

NOTE: AMENDED AGENDA PENDING,

File

ITEM #3 HAS BEEN WITHDRAWN FROM THE PERSONNEL & PUBLIC
EMPLOYEES COMMITTEE MEETING FOR FRIDAY, DECEMBER 19, 1980.

THURSDAY, DECEMBER 18

LAW AND LEGISLATIVE COMMITTEE

4:00 P.M.

City Hall Council Chambers
915 I Street
Sacramento, CA

- SUBJECTS:
1. Taxi Cab Ordinance
 2. Executive Session - settlement of three cases

COMMITTEE MEMBERS: Blaine Fisher, Chair; Lloyd Connelly;
Douglas Pope; John Roberts

FRIDAY, DECEMBER 19 ✓

PERSONNEL AND PUBLIC EMPLOYEES COMMITTEE

9:00 A.M.

City Hall Council Chambers
915 I Street
Sacramento, CA

- SUBJECTS:
1. Affirmative Action Plan Review
 2. Status of Exempt Positions
 3. Job Sharing Report

COMMITTEE MEMBERS: Thomas Hoeber, Chair; Lynn Robie; Anne Rudin;
Daniel Thompson

ACTION SUMMARY

PERSONNEL AND PUBLIC EMPLOYEES COMMITTEE

FRIDAY, DECEMBER 19, 1980

Members Present: Councilman Thomas R. Hoeber, Chair
Councilwoman Anne Rudin
Councilman Daniel Thompson
Councilwoman Lynn Robie

The Agenda items were presented in the following order:

3. Job Sharing Report

This item was pulled from the Agenda. No new date was set to review the Report.

2. Status of Exempt Positions

Upon reviewing the Report on Status of Exempt Positions, the Committee raised concerns relating to the high number of exempt positions for Fire Chief and Police Captain; and why the position of Animal Control Officer was not exempt. Mrs. Donna L. Giles, Director of Personnel and Secretary to the Personnel and Public Employees Committee addressed the Committee regarding Animal Control Officer; at the present time the position is not classified in an Assistant Director capacity but Personnel would study the issue. Mr. Walter J. Slipe, City Manager addressed the concerns regarding the large number of exempt positions in the Fire and Police service, stating that the reason for the large number was that in the event of a strike, we would have people to manage both operations.

Following Mr. Slipe's statement, further discussion was held concerning the above and their relationship to bargaining units. Mr. Steve Lakich, Director of Employee Relations explained to the Committee that the question of exempt employees should be separated from the issue of representation unit. It is a question of a cadre of management staff who will cooperate with one another in order to build management.

After more discussion concerning the level at which positions should be exempt and whether the City Manager would have the authority to fire exempt employees in the event of a strike, Mr. Slipe added that the Librarian position would be included in the Report as it had been inadvertently omitted.

There being no further discussion, Councilman Daniel Thompson made motion to support Staff recommendation in the Report.

Motion: Councilman Thompson
Second: Councilwoman Rudin

Motion was approved by unanimous voice vote.

1. Affirmative Action Plan Review

Mr. Gary Little, Affirmative Action Officer, presented the Plan to the Committee. Mr. Little noted that this was the second public hearing reviewing the Plan and that at the conclusion of the first hearing, the Committee instructed staff to look at the comments made and come back with a Report.

Chairman Hoeber instructed the Committee and Staff to follow the Memorandum dated December 15 and go through each of the numbered items one by one. Each of the following items were discussed and reviewed by the Committee, Staff and representatives of the Community regarding hiring practices, minority and handicap inclusion, timetables and periodic review of the overall Plan.

1. Discussion centered around the issue of hiring the handicapped as it has not been addressed in the Plan. Following lengthy discussion in the areas of setting goals that departments must follow in hiring, and following non-discrimination guidelines in hiring the handicapped, it was determined that a separate handicapped program should be developed and included in the Plan.
2. Issue - Allow Human Rights Commission to participate in Personnel Policy and Rules. HRC wanted to go on record that they wish to be included in any discussion regarding development of the Plan's procedures. Staff recommended that they fully cooperate with HRC regarding public policy; but that internal policy be administratively taken care of now. Following a public hearing which included representation made by Mr. Manuel Garcia, Acting Director of the Human Rights Commission, it was concluded that after the Preliminary Draft, the Commission would receive typewritten information before procedures were approved.
3. The discussion concerned the language used on Page 20, Subsection b, covering dismissal for failure to provide information. Further discussion involved the handling of complaints and subsequent investigations. It was noted that alleged discrimination complaints would continue to be received by the Director of Personnel and investigation conducted by the Affirmative Action Officer.
4. City Attorney should more than review response of AAO - Brief discussion relating to the City Attorney receiving copies of complaints and whether they became involved in the handling of the complaints followed. Mr. Little stated that, at the present time, we have been handling it alone unless the complaint became very involved.
5. Validity of using availability of minority, etc. - Lengthy discussion followed concerning using the information supplied by the Employment Development Department. Concern was raised as to whether goals, using 1970 figures, would hold up if challenged. Further concern was raised that if 1980 census data were used, goals and timetables would drasti-

cally change. Concern was also raised over the determination of skills whether 1980 data were used or not; and whether there were sufficient numbers of females to do many of the skilled jobs as related to reachable goals.

A very lengthy discussion followed involving representatives from Community groups and the Community at large. The topic largely revolved around whether women could handle the brute force it took to handle a large number of the skilled jobs.

6. Topic revolved around hiring ratios - how long it would take to reach those goals. HRC expressed concern that ratios are not part of the Plan and that selective certification may be used as a tool. Brief discussion followed regarding the language used. Mr. Bill Carnazzo, Deputy City Attorney, was then called on to respond jointly to questions 6 and 7, as follows:
7. By the time the Plan is reviewed again, we will have guidance from the Supreme Court that currently has cases before it. The present quotas are improper to use.

In addition, discussion followed by Committee and Staff concerning development of a timetable. It would be up to the Committee to indicate when. It was decided the Committee will be holding hearings on the assessment of meeting goals. This is the sanction we will use.

8. Subject concerned the City Departments reaching the goals of the Plan. After some discussion, it was determined that the Personnel Department would come back with a report in a couple of months with suggestions to include an attrition rate.
9. Different data should be considered for different occupational groups - Mr. Little stated that as it stands the timebables are long because they are not based upon availability with prerequisite skills and there may be a problem in getting those people in before they can be skilled. Brief suggestions followed.
10. Goals for Departments should be in occupations other than clerical. Brief discussion followed as to how goals could be reached.
11. Discussion involved some previous questions raised above, all concerning women and the physical strength it takes for certain occupations; women have been stereotyped in minor roles. Representatives from the Community spoke regarding women's roles. Staff spoke to title changes, removing the "man" in City job titles. Committee members were concerned whether it was realistic to expect a goal of 51% for women to handle certain physically strenuous jobs. A lengthy discussion followed concerning the percentage of goal to be reached. Mr. Carnazzo stated there would be no legal problem involved.
12. Councilman Thompson felt the language should be spelled out; each Department Head should reach set goal or strong action should be taken.

The following motions were made and seconded for each item discussed:

1. Motion: Councilman Thompson
Second: Councilwoman Rudin

Recommendation to adopt the Draft Plan to include non-discrimination regarding handicapped, and request Mr. Little to come back to the Committee with a developed Report as soon as possible.

2. Motion: Councilman Thompson
Second: Councilwoman Rudin

There will be ample opportunity for the Human Rights Commission to participate in the process.

3. Motion: Unanimous Committee Recommendation

The Affirmative Action Officer will assist clients in getting information for their cases.

4. No action taken.

5. Motion: Unanimous Committee Recommendation

5a. Use availability data.

6. Motion: Unanimous Committee Recommendation

Draft language to include using 1970 data, but include a qualifying statement. Suggestion - "for example" be used in language.

7. Vote: 3 to 1

Councilman Thompson wants to see some language regarding sanction. Remainder of Committee agreed that the language was not needed; staff should be following what Committee has asked; Committee will periodically evaluate Plan and will see to it that policies are carried out.

8. Motion: Councilwoman Robie
Second: Councilman Thompson

Rely on legal council to clarify.

9. No action taken.

10. Motion: Unanimous Committee Concurrence

11. Motion: Unanimous Committee Recommendation

Recommendation that percentage be 42% for all Department categories with lower interim goals for Refuse Collection, Police, Fire and

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skilled crafts. 42% would be the ultimate goal. Interim goals -
20:20:10.

Other non-substantive changes were discussed concerning items 11, 14, 20,
21, 22.

Motion: Councilwoman Rudin
Second: Councilman Thompson

Recommended to adopt changes as noted.

Chairman Hoerber added -- If it is not clear that we schedule the Plan for
a full scale review by Council and Committee a year from now, it will be clear
that there will be an annual report; the report to be reviewed by the Civil
Service Board prior to action by the Council.

The Committee unanimously agreed that we would go to Council with what hap-
pened to incorporate these items; get Civil Service Board review and forward
with the Report to the City Council.