



COUNTY OF SANTA CRUZ

Personnel Department

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December 4, 1998

Agenda: January 12, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95080

RE: Proposed Ordinance Amending Section of the County Affirmative Action Commission Ordinance, Section of General Provisions Prohibiting Discrimination, Section Regarding Merit Principles, and Proposed Resolution Amending Portions of the Personnel Regulations, Civil Service Rule Section XV, and County Procedures Manual.

Dear Members of the Board:

After the passage of the Proposition 209, the County Personnel Department, in conjunction with County Counsel, conducted an audit of all County programs, policies and standard form contracts to determine compliance with Proposition 209. In summary, Proposition 209, which added Article I, Section 31 to the California Constitution, provides that the County cannot 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. Proposition 209 does not preempt any obligation the County may have under Federal law or to establish or maintain eligibility for any Federal grant program.

The audit revealed that the County policies and programs were essentially in compliance with Proposition 209. The primary reason for this finding is that the County has never adopted an affirmative action plan or policy which provides a preference to one group at the disadvantage of another. Basically, the County's policies require record keeping, comparison with available labor statistics, and outreach efforts to under represented groups to ensure a diverse workforce. As Federal law requires that the County maintain such statistics, this activity is not covered by Proposition 209. The County will therefore analyze such statistics and take appropriate action as necessary to ensure

nondiscrimination or adverse impact of protected groups.

Nevertheless, in order to clearly communicate that County policies provide no preference, but rather exist to ensure equal employment opportunity, we recommend a name change for the Commission, and the staff who perform this essential work, from "affirmative action" to "equal employment opportunity". For example, the Affirmative Action Commission would be renamed the Equal Employment Opportunity Commission.

Additionally, changes are recommended to the policies listing those protected classifications in the Personnel Regulations, Civil Service Rules, County Code, and County Procedures Manual to reflect changes recently adopted by your Board in its antidiscrimination ordinance 4501 and the addition of genetic characteristics as a protected classification, mandated by state legislation effective January 1, 1999. As required by County Code, changes to the Civil Service Rules, County Code 2.46 and 3.04 were presented to and approved by the Civil Service Commission on October 15, 1998.

To effectuate these changes, attached hereto is a proposed ordinance amending County Code Chapters 2.40, 2.46, and 3.04, certain Personnel Regulations, Civil Service Rules Section XV, and the County's Procedures Manual in strike and delete version, or strike and redline version.

IT IS THEREFORE RECOMMENDED that your Board:

1. Approve the attached proposed ordinance in concept;
2. Direct the Clerk to publish the attached Notice of Intention to Adopt Ordinance summarizing the proposed ordinance;
3. Direct that the proposed ordinance be returned to the Board for final consideration on January 26, 1999.
4. Adopt the attached resolution amending the County Personnel Regulations, Section 190, 191, 192 and 193, Civil Service Rules Section XV, and County Procedures Manual, Title 1, Section 300.

Very truly yours,


Dania Torres Wong
Personnel Director

RECOMMENDED:


for SUSAN A. MAURIELLO
County Administrative Officer

cc: Personnel
Attachments