

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING NOVEMBER 8, 1977

The special meeting of the Civil Service Board was called to order by President Ronald Wright at 12:40 p.m. in the City Hall Council Chamber.

Present: Donna Giles, Alba Kuchman, Ronald Wright, Jimmie Yee.
Wilfred Street (arrived at 1:15 p.m.)

Absent: None.

EXTENSION OF ELIGIBLE REGISTERS

MOTION: Mrs. Giles moved to approve the extensions of the following eligible registers:

	<u>Classification</u>	<u>From</u>	<u>To</u>
#1480	Associate Planner (Economic Analysis)	11/11/77	11/10/78
#1491	Traffic Control Maintenance Man III	11/9/77	11/8/78

SECOND: Mrs. Kuchman.

CARRIED: Ayes: Giles, Kuchman, Wright, Yee.
Noes: None.
Absent: Street.

REPORTS OF DIRECTOR OF PERSONNEL

Reports requested by Civil Service Board:

The Director of Personnel and the Personnel Management Administrator submitted the following reports which had been requested by the Board:

1. Report of prior Civil Service Board consideration of educational standards for ranks within the Sacramento Fire Department.
2. Firefighter Academic Standards. This report discussed the Griggs vs. Duke Power, LULAC vs. City of Santa Ana, and Carter vs. Gallagher cases. In essence, in each case it was held by the court that the high school education and/or GED equivalency requirement was not justifiable and, therefore, discriminatory. Charts were also provided showing Firefighter examination statistics and fire science curriculum enrollment statistics.

Staff recommendation was that, as high school education standard for the class of Firefighter could not be upheld under the law, the change to "ability to read and write the English language at a level necessary for efficient job performance" be adopted.

3. Report re dissimilarities of functions and responsibilities of Police Officer and Firefighter.
4. Educational Standards for Police Officer. Copies of memorandums to the Civil Service Board dated October 2, 1970, and January 4, 1974, regarding change in educational standards for Patrolman were provided. The educational requirement for Patrolman was changed from high school graduation to completion of one year of college or university at the Board meeting of October 20, 1970. The Patrolman specification was changed to require 60 units of college work at the Board meeting of January 15, 1974.
5. Police Officer Academic Standards. This report discussed the findings and recommendations of national commissions which studied the question of higher education for law enforcement personnel. The report stated that the City Attorney's memorandum indicated that the present academic requirement (60 units of college work) has not been litigated. It was recommended that the current requirement of two years of college or university work remain unchanged.

AMENDMENT TO CLASSIFICATION PLAN

Proposed Revision of Firefighter Specification

EXAMINATION TO BE ANNOUNCED

#1566 Firefighter

Mr. Claudel Kennix, Executive Director, Human Rights Commission of the City and County of Sacramento, spoke to support the staff recommendation to substitute "ability to read and write the English language at a level necessary for efficient job performance" in place of high school education requirement. Mr. Kennix stressed that, in accordance with state and federal law, standards for selection must be job related and must be valid.

Mr. Street arrived at approximately 1:15 p.m. At 1:20 p.m. Mrs. Giles excused herself for approximately 45 minutes to attend a meeting at the Governor's office.

A recess was called at 1:45 p.m. The meeting resumed at 2:20 p.m.

Mr. Martin Anaya, Regional Director, Division of Fair Employment Practice Commission (FEPC), described the functions of FEPC. He reported that when a complaint is filed with EEOC (federal Equal Employment Opportunity Commission) or FEPC, the complaint is reviewed. If there is a finding of "adverse impact", the burden of proof then falls upon the respondent to show that there is job relatedness or a business necessity for the selection procedure. Mr. Anaya indicated that adverse impact does not necessarily mean a violation if a selection requirement is job related. He suggested that the Civil Service Board examine carefully the Firefighter specification and determine whether a high school education requirement is truly job related; that, if the Board feels that it is, then the Board should enforce that requirement. Mr. Anaya referred to the case law cited by the City Attorney in the report on the subject which was presented by the City Attorney to the Civil Service Board. Mr. Anaya suggested that the Board give full consideration to the advice of the City Attorney in considering this matter.

-3-

Fire Chief William Powell explained the ten-week training program for recruit firefighters. He reported that the fire service is now moving from fire suppression toward fire prevention, with the goal of reducing life and property death by 50%. He indicated that it would require the best qualified people in order to do this. Chief Powell expressed his preference to retain the high school requirement if it is legally permissible.

Attorney Melvyn CoBen, representing Local 522, indicated that the percentages reported by Mr. Woska, Personnel Management Administrator -- that 38.6% of 25-years-or-over Spanish-speaking-surnamed persons and 49.2% of 25-years-or-over Black persons had completed high school according to a 1970 Sacramento Regional Area Planning Commission (SRAPC) census data; that 53.9% of minority persons compared to 63.6% of White persons completed high school according to a 1970 statewide survey -- would indicate that a requirement of high school graduation for Firefighter could not be proven to be discriminatory or to have adverse impact upon minority persons. If the high school education requirement is to be removed, Mr. CoBen suggested that the written test should be reviewed to determine if there would be adverse impact upon minorities.

Mr. Wayne Harbolt, President of Firefighters Local 522, read his prepared statement which discussed, among other items, an apprenticeship program and knowledges required in fire fighting. He expressed support of retaining high school education requirement for Firefighter.

MOTION: After lengthy discussion, Mr. Wright vacated his chair to Vice President Alba Kuchman and moved that the Personnel Department be directed to meet with Fire Department management and Fire Fighters Local 522 representative(s) for the purpose of arriving at a mutually agreed upon educational requirement, either at the entry-level Firefighter classification or to be accomplished within two years after being hired as a Firefighter. This recommendation, or alternatives, he stated, is to be presented within a month. Mr. Wright further stated that it was the intent of his motion to neither affirm or deny that this may or may not be a meet-and-confer item. He also stated within his motion that the Department of Law be asked to participate with regard to legal questions that may arise with regard to what can be required after a probationary period has been completed.

Mrs. Kuchman amended the motion that "Knowledges, Abilities, and Skills" also be reviewed. Mr. Wright accepted the amendment.

SECOND: Mrs. Kuchman.

CARRIED: Ayes: Giles, Kuchman, Wright.
Noes: Street, Yee.

December 20, 1977, was set as the date the recommendation is to be submitted.

MOTION: Mr. Yee moved that the proposed revised Firefighter specification be approved as presented, retaining the high school graduation requirement and changing the minimum age to 18.

SECOND: Mr. Street.

FAILED: Ayes: Street, Yee.
Noes: Giles, Kuchman, Wright.

MOTION: Mrs. Giles moved to continue the examination announcement for Firefighter to December 20, 1977.

SECOND: Mrs. Kuchman.

CARRIED: Ayes: Giles, Kuchman, Wright, Yee.
Noes: Street.

The meeting adjourned at 3:50 p.m.

William F. Danielson
William F. Danielson
Secretary

Ronald H. Wright
Ronald H. Wright
President