Measure B creates a more reasonable system for hiring entry-level city workers by eliminating the "rule of three," which now forces an administrator to hire one of the three top scorers on a civil service exam — even if they are separated by only a few hundredths of a percentage point from the next highest scorers. Measure B would allow the Civil Service Commission to adopt broader qualifying rules, yet still preserve the merit hiring system. It specifies that exam scores must at least be rounded off to the nearest whole percentage point and new employees picked from among all those who receive the three highest whole-point scores.

This change would allow the city to choose new workers from a wider pool of qualified applicants and would also provide more job opportunities for women and minorities who, under the old rule, are often left out not because they are less able but merely because they are statistically less likely to turn up among the top three scorers.

Measure B also makes the Civil Service Commission independent of the Personnel Department that it is supposed to oversee; extends to probationary employees the same anti-

discrimination protections that now cover classified employees; and deletes several items that have been rendered obsolete by California's recent collective bargaining laws. These are all sensible, good-government changes.

Measure C preserves the essence of the veterans preference system but gets rid of some of the absurdities and inequities that have grown out of it. Under current rules, the city adds a bonus of 10 points to the civil service test score of any veteran applying for an entry-level position, in order to compensate for the time he or she took away from a civilian career to serve the country. The point of Measure C is to make sure that this advantage goes to those for whom it was intended and not to people who have long since established military or civilian careers which they now merely wish to change. Measure C would not allow bonus points for veterans who were discharged at or above the rank of major, who were discharged more than 10 years ago, or who have used veterans preference points before to get a government job.

The 10-year time limit would not apply to disabled veterans, who deserve special consideration. For other veterans, Measure C provides the bonus they have earned, but not the lifetime of preference that the current rules allow. This has been patently unfair, particularly to women who, until recently, have been systematically excluded from military service and, thus, from any chance of earning veterans points.

Although Measures B and C were in part inspired by a desire to create more opportunities for women and minorities in city service, neither goes so far as to eliminate worthy traditions like the veterans preference or the merit hiring system. What both measures do eliminate are rigidities and extravagances in the current system that can only hinder the efficiency of city government — and that have become a source of hiring discrimination without serving any useful purpose for the community at large.

SACRAMENTO UNION

10/31/80

City measures

Voters in the city of Sacramento will consider five proposed charter amendments in Tuesday's election. The Union offers the following recommendations:

MEASURE B makes several changes in civil service and other personnel matters. At present, civil service personnel are selected, after examination, from the three candidates standing highest on the civil service list. Under Measure B, entry-level employees would be selected under the "rule of three ranks." That is, the scores of applicants on a list would be rounded to the highest whole percent and a rank would consist of one or more applicants with the same whole percentage score.

We believe the change would codify a violation of traditional civil service principles of hiring on the basis of merit alone. The present system of hiring from the three candidates standing highest on the civil service list should provide adequate opportunity for the city to meet goals based on race and sex. We recommend a "no" vote on Measure B.

MEASURE C would dilute veterans preference in city hiring. It would ban preference points for veterans who had previously obtained a federal or state of California job through the use of preference points, and for persons who were discharged from the military more than 10 years prior to final date of application, except for those with a service-connected disability.

Veterans preference points are part of an implied contract between a grateful nation and its citizens for service in the armed forces. These men and women had their education

and/or careers interrupted because they enlisted or were drafted into the military service; now they are competing against those who did not serve in the armed forces, and we believe they deserve to keep the preference points. We recommend a "No" vote on Measure C.

MEASURE D would permit, but not require, the city to grant retroactive pay adjustments where permitted by the state constitution. Each year, labor negotiations start around April on union contracts that expire on June 30. We see no taxpayer advantage to encouraging such negotiations to drag on past that date, which a retroactivity provision would inevitably mean. We urge a "no" vote on Measure "D."

MEASURE E is a minor change affecting the present law providing that City Council members take office two weeks after the general city election in November of each odd-numbered year. Because of the city's growing size, the county registrar sometimes cannot certify the official results in those two weeks. Measure E would allow an extra week to certify the election results before an official takes office, thus eliminating any confusion. We recommend a "yes" vote on Measure E.

MEASURE F clarifies ambiguous charter language dealing with the date ordinances become effective. It provides that a non-urgency measure can take effect in 30 days or later on a simple majority vote of the council. If the council declares the ordinance an urgency measure, meaning it wants it to go into effect in less than 30 days, a two-thirds vote is required. We recommend a "yes" vote on Measure F.

CITY OF SACRAMENTO MEASURE B

(Relating to City Charter Revision)

B Shall the Sacramento City Charter be amended by revising Articles VII and VIII, relating to the civil service and certain other departmental and personnel matters?

38,591 → YES

51,079 → NO

CITY OF SACRAMENTO MEASURE B

Full Text of Charter Revision

TO REVISE ARTICLES VII AND VIII OF THE CHARTER OF THE CITY OF SACRAMENTO, RELATING TO CIVIL SERVICE AND CERTAIN DEPARTMENTAL AND PERSONNEL PROVISIONS; AMENDING CHARTER SECTIONS 80, 81, 82, 83, 84 AND 95; REPEALING SECTIONS 86, 87, 97, 99, 101, 104, 106, 107, 108 AND 109; RENUMBERING SECTIONS 98, 100, 102 AND 103; REPEALING, REENACTING, RENUMBERING AND AMENDING SECTIONS 88, 89, 90, 91, 92 AND 105, TO BE EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE, TO READ AS FOLLOWS:

SECTION 1.

Sections 80, 81, 82, 83, 84 and 95 of the Charter of the City of Sacramento are amended to read, respectively, as follows:

Sec. 80. Creation of Commission.

The civil service commission shall consist of five citizens of the city who shall have no connection with city government. The city council shall appoint said members for such terms as are established by ordinance. Commission members in office on the effective date of this section shall continue in office during their unexpired terms unless removed as provided by law. Vacancies on the civil service commission from whatever cause shall be filled by the city council for the unexpired term.

Sec. 81. Executive Officer.

The civil service commission may appoint and define the duties of an executive officer of the civil service commission. The city council shall determine the compensation to be paid the executive officer. The executive officer, if other than the director of personnel, shall have no power to administer personnel services and programs. In legislative matters the executive officer may conduct investigations and make recommendations to the commission.

Sec. 82. Power to Administer Oaths.

The executive officer of the civil service commission and such other employees authorized by the commission shall have the power and authority to take affidavits and administer oaths in all matters relating to civil service. The commission shall have the power to subpoena witnesses, books, records and papers in the conduct of hearings held under §90.

Sec. 83. Exemptions and Classified Service.

The officers and employees of the city who shall be exempt from the rules and regulations of the civil service commission shall include:

- (a) Officers directly elected by the people;
- (b) Members of advisory boards and commissions;
- (c) The city manager, and any person or persons employed as assistant city manager, and confidential secretary;
- (d) Those officials of the city government responsible for the operation of a city department or division, along with those persons who may be employed as assistants to such officials;
- (e) The executive officer of the civil service commission; and
- (f) Those employees occupying positions in classes which are filled only on a part-time, seasonal, or limited term basis.

The city council shall, by resolution, designate those classes of positions, employees in which shall be considered exempt from the rules and regulations of the civil service commission, in accordance with the intent and meaning of this section.

Sec. 84. Examinations.

For the purpose of establishing eligible registers from which positions in the classified service shall be filled, it shall be the duty of the civil service commission to conduct competitive examinations open to all persons who lawfully may be appointed to any position within the class for which such examinations are held, and who meet the minimum qualifications requisite to the performance of the duties of such position as established by the civil service commission.

The civil service commission shall determine the manner in which eligibles for entry level positions shall be certified to the appointing authority except that the commission shall not use any method of certification which would result in fewer persons being certified than would be certified under the "rule of three ranks." As used herein the "rule of three ranks" shall be defined as the certification process whereby appointment is made from among the eligibles whose scores, at the time of certification, represent the three highest ranks on the list; for purposes of ranking, scores of eligibles on an eligible list shall be rounded to the highest whole percent and a rank shall consist of one or more eligibles with the same whole percentage score.

All promotional positions in the classified service shall be filled from the three candidates standing highest on the promotional eligibility list.

The commission shall determine the manner in which eligibles for entry level positions shall be certified not later than the time the job announcement is posted. The commission shall determine which positions are entry level positions and which positions are promotional positions.

Sec. 95. Police and Fire Departments.

There shall be in the City of Sacramento a police department and a fire department. All sworn police and uniformed fire positions in the classified service above the grade of police officer and firefighter respectively shall be filled by promotional examination only.

SECTION 2.

Sections 86, 87, 97, 99, 101, 104, 106, 107, 108 and 109 of the Charter of the City of Sacramento are repealed.

SECTION 3.

Section 98 of the Charter of the City of Sacramento, relating to firefighters, is renumbered Section 97.

SECTION 4.

Section 100 of the Charter of the City of Sacramento, relating to powers and duties of the chief of police, is renumbered Section 98.

SECTION 5.

Section 102 of the Charter of the City of Sacramento, relating to police officers, is renumbered Section 99.

SECTION 6.

Section 103 of the Charter of the City of Sacramento, relating to salaries of employees, is renumbered Section 100.

SECTION 7.

Section 88 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 86. Employee Development Program.

Notwithstanding §84 or any other provision of this Charter, the civil service commission may provide for the establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with the potential for development, in order to provide career development opportunities for such persons, including but not limited to members of disadvantaged groups, handicapped persons, and veterans entitled to preference under §85 of this article. Such programs may provide for probationary and permanent appointment to the classified service upon the satisfactory completion of the training period prescribed by the civil service commission. The civil

(Continued on Next Page)

MEASURE B, CONTINUED

service commission shall provide for the establishment of such programs when requested to do so by the city council.

SECTION 8.

Section 89 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 87. Probations.

Appointment or promotion to office or employment in the classified service shall not be deemed complete until a period of probation has elapsed. The civil service commission shall by rule establish a probationary period for each class in the classified service. A probationer may be discharged or reduced at any time within the probationary period and thereupon shall have no right to appeal under §90 of this Charter, except that any probationer who has been discharged or reduced in violation of any applicable state or federal law prohibiting discrimination in employment may appeal said discharge or reduction in accordance with the provisions of §90 of this Charter.

SECTION 9.

Section 90 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 88. Right of Appeal.

If discharged after the expiration of said period, the employee so discharged may appeal in accordance with the provisions of §90 of this Charter.

SECTION 10.

Section 91 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 89. Disciplinary Power.

The city manager or other official or board in whom is vested disciplinary or removal power shall be allowed full freedom on such matters, it being the intent and spirit of this article to provide a fair and honest approach to municipal employment for every inhabitant of the city, but in no sense to handicap or curtail the responsible administrative officer in securing efficient service.

SECTION 11.

Section 92 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 90. Power and Duties of the Civil Service Commission.

(a) It shall be the duty of the civil service commission to:

(1) Adopt and maintain the classification plan, which shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. The commission may establish additional classes and divide, combine, alter or abolish existing classes.

Each position in the classified service shall be allocated by the director of personnel to one of the classes established by the plan; provided, that whenever a new or additional position is authorized by the city manager, the director of personnel shall allocate each proposed position to an appropriate existing class or recommend the creation of new class to the civil service commission.

When action is taken by the commission to establish additional classes or to divide, combine, alter or abolish existing classes, or upon the reallocation of positions by the director of personnel, the civil service commission shall determine the manner in which the incumbents of positions affected shall attain status.

(2) Formulate rules covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers, establishing lists for re-employment after resignation; certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

(3) Hear appeals, upon written request from any employee in the classified service, who

may be suspended without pay, demoted, dismissed, or otherwise disciplined by the appointing authority. The commission shall define and the manner, time, and place by which such appeal shall be heard and the judgment of the commission shall be final.

(4) Hear appeals, upon written request, from any employee in the classified service, with reference to the allocation or reallocation of his position by the director of personnel.

(5) Provide, by rule, for the interpretation and administration of ordinances affecting personnel, when specifically directed to do so by the city council, and provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section.

(b) The commission, subject to budgetary approval of the city council, may employ or contract for hearing officers to hear appeals of the actions specified in paragraphs (3) and (4) of sub-section (a) of this section and to prepare recommendations for the commission. The commission may adopt rules to implement this sub-section.

SECTION 12.

Section 105 of the Charter of the City of Sacramento is repealed and reenacted as amended and renumbered to read as follows:

Sec. 101. Rewards.

The city council may reward any city employee for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the city council, but shall not exceed in any one instance one month's salary.

I hereby certify that the foregoing Charter Amendment was ordered submitted by the City Council of the City of Sacramento.

s/Lorraine Magana

CITY CLERK OF THE CITY OF SACRAMENTO

IMPARTIAL ANALYSIS OF MEASURE B PREPARED BY CITY ATTORNEY

Measure B would amend the Charter of the City of Sacramento on matters relating to civil service and other personnel provisions. Many of the amendments are nonsubstantive in nature. The principal substantive changes are listed below:

1. At the present time, the Director of Personnel serves as the Secretary of the Civil Service Board. Measure B would authorize the Board (renamed the Commission) to appoint and define the duties of an executive officer.

2. At present, civil service officers and employees are to be selected, after examination, from the three candidates standing highest on the civil service list ("rule of three").

Measure B would authorize the Commission to determine the manner in which eligibles for entry-level positions will be certified to the appointing authority; provided that the method selected by the commission results in at least as many people being certified as would be certified under the "rule of three ranks". Under the "rule of three ranks," the scores of applicants on a list are rounded to the highest whole percent and a rank consists of one or more applicants with the same whole percentage score.

All promotional positions in the civil service would continue to be filled from the three candidates standing highest on the promotional eligibility list.

3. At present, probationary employees in the civil service system are not entitled to appeal disciplinary actions.

Measure B would authorize a probationary employee who has been disciplined in violation of any applicable state or federal law prohibiting discrimination in employment to appeal to the Civil Service Commission.

4. Measure B would retain the present provision requiring promotion from within the police and fire departments, but would delete the length of service requirements for promotion in those departments.

5. Measure B would delete from the Charter the present vacation and longevity pay provisions.

ARGUMENT IN FAVOR OF MEASURE B

The personnel and civil service sections are the only remaining major portions of the City Charter which have never been systematically up-dated since they were adopted in 1921.

After more than two years of public hearings involving hundreds of community organizations and individuals, no opposition has been voiced regarding Measure B as drafted. Labor and management, minority representatives, the League of Women Voters, the City Council and numerous other individuals and organizations approve this Charter modernization.

Measure B reaffirms and strengthens the long-honored Merit Civil Service System. It eliminates discrimination among job applicants whose scores on imperfect tests are only fractions of a percent apart. And it makes the Civil Service Commission independent of the city bureaucracy.

In short, Measure B brings City personnel practices into the 1980's.

Vote Yes on B.

s/Anne Rudin, Acting Mayor
Sacramento City Council

s/Garland Rosauro
Business Representative, Local 39

s/Val R. Schiele
President, Sacramento Police Officers Association

s/Wayne Harbolt
Sacramento Firefighters

s/Thomas P. Kenny
Sacramento Central Labor Council

34-201B-5E

REBUTTAL TO THE ARGUMENT IN FAVOR OF MEASURE B

MEASURE B like other Measures on this ballot are attempts by the City Council to revise the various articles of the Sacramento City Charter without the use of a citizens' charter commission, which is the correct "good government" way to make wholesale revisions of our city charter.

As a result of council biases, power grabbing and social engineering thrusts, coupled with an absence of real public participation in the drafting of these major charter revisions (Measures B, C, D and F) are fatally defective and should be rejected by the voters.

MEASURE B IS THE WORSE EXAMPLE OF THESE FAULTY CHARTER AMENDMENTS BECAUSE IT IS AN EFFORT TO IMPOSE THE EMPLOYMENT QUOTA SCHEME KNOWN AS "AFFIRMATIVE ACTION" on our city merit system.

Citizens who are familiar with the way these "affirmative action" (preferential hiring) schemes work know that the net effect of ethnic employment quotas and special treatment devices for preferred applicants, due to their parentage, race or religion, is to undermine and weaken the merit principle which has long governed civil service appointments.

Without MERIT APPOINTMENTS how can the city government hire the BEST and MOST EFFICIENT WORKERS? Without efficient workers city service costs will ZOOM!

WE URGE THE VOTERS TO REJECT MEASURE B AND ALL OTHER CHARTER REVISIONS ON THIS BALLOT WHICH HAVE BEEN IMPROPERLY DRAFTED WITHOUT PROPER PUBLIC PARTICIPATION, A CITIZENS' CHARTER COMMISSION, OR A HOST OF CRITICAL RESTRAINTS ON COUNCIL ACTIONS AND THOSE OF THE CITY HALL BUREAUCRACY WHICH ARE PARAMOUNT TO THE PUBLIC INTEREST!

s/Raymond E. Vandegriff, Chairman
Citizens Committee Against Tax
Abuse and Waste

ARGUMENT AGAINST MEASURE B

Citizens should VOTE NO on these proposed revisions of our city charter if they wish to retain any semblance of the MERIT PRINCIPLE in city civil service. A MERIT EMPLOYMENT SYSTEM requires the filling of city jobs on an ability basis, as determined by competitive examinations, open to all qualified applicants without regard to their race, creed or ethnic origin.

These charter amendments would scrap the "rule of three" that governs appointments from eligible lists to city jobs. This wise rule has historically served to force appointing officers to consider merit and ability first instead of personal preferences, political connections or ethnic backgrounds.

Sacramentans long ago determined that favoritism, special treatment based on the race, religion or origin of job applicants could have no place in an efficient city service. Therefore, our current charter provides for ability rating in competition with all other applicants and that competence to perform the duties of the position solely determine which applicants get city jobs!

City hall politicians should not be allowed to use "the rule of three ranks", selective certification, job quotas, and, other forms of special treatment that award city jobs with little regard for individual merits and abilities of the city job applicants!

Citizens should recognize that when the "merit principle" can be set aside or made secondary to other factors in the appointment process, we have nothing left but a political "spoils system", one of special treatment for selective job applicants, based on "who they know", not, "What they know" about the job duties of the city positions sought.

VOTE NO to preserve MERIT HIRING and the awarding of veterans' preference points to city job applicants as is done with state and federal government job examinations.

s/Raymond E. Vandegriff, Chairman
CITIZENS COMMITTEE AGAINST TAX
ABUSE AND WASTE

34-201B-6E

REBUTTAL TO THE ARGUMENT AGAINST MEASURE B

Measure B promotes fairness, not favoritism. It maintains the merit system--not racial quotas. It gives candidates applying for jobs with the City of Sacramento equal treatment.

This is a measure that updates the City's Charter. And it helps bring the City of Sacramento in line with other major jurisdictions.

For example, voters in the County of Sacramento adopted (by a large margin) a similar measure October 3, 1974. In six years of existence, there have been no problems. That should tell us something.

Measure B is also supported by many groups throughout this City, representing Labor and Management (please note who signed the argument in favor of Measure B).

It is in no way a return to any "spoils system." It is, in fact, a forward-looking, carefully-mapped-out program which maintains the merit system and goes it one step better toward providing taxpayers with the best, most qualified City employee work force.

The opposition argument is not only silly--it's totally inaccurate. If you support the merit system, Vote Yes on B.

s/Phillip L. Isenberg, Mayor
City of Sacramento

34-201B-R6E

Sacramento Bee 10/19/82

Yes On B,D,E,F; No On C

Measures B through F on the November ballot call for changes in the Sacramento City Charter in hiring, disciplinary procedures and other management-employee matters. In voting to place the measures on the ballot, the City Council approved each of them unanimously. With the important exception of Measure C, which would alter certain civil service rules, the charter revisions make sense and should be approved by the voters.

Measure B provides for broadening somewhat the eligibility list of candidates for appointment to entry-level civil service jobs by rounding applicants' test scores to the next highest percentage. Scores of 90.1 or 90.7, for example, would become 91. All applicants thereby placed in the top three percentage ranks would be eligible, instead of the present system which qualifies only the three top scoring applicants. In addition to facilitating the city's affirmative action policy, the resulting wider range of choice among prospective employees would give management desirable flexibility in hiring.

Measure D permits the city to blanket into its civil service ranks qualified employees of special districts annexed to the city, thus permitting those districts' functions to be continued by the same experienced personnel. Measures E and F would remove from the charter antiquated provisions concerning vacations and longevity bonus pay giving the city the latitude enjoyed by any employer in such matters.

The Bee therefore recommends a Yes vote on Measures B, D, E and F. Measure C, however, is the wrong way to address the problem it seeks to correct. Under present civil service rules, an employee who appeals from the disciplinary action of a superior must go to the Civil Service Board, then to an administrative hearing officer and back to the board, whose ruling is supposed to be final. In actual practice, it isn't necessarily so because the employee can then carry the appeal to the civil courts. City management believes this often lengthy and costly procedure leaves the issues unclear for too long and has a bad effect on department morale.

Measure C would permit the city and employee groups to negotiate as part of their contract a mutually agreed simpler system of disciplinary appeals. But in thus sidestepping civil service, there's the serious risk that, as a bargaining chip in labor negotiations, disciplinary procedures would be altered in ways adverse to sound management and good government.

The simpler, more direct course would be to streamline the civil service system itself, so that appeals were handled more expeditiously, and to submit those changes, where necessary, to the voters. Something as important as the system of discipline, like the other regulations and public benefits of civil service, should not become a subject to contract negotiations. Vote No on Measure C.

SACRAMENTO
UNION

10/28/82

Yes on B,C,D,E and F

Measures B through F on the ballot are proposed charter revisions for the city of Sacramento and have unanimous support from the council as well as endorsements from city management and employees' unions. We join in recommending their adoption.

Measure B modifies the city's civil service test scoring system for entry-level positions by instituting the "rule of three ranks." Instead of having only the top three test scores considered, applicants' scores are rounded into the next highest whole number and all applicants placing in the top three number rankings have a chance for the job in question.

The proposal brings the city's hiring practices in line with those of the state and county. It permits greater flexibility in hiring; qualified applicants who otherwise might be dropped because of a fraction of a place are given fairer consideration.

Measure C would give the city and employee unions the option of negotiating disciplinary procedures, such as binding arbitration, rather than having to resort to the lengthy and costly

multi-tiered civil service disciplinary procedure.

Under the current system, the city is forced to pay all costs for proceedings that can run as high as \$2,000 a week. As a result, an enormous amount of money is wasted on often frivolous appeals, such as reprimands.

Measure D would permit the city to retain under civil service employees of government agencies, such as fire districts, in areas that are annexed by Sacramento or are contemplating a switch to city services. Although there have been no annexations for the past decade, it makes sense for the city to have the flexibility to hire experienced, qualified employees in any future expansion if both parties are willing.

Measures E and F remove sections from the charter that set vacation time and longevity pay for city employees. The present vacation provisions and longevity allowances would be continued by city ordinance, but future benefits would be made through negotiations — the current practice for all other salary and fringe benefits.

1982

CITY OF SACRAMENTO MEASURE B	
Relating to City Charter Revision B Shall the Sacramento City Charter be amended by revising Section 84 relating to the civil service and personnel matters?	43,482 → YES
	44,895 → NO

CITY OF SACRAMENTO MEASURE B
Full Text of Charter Revision

TO REVISE SECTION 84 OF THE CHARTER OF THE CITY OF SACRAMENTO RELATING TO CIVIL SERVICE AND PERSONNEL MATTERS, TO BE EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE, TO READ AS FOLLOWS:

SECTION 1

Section 84 of the Charter of the City of Sacramento is amended to read as follows:

§84 Examinations

For the purpose of establishing eligible lists from which positions in the classified service shall be filled, it shall be the duty of the Civil Service Board to conduct competitive examinations open to all persons who lawfully may be appointed to any position within the class for which such examinations are held, and who meet the qualifications requisite to the performance of the duties of such positions as established by the Civil Service Board.

(a) Appointment to Entry Positions

Appointments shall be made to positions which provide entry into civil service employment from among the eligibles whose scores, at the time of certification, represent the three highest ranks on the eligible list. For the purpose of ranking, scores of eligibles on an eligible list shall be rounded to the next highest whole percent, and a rank shall consist of one or more eligibles with the same score.

(b) Appointment to Promotional Positions

Positions in the higher classes shall be filled, as far as is practicable and consistent with the interest of the service, by promotion following competitive tests of employees in lower classes holding permanent civil service status. The Civil Service Board shall, by rule, establish regulations for promotional eligibility; except that in the Police and Fire Departments, all higher uniform positions in the classified service shall be filled from eligible lists established as a result of promotional examination only. All officers or employees shall be promoted from the three candidates standing highest on the list.

I hereby certify that the foregoing Charter amendment was ordered submitted by the City Council of the City of Sacramento.

CITY CLERK OF THE
CITY OF SACRAMENTO

IMPARTIAL ANALYSIS OF MEASURE B PREPARED BY CITY ATTORNEY

Section 84 of the City Charter presently provides for appointment to entry level civil service positions from among the top three (3) candidates on the civil service list.

Measure B would allow appointments to entry level (not promotional) positions to be made from the three highest ranks on the eligible list. Applicants' scores would be rounded to the next highest whole percent. For example, applicants' scores which are above 90%, but no higher than 91%, would be rounded to 91%. The whole percent would be considered one rank. All applicants in the 91% rank would be eligible for appointment if 91% was one of the top three ranks.

Section 84 of the Charter presently requires those in police and fire department uniformed positions to serve at least three (3) years in the department before they are eligible for promotion. In subsequent promotions, the uniformed officers must serve at least two (2) years in their prior position. Measure B would delete these time requirements.

ARGUMENT IN FAVOR OF MEASURE B

Measure "B" will update the City's hiring system, which has used the same method of ranking applicants since 1921. Currently, only the three applicants who score highest in the examination process are considered for hire. This eliminates qualified applicants who may be only a fraction below in their scores.

Measure "B" says that job applicants' scores will be rounded to the nearest whole number, and all applicants who score in the top three numbers will be considered. The County and the State have been using this ranking method for years.

Measure "B" is fairer to applicants. Right now, people can be within a fraction of a percentage point of the highest scores, and still be dropped from consideration. This measure will make sure that all well-qualified people will be considered during the hiring process.

Measure "B" will help the City find the best person for the job. Rather than restricting themselves to three candidates, the hiring authority will review the qualifications of all the applicants with the top three scores.

The Sacramento City Council voted unanimously to support Measure "B." Make sure that the City hires the most qualified employees. VOTE YES ON MEASURE "B."

THE SACRAMENTO CITY COUNCIL

s/ Terry Kastanis, Councilmember, District 7
Chair, Personnel and Public Employees Committee
s/ Anne Rudin, Councilmember, District 4
Member, Personnel and Public Employees Committee
s/ Joe Serna, Councilmember, District 5
Member, Personnel and Public Employees Committee
s/ Lynn Robie, Councilmember, District 8
Member, Personnel and Public Employees Committee

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

Twice before city voters have said NO to this disguised attempt to replace the MERIT PRINCIPLE in city job hiring with AFFIRMATIVE ACTION goals that permit special treatment for some favored job applicants at the expense of others not so favored by city hall policies and politicians!

Measure B, if passed, will "gut the merit system" by striking out the time-honored "rule of three" which requires that the highest examination scorers in city civil service be placed FIRST on the job eligibility lists, from which the appointing officers select the successful job applicants for city employment.

VOTE NO to keep the charter requirement that only the first three highest scoring job applicants be considered for city employment. This is a WISE and FAIR restriction that should be preserved in the charter because it is the HEART of the MERIT PRINCIPLE that seeks to prevent "special treatment" and "favoritism" from creeping into the civil service hiring system.

Experience has shown that the MERIT selection of municipal employees results in the MOST COMPETENT AND BEST QUALIFIED city employees! VOTE NO to preserve fair competition and MERIT selection of our city employees!

s/ Raymond E. Vandegriff
Chairman,
Citizens Committee
Against Tax Abuse & Waste

ARGUMENT AGAINST MEASURE B

For the third time Citizens should VOTE NO on this proposed revision of our city charter if they wish to retain any semblance of the MERIT PRINCIPLE in city civil service. A MERIT EMPLOYMENT SYSTEM requires the filling of city jobs on an ability basis, as determined by competitive examinations, open to all qualified applicants without regard to their race, creed or ethnic origin.

This proposed amendment would scrap the "rule of three" that requires city jobs be awarded to the highest scoring applicants on examinations and substitute "the rule of three ranks", which permits favoritism, special treatment based on race or ethnic origin of city job applicants.

Our current charter provides for a MERIT SYSTEM, for ability rating in competition with all other applicants and that competence to perform the duties of the position solely determine which applicant gets a city job!

It would be a STEP BACKWARDS to allow our city hall politicians to use "the rule of three ranks", selective certification devices and job quotas (all forms of special treatment) to award city jobs with little regard for individual merit or competency of city job applicants!

Citizens should recognize that when the MERIT PRINCIPLE can be set aside or made secondary to AFFIRMATIVE ACTION GOALS in the city job hiring practices, we have little left but a POLITICAL SPOILS SYSTEM, one of special treatment for selective job applicants without regard to fairness, merit or competency!

VOTE NO TO PRESERVE MERIT HIRING PRACTICES!

s/ Raymond E. Vandegriff, Chairman
CITIZENS COMMITTEE AGAINST TAX ABUSE
AND WASTE

REBUTTAL TO ARGUMENT AGAINST MEASURE B

The opposition to Measure "B" label themselves "Citizens Committee Against Tax Abuse and Waste." These are fine-sounding words, but they don't really relate to the issues involved in Measure "B." Their statements against Measure "B" are inaccurate and misleading.

FIRST: The opposition says that Measure "B" would "...allow our city hall politicians to use 'the rule of three ranks' ...to award city jobs with little regard to individual merit..." In fact, Measure "B" will ensure that all applicants of merit will be considered during the hiring process, making it much more likely that we'll end up with an employee who's of the highest quality.

Also, the "city hall politicians" do not "award city jobs." The city workforce is hired through an examination and review process that is administered by a professional personnel department under the authority of a citizens' Civil Service Board.

SECOND: The opposition asserts that passage of Measure "B" would lead to "selective certification devices (sic) and job quotas..." MEASURE "B" IS NOT A QUOTA SYSTEM. It will simply reform the old system that arbitrarily restricts the hiring authorities to choosing between three people. There are often more than three applicants of merit within a percentage point of each other, all of whom should be considered.

The City of Sacramento is the only major government employer in the area which still uses this outdated hiring system. In the County, the system represented by Measure "B" was passed overwhelmingly in 1974. Measure "B" will modernize the City's hiring process. VOTE YES ON MEASURE "B."

THE SACRAMENTO CITY COUNCIL
s/ Terry Kastanis, Councilmember, District 7
Chair, Personnel and Public Employees Committee
s/ Anne Rudin, Councilmember, District 4
Member, Personnel and Public Employees Committee
s/ Joe Serna, Councilmember, District 5
Member, Personnel and Public Employees Committee
s/ Lynn Robie, Councilmember, District 8
Member, Personnel and Public Employees Committee

CITY OF SACRAMENTO MEASURE C

C	Relating to City Charter Revision Shall the Sacramento City Charter be amended by revising Section 92 which provides for employee discipline procedures and other personnel matters?	YES
		NO

CITY OF SACRAMENTO MEASURE C, FULL TEXT OF CHARTER REVISION

TO AMEND SECTION 92 OF THE CHARTER OF THE CITY OF SACRAMENTO RELATING TO EMPLOYEE DISCIPLINE PROCEDURES AND OTHER PERSONNEL MATTERS, TO BE EFFECTIVE UPON CERTIFICATION BY THE SECRETARY OF STATE, TO READ AS FOLLOWS:

SECTION 1

Section 92 of the Charter of the City of Sacramento is amended to read as follows:

§92 Power and Duties of the Civil Service Board

(a) It shall be the duty of the Civil Service Board to:

(1) Adopt and maintain the classification plan. The classification plan shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities, and a statement of employment standards to be required of applicants for employment in each class. From time to time as it deems necessary, the Board may establish additional classes and divide, combine, alter or abolish existing classes.

Each position in the classified service shall be allocated by the Director of Personnel to one of the classes established by the plan; provided, that whenever a new or additional position is authorized by the City Manager, the Director of Personnel shall allocate each proposed position to an appropriate existing class or recommend the creation of new class to the Civil Service Board.

When action is taken by the Board to establish additional classes or to divide, combine, alter or abolish existing classes, or upon the reallocation of positions by the Director of Personnel, the Civil Service Board shall determine the manner in which the incumbents of positions affected shall attain status.

(2) Formulate rules and regulations covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers and reinstatement lists, certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

(3) Hear appeals, upon written request from any employee, in any City department in the classified service, who may be suspended without pay, demoted, dismissed or otherwise disciplined by the appointing authority. The Board shall define the manner, time and place by which such appeal shall be heard, and the judgment of the Board shall be final; provided, however, that the City and any recognized or exclusive bargaining agent for City employees may enter into a mutual written agreement providing for a disciplinary system. If the parties voluntarily agree to negotiate a disciplinary system and such an agreement is entered into, that written agreement shall prevail over the disciplinary rules of the Civil Service Board, and those rules shall not apply to employees covered by the agreement.

(4) Hear appeals, upon written request, from any employee in any City department in the classified service, with reference to the allocation or reallocation of his position by the Director of Personnel.

(5) Provide, by rule, for the interpretation and administration of ordinances affecting personnel, when specifically directed to do so by the City Council; and to provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section.

(b) The Board, subject to budgetary approval of the City Council, may employ or contract for hearing officers to hear appeals of the actions specified in paragraphs (3) and (4) of subsection (a) of this section and to prepare recommendations for the Board. The Board may adopt rules and regulations to implement this subsection.

I hereby certify that the foregoing Charter amendment was ordered submitted by the City Council of the City of Sacramento.

CITY CLERK OF THE CITY OF SACRAMENTO

IMPARTIAL ANALYSIS OF MEASURE C PREPARED BY CITY ATTORNEY

Section 92 of the City Charter presently provides that the Civil Service Board shall hear appeals from City civil service employees who have been disciplined.

Measure C would allow the City and a recognized or exclusive bargaining agent for City employees to enter into an agreement providing for a different disciplinary system. The new system would apply to those employees who are represented by the recognized or exclusive bargaining agent. The existing Civil Service Board procedure would remain in effect, unless or until the City and employee organization agree to a new system.