

**MINUTES OF THE SPECIAL MEETING
OF THE CIVIL SERVICE BOARD
CITY OF SACRAMENTO
JUNE 7, 8, 1984**

The special meeting of the City of Sacramento Civil Service Board was called to order by President Jonathan Mayhew in the Council Chambers of City Hall, 915 I Street, Sacramento, CA at 9:07 a.m.

MEMBERS PRESENT: Ms. Gail Mabbutt
 Mr. Joseph Russell
 Ms. Pamela Placencia
 Ms. Catherine Harris
 Mr. Jonathan Mayhew

**APPEAL OF OFFICER DAN WARE FROM DISQUALIFICATION FROM THE
POLICE SERGEANT EXAMINATION**

Mrs. Donna Giles, Director of Personnel, addressed the Board. It was agreed that each party would address the Board individually and the Board would make their decision after all the testimony had been heard.

Mr. John Worcester, Personnel Services Manager, addressed the Board and recapitulated the staff's response to Officer Dan Ware's appeal from disqualification from the Police Sergeant Examination.

Mr. Gary Little, Affirmative Action Officer, addressed the Board on the discrimination portion of the staff report.

Mr. William Merz representing Applied Research Consultants, Inc. addressed the Board on issues relating to pass point disparity relative to minorities and non-minorities, setting the pass point at a point where the test ceased to differentiate between candidates (56), and the potential effect of eliminating 13 test questions and resetting the pass point at 50.

David Seals, Attorney for Officer Ware, addressed the Board on Mr. Ware's behalf.

Michael Sands, Attorney for 11 successful candidates, addressed the Board on their behalf.

Richard Lucero, President of Sacramento Police Officers' Association and Richard Chiurazzi, Attorney for SPOA addressed the Board.

Charles Bloodgood, Attorney for Latino Police Officers' Association addressed the Board on behalf of the Latino Police Officers' Association.

Mr. Merz answered questions from all parties involved.

President Mayhew called a lunch recess at 11:50 a.m.

The meeting reconvened at 1:15 p.m.

Additional testimony was heard from the parties and questions were asked of staff.

President Mayhew asked if there were any persons in the audience who wished to address the Board.

Mr. Alan Clayton representing the Mexican-American Political Action Association addressed the Board.

Mr. Dan Ware addressed the Board.

President Mayhew declared the meeting recessed at 4:25 p.m.

President Mayhew called the meeting to order at 9:15 a.m., June 8, 1984.
All members were present.

Mr. Merz addressed the Board on cultural bias.

President Mayhew called on each representative from the parties involved and asked them to present their closing arguments.

President Mayhew asked if there was any additional testimony to be heard.

Sandy Virago, Executive Director, Sacramento City-County Human Rights/Fair Housing Commission addressed the Board.

A motion was made that the hearing be closed and the Board adjourn to Executive Session in order to deliberate.

Motion:	Ms. Harris
Second:	Ms. Placencia

The motion was withdrawn.

Mr. Russell asked Mr. Little to respond to the question of whether or not disparate impact was evident.

A motion was made that Mr. Little's response to Mr. Russell's questions be stricken from the record as being based on evidence not being placed before the Board.

Motion:	Ms. Mabbutt
Second:	Ms. Harris

The motion was withdrawn.

President Mayhew called a lunch recess at 1:15 p.m.
The meeting was reconvened at 2:30 p.m.

Mr. Gary Little addressed the Board with a prepared statement regarding disparate impact.

A motion was made to close the hearing and adjourn to Executive Session to deliberate.

Motion:	Ms. Harris
Second:	Ms. Placencia

The motion was approved by the following roll call vote.

Ayes:	Ms. Placencia
	Ms. Harris
	Mr. Mayhew
Noes:	Mr. Russell
	Ms. Mabbutt

The Board went into Executive Session at 3:20 p.m.

President Mayhew reconvened the meeting at 4:55 p.m.

President Mayhew stated, for the record, that the Board deliberated without any additional testimony or consultation including the Board Attorney.

A motion was made that the Board consider all of the issues raised by the appeal of Officer Ware under Civil Service Board Rule 4.9(b) and 4.9(c).

Motion:	Ms. Harris
Second:	Ms. Mabbutt

The motion was approved by unanimous roll call vote.

A motion was made to deny the appeal of Officer Ware as to all of the allegations raised in Part 1 of his appeal as having insufficient evidence.

Motion: Mr. Russell
Second: Ms. Harris

The motion was approved by unanimous roll call vote:

A motion was made that the Board find that there was insufficient evidence that the written test instrument was invalid, however, the Board finds that the setting of the pass point had a discriminatory impact on members of protected groups which is not justified by job relatedness nor business necessity; therefore, the Board grants that part (Part 2) of the appeal of Dan Ware.

Motion: Ms. Mabbutt
Second: Mr. Russell

The motion was approved by unanimous roll call vote.

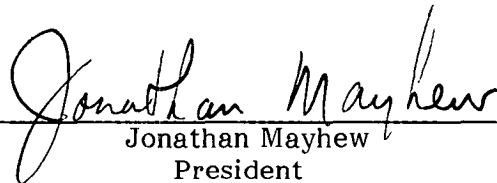
A motion was made that the Board finds the appropriate remedy to be: The setting of the pass point at a level to be determined by the staff which eliminates any adverse impact on all protected groups, including women.


Motion: Ms. Placencia
Second: Ms. Mabbutt

The motion was approved by the following roll call vote:

Ayes: Ms. Mabbutt
Mr. Russell
Ms. Placencia
Ms. Harris
Noes: Mr. Mayhew

The meeting was adjourned at 5:08 p.m.


Jonathan Mayhew
President


Donna L. Giles
Secretary