

Agenda Report

DATE: MARCH 1, 1999

TO: CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: AFFIRMATIVE ACTION IN EMPLOYMENT ANNUAL REPORT FY 1998

RECOMMENDATION:

1. It is recommended that the City Council direct the City Attorney to review and revise the Affirmative Action in Employment Ordinance to conform to California Proposition 209 and Federal Law requirements.

Proposition 209 may be construed to prohibit certain aspects of the City's present Affirmative Action Ordinances. These issues, however, have not yet been resolved by the California Appellate Courts. Until a binding and authoritative appellate decision requires the City to amend its present ordinances, we will continue to implement them as written except for those provisions which clearly violates Proposition 209. When authoritative legal guidance is available, we will request City Council to amend the ordinances in one comprehensive action rather than in several piece amendments.

2. Receive the 1998 Affirmative Action Annual Report in Employment.

BACKGROUND:

Chapter 2.360 of the Affirmative Action in City Employment Ordinance #6229, revised in 1987, requires the preparation of an annual report on the progress achieved under the City's Affirmative Action Plan to be presented to the City Council at one of its regular meetings. The report is to include a utilization analysis of the City's work force, progress made toward achieving goals and recommendations for corrective action, as necessary.

2.360.030 Policy statement of City.

... The policy of the City shall be to provide equal opportunity employment to all persons and not to discriminate against any applicant or employee because of race, religious creed, color, national origin, ancestry, handicap, sex, or age. In the awareness that the intent of this policy is not necessarily fulfilled with the mere prohibition of discriminatory practices, the City will

continue to take affirmative action to review all of its employment practices to assure the fulfillment of its stated commitment.

Executive Summary:

The overall performance of the City continues to improve in achieving the goal of having a workforce that reflects our general population and at the same time, meet the legal requirements of market place availability.

Our current full-time workforce is a good example of balancing the requirements of California Proposition 209 and the legal standards of the Federal Government.

In FY 98, new hire numbers indicated that women continues to be hired at nearly 50% of all positions. Minorities and Whites were hired at 59.0% and 41% respectively.

In FY 97, Women were 57.1% of all new hires. Minorities and Whites were 71.4% and 28.6% respectively.

We continue to attract high numbers of applicants (5,678). Of all applicants, total eligible were 2,738 with 979 (35.8%) eligible applicants coming from the City of Pasadena.

There were 193 part-time employees hired with 102 or 53.0% being female.

We had a total of 80 promotions, with Whites receiving 27 or 33.3%, Blacks receiving 24 or 30.0%, Hispanics receiving 23 or 28.8% and Asians receiving 6 for 7.5%.

Women received 30 of the 80 promotions for 37.5%. Minorities received a combined 53 of the total 80 promotions for 66.2%. Whites received 27 promotions or 33.8%.

There were 39 discrimination complaints investigated/closed/resolved. We currently have 16 open complaints on file.

During FY 1998, there were 62 disciplinary actions issued. Last FY there were 67 disciplinary actions issued. For the second year in a row, Black employees received the highest number of disciplinary actions 30 of the 62 for 48.8%. Last year Blacks received 30 of the 67 disciplinary actions for 48.0%.

Area of Concern:

When we applied either the City Council or the Employment Development Department availability standard, we discovered high underutilization of Whites in most EEO-4 Job Categories.

We raise a concern because the population of full-time White employees has consistently decreased over the past ten years. In 1989, White full-time employees were 792 (49.6%). In 1998, White full-time employees are 611 (38.8%). The White population in the 1990 Census was 41.4%.

This concern has been raised with the Executive Committee for their input.

In reviewing the trend analysis for our EEO-4 Job Categories, most decreases were balanced throughout all employees group representation.

PROPOSITION 209-IMPACT ON LOCAL EMPLOYMENT ORDINANCE:

On November 5, 1996, the California electorate passed Proposition 209 which provides in relevant parts as follows:

The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or National origin in the operation of public employment, public education, or public contracting.

The City of Pasadena Affirmative Action in Employment Ordinance-Section 2.360.050 requires the preparation of an Annual Affirmative Action Plan. That AAP requires in part, the following:

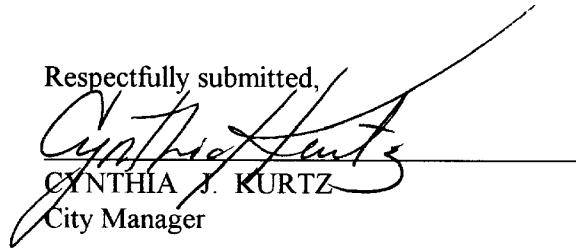
Establishment of goals which are numerical objectives with respect to the City's hiring and promotional goals, the purpose of which is to correct any statistically significant underutilization of a protected class as identified by the City's utilization analysis. Protected class means a group of persons identified with respect to race, religious creed, color, national origin, ancestry, handicap, medical condition, sex or age. The AAP also call for a timetable to be established for implementing goals.

The City of Pasadena protected class groups are: African Americans, Hispanics, Asians, Native Americans, Armenian Americans and Women.

FISCAL IMPACT:

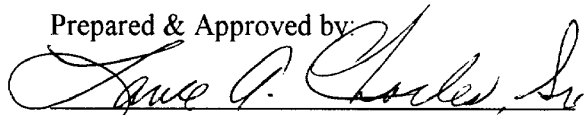
There is no fiscal impact.

Respectfully submitted,



CYNTHIA J. KURTZ
City Manager

Prepared & Approved by:



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