

MINUTES OF CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
SPECIAL MEETING      JANUARY 17, 1979

The special meeting of the Civil Service Board was called to order by President Donna Giles at 7:40 p.m. in the Sacramento Housing and Redevelopment Agency Conference Room (main floor), 630 I Street.

Present: Luis Campos, Juanita Damerell, Donna Giles, Wilfred Street, Ronald Wright.

Absent: None.

HEARING ON PROPOSED SELECTIVE CERTIFICATION RULES - third reading

Mr. David Seals, President of Sacramento Association of Black Attorneys (SABA), presented an amended proposed selective certification rule. The amended version added the handicapped as another protected group and, also, five additional sections (c, d, e, f, and g) to their original proposal. Mr. Seals cited San Jose's selective certification rule as being a model.

Deputy City Attorney David Benjamin explained that San Jose's selective certification rule functions independently from the civil service rules. He also cited the problems which may arise under SABA's proposed rule: the possibility of applying the rule to discriminate by race; the danger in delegating to the Director of Personnel sole discretion for the use of selective certification; and the problem of how a candidate can be assessed as having the ability to "relate to cultural groups". Deputy City Attorney Elizabeth Silver explained also that race can be considered as long as race is not the sole deciding factor in selectively certifying for a position.

Among those testifying before the Board were: Otis Benning and David Seals, representing SABA; Ples Fisher, Sacramento County employee; Margaret McCormack, Sacramento Labor Community Coalition representative; Claudel Kennix and Gary Little of the Human Rights Commission; Naomi Zimmer, Executive Officer of the Sacramento County Civil Service Commission; and Carl Pinkson of Friends of the New Voice.

Mrs. Damerell read her proposed rule which included features from the proposals submitted by the City Attorney's Office and by SABA.

Mr. Campos suggested that the City conduct a skills assessment for all classifications within the City to determine what special skills are required.

MOTION: Mr. Wright moved that the Board adopt a combination of the recommended rule from the City Attorney's Office and the recommended rule from SABA which would allow the use of selective certification based upon past discrimination, compelling governmental interests, and special qualifications.

The language of the proposed rule is to be drafted by the secretary, after listening to the tape recording, and attached to the minutes of this meeting.

SECOND: Mr. Campos.

CARRIED: Ayes: Campos, Street, Wright.  
Noes: Damerell, Giles.

A copy of the selective certification rule, as adopted, is to be mailed to all parties who have expressed their interest in this rule. The rule will be reviewed by the Board on a date to be set.

DETERMINATION AS TO USE OF SELECTIVE CERTIFICATION RULE FOR FIREFIGHTER APPOINTMENTS  
(continued from 1/16/79)

This item had been deferred from the January 16 meeting. Board members were requested to give staff direction on how to fill the Firefighter vacancies which will occur in February.

City Attorney James Jackson recommended that the Board refrain from using the existing selective certification rule. Mr. Jackson reiterated his position that the rule is invalid and that the use of the rule may result in a suit being brought against the City, which, in turn, would delay employment of minorities until such case is adjudicated. He also indicated that such a suit would incur expenditure of City funds.

MOTION: Mr. Street moved that no certification be made from the Firefighter eligible list for thirty days.

SECOND: Mrs. Damerell.

CARRIED: Ayes: Campos, Damerell, Street, Wright.  
Noes: Giles.

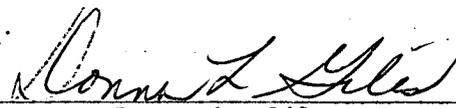
PROPOSED RECOMMENDATIONS TO CITY COUNCIL REGARDING AFFIRMATIVE ACTION

Mr. Wright indicated that those who are interested in pursuing this matter should attend the Council Personnel and Public Employees Committee meeting on Friday, January 19, 1979. Mr. Wright indicated that his recommendation to the Mayor and City Council would be to impanel a commission to study, consider, and recommend to the full Council an Affirmative Action Program for the City of Sacramento; that the staff be drawn from the City staff and the Human Rights Commission among others; and that the final and full report be submitted to the Council for ratification by December 1979.

No further action was taken on this matter at this meeting.

The special meeting adjourned at 10:15 p.m.

  
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William F. Danielson  
Secretary

  
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Donna L. Giles  
President

6.6 Selective Certification.

The citizens of Sacramento have the right to expect that the City will hire, train and develop (whenever necessary), and maintain a work force that can most effectively deliver services to all citizens of the City. One reasonable and effective way to accomplish this goal is to hire persons who have demonstrated the ability to relate to different cultural and/or sexual groups, as well as persons who are handicapped, as indicated by the applicant's unique work experiences, socio-economic background, special training and other relevant personal qualities. This will insure that the City work force is diverse enough to communicate with, interpret the needs of, and deliver services to all the citizens of Sacramento.

6.6-1 Selective Certification (Special Qualifications)

If a vacancy exists in a position which represents a specialization within a class, the appointing authority may request a selective certification of eligibles having the specialized qualifications required if such request is made prior to certification. If the Director of Personnel, after investigation, determines that the facts and reasons justify such selective certification, he shall certify the highest ranking eligibles who possess the special qualifications. Except as provided below, certification of eligibles of any one sex shall not be made unless there is clear evidence that efficient performance of duties to be assigned could be performed by only the sex specified.

6.6-2 Selective Certification (Minority and Female Employment)A. Definitions as used herein:

"Identifiable discrimination" shall mean constitutional or statutory violations resulting in race or sex-based injuries.

"Selective Certification" shall mean the certification to the appointing authority of the names of the three persons standing highest on the eligible list who are minority persons or women.

"Minority persons" shall include Blacks, Asians, persons of Hispanic descent, American Indians, Filipinos, Polynesians, and other non-Whites.

B. Hearings and Findings.

After a public hearing the Board may order the selective certification of minorities or women within a particular classification if:

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ATTACHMENT

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1. (a) The Board finds that there is a compelling governmental interest in invoking the use of selective certification for the classification, and
- (b) The Board finds that the use of selective certification is the least intrusive means of achieving the governmental interest; or
2. (a) The Board finds that there has been identifiable discrimination by the City of Sacramento against minorities or women applying to or within the particular classification and/or department,
- (b) The Board finds that the use of selective certification will remedy the effects of the discrimination found to have occurred under sub-paragraph 2(a), above, and
- (c) The Board finds that the use of selective certification is the least intrusive means of remedying the effects of the identifiable discrimination.
3. (a) The Director must initiate selective certification whenever the City work force is constituted in such a manner that certain segments of the population are being insufficiently served because the work force cannot adequately relate to their needs and/or culture. Such certification shall be applicable in all classifications where the Director determines that the desired special qualifications will most effectively meet the needs of those underserved citizens of Sacramento and help further the goal of achieving a diversified work force.
- (b) When selective certification is initiated, the Director of Personnel shall determine who, in order of ranking among the eligibles on the applicable open competitive eligible list, have such required special qualifications. The Director shall certify as available for appointment to each such vacancy to be filled the three (3) eligibles having the required special qualifications who stand highest on the applicable open competitive list. The appointing authority may appoint any one of those three (3) eligibles to fill said vacancy.

3. (c) The special qualification may be tested for on a pass-or-fail basis as a part of the examination for the class. Applicants must be notified of their opportunity to be tested for the special qualification.
- (d) Separate eligible lists will be established for each type of special qualification approved for a class. The eligible persons on selective certification lists also shall be included on the regular list for the class.
- (e) Separate classes may be established in lieu of utilizing selective certification.
- (f) Each quarter of the calendar year, the Director shall submit to the City Council a report concerning the use of the selective certification process for that quarter. The report shall include the names of those individuals selectively certified; the position filled by selective certification; and the reasons for the filling of the position by selective certification.