

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING JANUARY 4, 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, 630 "I" Street.

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

HEARING ON PROPOSED SELECTIVE CERTIFICATION RULES - second reading

Attorney Nancy B. Reardan, counsel for National Association for the Advancement of Colored People, indicated that the existing selective certification rule is similar to the Harvard Plan and is valid and need not be changed. She indicated that a challenger of the use of the City's selective certification should have the burden of proving that there is a less intrusive method to remedy the effects of identifiable discrimination.

David Seals, President of the Sacramento Association of Black Attorneys, presented the Association's response to the City Attorney's selective certification rule change, together with its proposed selective certification rule. SABA's proposal was to adopt a rule which would service the people. After discussion, Mr. Seals indicated that SABA's first choice would be the current rule; the second, their proposed rule; and third, the City Attorney's proposed rule.

The following persons supported SABA's proposal:

Plez Fisher, who explained the County's civil service examination process for special skills.

Gaspar Oliveira, President, Mexican American Political Association of Sacramento County, who cited the Humboldt County's skills test. Mr. Oliveira cited the City Attorney's 1973 opinion which supported selective certification; Civil Rights Act Title VI; Executive Orders 11246 and 11375. Mr. Oliveira indicated that another legal opinion should be obtained by the Civil Service Board.

Gary Little of the Human Rights Commission, who cited the San Jose selective certification rule, suggested that the Director of Personnel and the City Attorney review "special skills" as an approach.

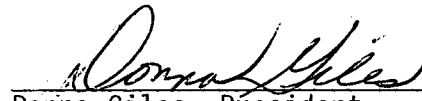
Bob Ruiz, representing the American G. I. Forum; Ellen Rosset, the Sacramento Labor-Community Coalition; and Robert Thomas, citizen, also supported the SABA's position.

Deputy City Attorneys Elizabeth Silver and David Benjamin responded to the testimonies. It was their suggestion that, instead of selective certification for skills, candidates be tested for the special skills which may be required for a classification. It was also pointed out that the two concepts of selective certification and the Harvard Plan should be kept separate. It was also pointed out that the rule should not be under the delegated jurisdiction of one person.

City Attorney James Jackson testified that in 1973 he had supported selective certification and that he had done so as long as he could. He stated that, at that time, there was no U. S. Supreme Court decision which indicates that the selective certification rule is invalid; however, that there is now such a Supreme Court decision. He indicated that since the Bakke decision, there have been three Court of Appeals decisions dealing with employment in which the Bakke decision was the principal case relied on for each of the decisions.

The meeting was adjourned at 10:20 p.m., to be continued at another date to be set.


William F. Danielson, Secretary


Donna Giles, President