

CALIFORNIA FAIR EMPLOYMENT PRACTICES COMMISSION

CITY OF EMERYVILLE

AN INVESTIGATION UNDER SECTION 1421 OF THE CALIFORNIA LABOR CODE

C. L. DELLUMS, COMMISSIONER

L. E. BEANE AND JERRY MALUGEON, CONSULTANTS

MAY, 1972

First, I would like to express the appreciation of the Commission and its staff to the officials of the City of Emeryville for their splendid cooperation with us in conducting this investigation. I have some recommendations to present to you, that the Consultants and myself believe that if they are adopted, pursued in the spirit, as well as the letter of the California Fair Employment Practices Act, will be achieved on the part of the City of Emeryville. First, I would like to say a word on attitudes that the staff reported to me, that they found while interviewing representatives of the City. For instance, one department representative in recognizing that the ratio of minority employees was very poor made a statement, that his department was interested in finding, "a good, decent black person to be a clerk". Now does this mean that all the other person has to have is a white skin, and they don't have to be good and or decent, just white?

It seem to be common practice by department representatives in referring to Negroes as colored or colored boys. There is not now nor have there ever been complete unanimity among this minority on what they wanted to be called. Some prefer Negroes; some prefer Afro-American; some prefer blacks, and some prefer colored, but there is total and complete unanimity among this group to be recognized as grown when they are grown, and not be called or referred to as boys.

I was also amazed to learn, that a department head felt that whenever minorities made a good showing in taking an examination, that that examination wasn't tough enough, and that they needed one so tough that few minorities would pass it. This department head is living in an age that no longer exist, and seem to think that all minorities are illiterate, ignorant or dumb. This department head doesn't seem to know, that the Supreme Court of the United States have ruled, unanimously, that any test

or examination being used that results in too high a percentage of minorities failing it is discrimination per se, and further, that examinations and tests must be strictly job related.

The City seem to be conscious of the fact, that minorities do not seem to be interested in seeking jobs with the City of Emeryville or taking examinations. That is largely true, but the City doesn't seem to be interested in why its true. To my personal knowledge, the City of Emeryville, rightly or wrongly, have had a reputation among Negroes as being a highly racist community. I personally have heard Negroes make facetious remarks about city employment like "you could get a job in the white house easier than you can get a job in the City of Emeryville".

We're here at this time, because of a state law, that have been on the statue books for a little more than twelve and half years, and yet I find the City brazenly violating it. For instance, you had what was called "statement of personal history" printed in July, 1971, that is filled with illegalities. The applicant must list his race, which is illegal, and then there are some there that seem to be unique to Emeryville like "who performed marriage". Now, I wonder why the City would be interested in who performed my marriage ceremony. If it wasn't designed to discover religion it certainly serves that purpose, because if the applicant answered that by saying, his marriage ceremony was performed by Rabbi _____ now you know what that would reveal. The next one, if you are divorced give the "grounds". Its marvelous that anybody would take your examinations and answer those questions, because frankly I would answer each one of those by writing in there "none of your damn business". And then, one must submit a recent photograph. An applicant for the fire department examination must produce driver's license and "birth certificate" before he can even take the examination. All of these things are illegal,

and must be discontinued forthwith. Now, I wish to give you our recommendations (Anna, now you list the recommendations as the staff have prepared.

STATE OF CALIFORNIA, Ronald Reagan, Governor
DEPARTMENT OF INDUSTRIAL RELATIONS, William C. Hern, Director
DIVISION OF FAIR EMPLOYMENT PRACTICES, Paul A. Meaney, Chief

CITY OF EMERYVILLE

An investigation under Section 1421 of
the California Labor Code

THE CALIFORNIA FAIR EMPLOYMENT PRACTICE COMMISSION

C. L. Dellums, Commissioner

L. E. Beane, Consultant
Jerry Malugeon, Consultant

April, 1972

State of California

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I. INTRODUCTION

In January, 1972, the California Fair Employment Practice Commission was requested to assess the personnel practices of the City of Emeryville. The request came in the form of letters to the Fair Employment Practice Commission from the Emeryville Citizens for Better Government (E.C.B.G.) and the Legal Aid Society of Alameda County.

During the February, 1972, meeting of the Fair Employment Practice Commission, an investigation under Section 1421 of the Fair Employment Practice Act was authorized. The Commission's Affirmative Action Section was designated to conduct the investigation under the direction of Commissioner C. L. Dellums. Staff members assigned to personally conduct the investigation were Consultants L. E. Beane and Jerry Malugeon.

On February 11, 1972, Honorable Donald J. Neary, Mayor of Emeryville, met with Commissioner Dellums and his staff and assured the Commission of the City's complete cooperation during the investigation. At that meeting, agreement was reached in terms of the method of procedure relating to the investigation.

Fair Employment Practice Commission records indicate that two individual complaints have been filed against the City since 1970 and the Commission has been meeting with City Officials regarding its employment practices since 1965. Numerous informal meetings have been held over previous years between the Commission and citizens of the City.

This investigation of the employment practices was conducted through interviews with a wide variety of people in the community. Included were department heads and/or representatives, City employees, previous city employees and community people. Personnel records were reviewed along with other pertinent statistical data. Community records reviewed included documents of various kinds. An ethnic survey was obtained from the city and is included in this report. The City Clerk provided all records and statistical data.

II. OVERVIEW OF THE CITY

The City of Emeryville, incorporated in 1896, is approximately 1,369 acres in land size. Although its resident population is under 3,000, its daily employment population is estimated at approximately 20,000 workers. Largely an industrial area, the city has been a mecca for industrial and real estate developers within the city itself and around its tidelands. It is situated in the Northwest section of Alameda County, just North of the Oakland Bay Bridge.

The 1970 United States Census Report places the total population of the city at 2,681. The ethnic breakdown provided by the Alameda County Planning Department shows the total Negro population at 1,004 (37%), Oriental at 69 (3%), other non-white at 69 (3%) and Caucasian at 1,539 (57%).

The Census Bureau reports that the County of Alameda has a population total of 1,073,184. Of these, 217,206 or 20% are minorities. The Black population numbers 161,202 (15%), Orientals 30,189 (3%), other non-whites 25,735 (2%) and Caucasians 855,978 (80%).

The Census Report does not, as yet, have the breakdown for Spanish surnamed which is currently being included in the Caucasian figure. Estimates for this minority group in Emeryville range between 3% to 7% and for Alameda County between 15% to 20%.

The following will be used throughout this report as a fair estimate for the population breakdown for the City of Emeryville and the County of Alameda:

TABLE I

<u>City of Emeryville</u>			<u>County of Alameda</u>	
37%	(1,004)	NEGRO	(161,202)	15%
3%	(69)	ORIENTAL	(25,735)	2%
3%	(69)	OTHER NON-WHITE	(30,189)	3%
5%	} (1,539)	SPANISH SURNAMED	(855,978)	} 13%
52%		OTHER CAUCASIAN		
<hr/>				
100%				

III. PERSONNEL PRACTICES

HIRING POLICY

Resolution Number 1597 (and amendments) and City Ordinance Number 266, which authorized formulation and represents official adoption of rules and regulations for a Civil Service System for the City of Emeryville, contains no policy statement regarding equal employment opportunity for the City or Town of Emeryville. These rules and regulations were officially adopted on June 13, 1938 and have been amended throughout succeeding years. The City Clerk does include the phrase "Equal Opportunity Employer" in the City's job announcements, however,

the City Council has never officially issued any such non-discriminatory policy.

No City Representatives knew of the existence of any non-discriminatory policy nor could any Representative elaborate on what the concept of "Equal Opportunity" means to an employer.

RECRUITMENT

All recruiting is done through the City Clerk's office by the City Clerk, the person designated by the City Council to act in the capacity of a secretary and clerk for the operation of the personnel system. (Resolution #1597, Rule I, Section 6). Some recruiting is done by department heads on occasion, but the bulk of this responsibility rests with the "Personnel Clerk", in this case, the City Clerk.

Recruitment is mainly through job announcements and newspaper advertising. The "official mailing list" for Emeryville contains various agencies and services involved with minorities, but the city has never specifically recruited minority employees. It depends primarily on its "walk-in" applicants usually responding to an ad or a job bulletin.

HIRING PRACTICES

The procedures utilized in the city's hiring process are generally the same as those used in most cities and governmental agencies of generally the same size and comparable structure.

All candidates are processed through the City Clerk's office. A pre-screening interview is sometimes utilized to determine general qualifications when the application is completed. Resolution #1597, Rule III, outlines the area of applicants:

"Section 1. Filing applications. (a) Any person shall be considered for appointment to a vacancy in the classified service who has filed an application therefor with the personnel clerk in the manner specified in these rules and upon the form furnished by said personnel clerk; and whose application has not been rejected by the City Council for cause in accordance with the provision of these rules.

(b) The applicant shall be required to make application in his own handwriting and subscribe to the same under oath.

"Section 2. Age. Unless otherwise stated in the classification schedule, no applicant is eligible for appointment to the classified service who is less than 21 years

of age. The maximum age for appointment to the position of Hoseman in the Fire Department and Patrolman in the Police Department shall be 29 years.

"Section 3. Character and Fitness. Applicants must furnish evidence of good character, temperate habits, sound health and physical ability to perform the duties of the position applied for.

"Section 4. Cause for Rejection. The following are declared to be cause for rejection of any applicant, although rejection may be based upon causes other than those enumerated;

(1) Is not a citizen of the United States;

(2) Is found to lack any of the minimum qualifications set forth in the published notice inviting applications and established as minimum qualifications in the classification schedule. No application may be rejected for failure to meet qualification not stated in the published notice;

(3) Is physically unfit for the performance of the duties of the position to which he seeks appointment;

(4) Is of bad character;

(5) Has been adjudged guilty of any crime involving moral turpitude;

(6) Has made any false statement in any material fact, or practiced, or attempted to practice any deception or fraud in his application examination, or appointment;

(7) Is not a resident of Alameda County, State of California, at the time of filing his application for Civil Service employment with the Town of Emeryville.

"Section 5. Rejected Applications. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the personnel clerk. Defective applications may be returned to the applicant with notice to amend same, providing the time limit for receiving application has not expired. Failure of the applicant to make prompt return in such cases will be deemed cause for rejection."

After a persons application is accepted the applicant my then be required to successful pass a written and oral examination. For some positions, there are personal history questionai which a candidate is obligated to complete, as well as the successful passing of an ability test. Background investigations are routine in some positions along with polygraph or

psychiatric evaluations. Finally, an applicant must successfully pass a medical examination.

When an eligibility list is established, the department head is furnished with the names of the top three candidates, one of whom he must select.

Veterans credit of five points is given to some applicants:

"Honorably discharged veterans of World War II and the Korean War who attain a passing grade in all parts of the examination shall be given a credit of five points additional on their total score on entrance examinations."

The city requires that all applicants produce the following at the time they apply:

PROOF of the following requirements must be given to the Personnel Clerk at the time of filing application:

(NO EXCEPTIONS)

1. Citizenship (Birth Certificate)
2. Educational Requirement (Diploma or G.E.D. Certificate)
3. Motor Vehicle License
4. Discharge Papers (If applicable DD214)

TESTING

Resolution #1597, Rule V, outlines the city's established procedure regarding examinations.

"Section 1. Power to examine. Unless and until the City Council shall enter into a contract with the legislative body or board of any municipality or county within this state, or with a state department, for the giving of examinations and the preparation and certification of an eligible list, the examinations of applicants for appointment to the classified service shall be conducted by the City Council or in the manner designated by it, subject to these rules and regulations.

"Section 2. Subjects and method of examination. (a) The examination of applicants by the City Council shall consist of one or more of the following parts;

1. Special subject: This part shall constitute that portion of the examination which deals with the duties of a position, and may be an oral test, a written short answer test, a written free answer test or a combination of any of these; but must be designed to test the ability of an individual to perform said duties.

2. Educational: This part may consist of Penmanship, Spelling, Composition, Civics, City Information, or any or all of these, as well as other subjects to test the basic training which would logically form the ground work for performing the duties of the position and advancement in the service.

3. Training and experience: Training shall consist of a statement of schooling and studies tending to fit for the duties of life. Experience shall consist of a statement of all past activities that would tend to fit candidates for the positions they seek and may include a statement of the names of former employers, nature of work and references. A record, based on references, investigation, character of past employment, sobriety and general standing in the community, may be included as part of this subject.

4. Physical or medical: A physical or medical test may be made a part of any examination and must be given when so stated in the classification schedule.

5. Oral interview: Personality and appearance may be counted as a factor in an examination or the applicant may be questioned on the duties of the position, training and experience, nature of work performed, and other reasonable questions to determine his fitness for the position.

"Section 3. Grading of Examinations: Applicants taking examinations shall be graded on a total scale of one hundred percent, and the name of no person shall be entered on an eligible list whose total grade is less than seventy percent, in all subjects taken as a whole.

"Section 4. Alternative Procedure where examinations are not to be held. In the event that the City Council does not deem the giving of formal examinations necessary or advisable in the filling of a certain class of position for which an examination has not previously been given and for which there is no eligible list, the examination may be omitted and the eligible list prepared from a grading of the application received. The work of grading of applications, interviewing the applicants and thereafter preparing an eligible list may be done by the City Council or delegated by it to some person in the community whose ability and experience, in the opinion of the City Council, qualified him for doing the work.

"Section 5. Veteran's Credit. Honorably discharged veterans of World War II and the Korean War who attain a passing grade in all parts of the examination shall be

given a credit of five points additional on their total score on entrance examinations."

The city has never validated any of the examinations it purchases from Griffenhagen-Kroeger, Incorporated and State of California Personnel Board, Cooperative Personnel Services. Griffenhagen-Kroeger has indicated that none of their tests have been validated. CPS, however, has recently began some validation as with the Hoseman Examination, utilized by the city in its last Fire Department Examination in July, 1971.

PROBATIONARY PERIOD

The period of probation within city service is four months (Resolution #1597, Rule VII, Section 3).

PROMOTIONS

Promotions are sometimes filled by present employees and sometimes by open examination. Promotional Examinations are subject to all the provisions of the rules and regulations which govern open examinations.

TRAINING PROGRAM

The city has never initiated any formal in-service-training in the area of Human Relations. There is some training done by the Fire Department, which has a training officer, but it is limited to technical development. None of the City Representatives interviewed stated that they believed training in the area of Human Relations was either necessary or desirable.

IV. EMPLOYEE SURVEY

As indicated in the Introduction, the following Occupational Category Surveys were requested by the Fair Employment Practice Commission as an integral part of the total employment situation in Emeryville. The tables on the following pages indicate the exact report of employee breakdown by ethnic group and sex just as specified by each department. There have been no changes made on any survey form in the reported figures. The tables reflect regular, full-time employees and part-time employees working more than 19 hours per week.

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TABLE II

OCCUPATIONAL CATEGORIES BY ETHNIC GROUPS & Sex

CITY OF EMERYVILLE

March 1, 1972

OCCUPATIONAL CATEGORY	NEGRO		ORIENTAL		OTHER NON-WHITE		SPANISH SURNAME		OTHER CAUCASIAN	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
1. Administrative Managerial A. Supervisory B. Non-Supervisory									4	1
2. Professional A. Supervisory B. Non-Supervisory							1		9	6
3. Technical A. Supervisory B. Non-Supervisory									4	
4. Craftsmen, Skilled A. Supervisory B. Non-Supervisory									38	1
5. Service, Sales Clerical, Skilled A. Supervisory B. Non-Supervisory		2							2	
6. Operatives, Semi-Skilled A. Supervisory B. Non-Supervisory									2	3
7. Laborers, Unskilled A. Supervisory B. Non-Supervisory										
TOTALS	2	2					2		68	2

OUT OF A TOTAL OF 76 REGULAR CITY EMPLOYEES, 4 ARE BLACK (5%), 2 ARE MEXICAN AMERICAN (3%) AND 70 ARE OTHER WHITES (92%). THE CITY HAS NEVER EMPLOYED A BLACK SUPERVISOR. ONLY 4 OF THE CITY'S EMPLOYEES ARE FEMALE.

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TABLE IV

OCCUPATIONAL CATEGORIES BY ETHNIC GROUPS & Sex

CITY ENGINEER & Public Works

March 1, 1972

OCCUPATIONAL CATEGORY	NEGRO		ORIENTAL		OTHER NON-WHITE		SPANISH SURNAME		OTHER CAUCASIAN		
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
1. Administrative Managerial A. Supervisory B. Non-Supervisory										1	
2. Professional A. Supervisory B. Non-Supervisory											
3. Technical A. Supervisory B. Non-Supervisory											
4. Craftsmen, Skilled A. Supervisory B. Non-Supervisory											
5. Service, Sales Clerical, Skilled A. Supervisory B. Non-Supervisory											
6. Operatives, Semi-Skilled A. Supervisory B. Non-Supervisory										2	
	1									2	
7. Laborers, Unskilled A. Supervisory B. Non-Supervisory											
TOTALS	1									5	

NO FEMALES Employed in this Department

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TABLE V
OCCUPATIONAL CATEGORIES BY ETHNIC GROUPS & Sex

FIRE Department

March 1, 1972

OCCUPATIONAL CATEGORY	NEGRO		ORIENTAL		OTHER NON-WHITE		SPANISH SURNAME		OTHER CAUCASIAN	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
1. Administrative Managerial										2
A. Supervisory										2
B. Non-Supervisory										
2. Professional							1			9
A. Supervisory										6
B. Non-Supervisory										
3. Technical										
A. Supervisory										
B. Non-Supervisory							1			21
4. Craftsmen, Skilled										
A. Supervisory										
B. Non-Supervisory										
5. Service, Sales Clerical, Skilled										
A. Supervisory										
B. Non-Supervisory										
6. Operatives, Semi-Skilled										
A. Supervisory										
B. Non-Supervisory										
7. Laborers, Unskilled										
A. Supervisory										
B. Non-Supervisory										
TOTALS							2			38

*THIS DEPARTMENT HAS NEVER EMPLOYED A NEGRO. IT HAS
ALSO NEVER EMPLOYED A FEMALE.*

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TABLE VI
OCCUPATIONAL CATEGORIES BY ETHNIC GROUPS & SEX

POLICE DEPARTMENT

March 1, 1972

OCCUPATIONAL CATEGORY	NEGRO		ORIENTAL		OTHER NON-WHITE		SPANISH SURNAME		OTHER CAUCASIAN		
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
1. Administrative Managerial A. Supervisory B. Non-Supervisory										1	
2. Professional A. Supervisory B. Non-Supervisory											
3. Technical A. Supervisory B. Non-Supervisory										4	15
4. Craftsmen, Skilled A. Supervisory B. Non-Supervisory											
5. Service, Sales Clerical, Skilled A. Supervisory B. Non-Supervisory										2	
6. Operatives, Semi-Skilled A. Supervisory B. Non-Supervisory										1	
7. Laborers, Unskilled A. Supervisory B. Non-Supervisory											
TOTALS	1	2								23	

NEVER
THIS DEPARTMENT HAS EMPLOYED MORE THAN 1 BLACK POLICE OFFICER AT ONE TIME AND IT HAS NEVER HAD A BLACK POLICE SARGENT. (THERE ARE NO BLACK RESERVE OFFICERS OF A TOTAL OF 9). THIS DEPARTMENT HAS NEVER HAD A MEXICAN AMERICAN EMPLOYEE.

V. ATTITUDES

During the investigation two types of attitudes manifested themselves: (1) In the written procedures and materials of the city and, (2) in statements and comments of city employees and representatives. Although law is directed toward behavior, attitudes can be reflected in an employee's performance and, ultimately, in his or her behavior. For this reason, it is vital that the government of Emeryville and its citizens be aware of the attitudes expressed and insure that all applicants and employees are treated equally.

The opinions and written statements noted below do not necessarily represent the views of all who were interviewed or all of the literature reviewed, but they do represent a significant number or proportion:

1. One Department Representative stated that the department was interested in finding, "A good, decent Black person" to be a clerk.
2. Numerous Department Representatives referred to Negroes or Blacks as "colored" or "colored boys".
3. Another Department Head equates in examinations that result in minorities failing or having a poor showing as being "Tough", and those examinations resulting in minorities doing well as lacking "Toughness".
4. The Department Heads stated that "Minorities have never been interested in city jobs" or "Taking examinations".
5. The Emeryville Police Department, The Statement of Personal History (printed July, 1971) asks questions regarding "Race", "Who performed/~~marriage~~^{marriage}", divorce "Grounds" and requires a "Recent photograph".
6. All applicants for the last Fire Department examination were required to submit drivers licenses and birth certificates prior to being able to take the exam, thus the proctors and city officials had access to racial and ancestral information.

VI. EVALUATION

The City of Emeryville has been faced with charges of discrimination for the major part of the last decade. A search of the record of this city's employment practices shows many examples of community dissatisfaction and protest. Petitions have been presented regarding the void of Black Firefighters and Policemen, charges of racial bias have been levied against.

the city's examinations, suits have been filed in Federal Courts regarding hiring practices in two departments, and general concern of the minority community has been expressed at City Council Meetings over the years. At times, community problems have been expressed violently; such as the bombing of a diner in 1970. The city has responded to these allegations and charges with counter-charges and little more.

The city has never adopted any equal employment opportunity policy. The rhetoric of equal opportunity on an occasional announcement or in an ad without commitment is meaningless and hollow in the light of the true employment picture in Emeryville. The city appears to have no real understanding of equal opportunity as evidenced by the fact that less than 8% of the city's 48% minority population work in city government.

The city has not actively recruited or sought out to improve upon its minority hiring practices. It also, appears that the climate in this city has been such that minorities have not believed they would be welcome in city government.

Some of the procedures utilized by the city in its hiring practices have been and still are creating "adverse impact" on minorities and females. Some of these practices are in direct violation of existing law, such as requiring pictures or ethnic information with applications and questionnaires. There are many forms and documents which have doubtful job relatedness and raise grave questions as to their actual intent. There appears to be general agreement within the minority community that the city's hiring and promotional practices have been designed to screen out minority applicants and prevent their being drawn into city government affairs. The city has done little to alter this image as evidenced by its continued use of racial questions and pictures as recently as during its last city examination.

The examination process within the city has been creating obvious adverse impact on the minority population. The total number of applicants who took the last examination for Fire Department Hoseman was 204. Of these, 64 were Black, 14 were Spanish surnamed or other non-white and 126 were other Caucasian. Only 22% of the Blacks successfully passed the written, 57% of the Spanish surnamed or other non-whites, and almost 78% of the other Caucasians successfully passed the written portion of the exam.

TABLE VII

FIRE DEPARTMENT EXAM RESULTS AND PERCENTAGES

EXAM DATE: July 31, 1971

RACE OR NATIONAL ORIGIN	TOTAL TAKING EXAMINATION	FAILED		PASSED	
		#	%	#	%
NEGRO	64	50	78%	14	22%
SPANISH SURNAMED AND OTHER NON-WHITES	14	6	43%	8	57%
OTHER CAUCASIANS	126	28	22%	98	78%

The fact that 152 minorities made formal application for the last Fire Department written Examination, appears to disprove the claim made by the Fire Chief that minorities just aren't interested in city employment. This department head's claim is also refuted by the City Engineer who stated that most of the applicants who took the last two entry examinations in the Public Works Department were minorities.

It would seem, however, that even when minorities apply in great numbers their chances for gaining positions within city government are just not very promising. One department representative seriously questioned the relevance of the city's examinations and could not honestly say that he thought them to be fair. The city must take cognizance of the fact that the United States Supreme Court has ruled that any testing or employment procedure that adversely affects minorities or females is an illegal practice. In light of its present underutilization, the City of Meryville must demonstrate that its testing procedures are job related and not adversely affecting minorities or females or else discontinue using them.

The attitudes expressed verbally and in printed form emphasize the serious lack of awareness of the city's obligations under Fair Employment Practices and existing law. It is unbelievable that a governmental employer, in this day and time and after eleven years of the Fair Employment Practice Act, should permit these conditions to still exist.

The United States Commission on Civil Rights reports that state and local governments are the largest single group of employers in the United States. In an effort to examine this segment of employer, that Commission conducted an extensive study of state and local governments

throughout the United States. In 1969 their findings were released in a report entitled For All the People . . . By All the People which said that government employers "have failed to fulfill their obligation to assure equal job opportunity." The report further noted that:

Not only do State and local governments consciously and overtly discriminate in hiring and promoting minority group members, but they do not foster positive programs to deal with discriminatory treatment on the job. Too many public officials feel that their responsibility toward equal employment opportunity is satisfied merely by avoiding specific acts of discrimination in hiring and promotion. Rarely do State and local governments perceive the need for affirmative programs to recruit and upgrade minority group members for jobs in which they are inadequately represented . . . Most State and local governments have failed to establish even rudimentary procedures to determine whether minority group members are assured equal employment opportunity.

Since the problems of racial tension, unemployment, underemployment and increased violence are problems which have been manifested at the local community level, the City of Emeryville will have to face these issues with positive efforts toward their alleviation. If these problems are to be successfully resolved, then all segments of our society must participate in providing equal opportunity for all of our citizens. If the City of Emeryville does not want larger governmental agencies to impose solutions to its problems, then it must be prepared to aggressively set about solving them or, by default, others will assume this responsibility.

In view of the present atmosphere existing with the City of Emeryville and because of the serious under-utilization of minorities, the need to take immediate affirmative steps in appearance. It does not appear that the City has yet begun to take effective steps to deal with this most serious problem, and efforts in this area must not be minimized. Therefore, in light of these considerations, the final section of this report dealing with recommendations may be the most critical in implementing an effective affirmative action program.

VII. RECOMMENDATIONS

1. The City Council should publicly issue a forthright non-discrimination policy statement regarding hiring, promotion, demotion, training, and conditions of employment. Compliance with this policy must be required of all city employees.

All internal publications should publish this statement of non-discrimination and efforts must also be undertaken to disseminate this statement to all city employees and insure they fully understand their obligation to comply with this policy.

2. An Equal Opportunity Coordinator, or Equal Employment Officer, should be designated for the purposes of administering an active affirmative action program. This individual should report directly to the City Council and be given the necessary authority to insure effective implementation and compliance with the program.

Such a person should have knowledge of minority communities, social action programs, civil rights organizations and activities, as well as knowledge relating to personnel methods and practices.

3. Increased efforts in minority recruitment must be instituted. This process should be flexible and decentralized, and individual departments must take a more active role.

Minority community organizations should continue receiving announcements of all job opportunities in the City. A more concerted effort should be made to develop personal contacts with these community organizations.

An "affirmative action file" should be established wherein applications from minority group members are placed in a separate file. When positions become available, a review of this file should be conducted to determine if qualifiable applicants are available. The use of this file should not require the exclusion from consideration of other applicants, but should be utilized only as another recruitment procedure.

Often a major source for new applicants is referral by present minority employees. However since the City of Emeryville has such few minorities in its present work force, minority representatives within the local community should be notified of existing vacancies and encouraged to refer their friends and acquaintances when opportunities are available.

4. All applications, questionnaires and required documents must be reviewed to determine their legality and appropriateness. Photographs (whether on Drivers Licenses or other documents) must no longer be used and documents indicating racial or ancestral designation may only be used after an applicant is appointed to a job. All questions or references to race, ancestry, national origin or sex must be discontinued immediately. The city should distinguish between "arrests" and "convictions".

The pre-employment process and all terms should be examined for any other non job related inquires or designations.

Any city employee or representative continuing to make inquires or request such documents as indicated in this part, should be brought to the Council's attention for disciplinary action as any law violator would under the City's Resolution #1597, Section 2, Paragraph (d).

5. In light of the present pattern of under-utilization and the obvious "adverse impact" the city's examinations are having on minorities and females, the city must review of all written examinations being utilized to determine (1) the relevancy of the test to the actual duties of the position, (2) evidence of content and criterion validity, and (3) the actual effect the examination has on under-utilized groups.

Those tests found to be eliminating disproportionately large numbers of minorities and females should be discontinued in favor of selection tools which have less adverse affect.

6. Regular in-service training classes should be developed for employees, at all levels, in the area of human relations and communications as they relate to the minority community. This training should be provided on a continuing basis and attendance should be mandatory.

The attitudes reflected by City Representatives and Department Heads underscore the critical need for such training.

7. Since the City employs only four full time females, all jobs within the city should be re-examined in order to greater utilize this large labor source. Departments or jobs which have in the past been restricted to just men should receive priority in bringing in women at all levels.

8. A continued review of job classifications should be conducted to determine if training programs can be developed or if trainees from other organizations, e.g., WIN, NYC, New Careers, ~~and~~ employed.

9. Specific goals and timetables should be established to increase the utilization of minorities and females and correct identifiable deficiencies. Any established goals should be realistic and obtainable.

10. A review of qualifications and abilities of present minority and female employees should be conducted to determine the possibility of upgrading or lateral movement into other job classifications that would be commensurate with the employees' abilities.

11. A contract compliance program should be developed to insure the utilization of minorities on all future city construction projects.

12. A semi-annual report should be submitted to the California Fair Employment Practice Commission not later than January 2, 1973. This report should include a current ethnic survey as well as an analysis of procedures attempted to institute the aforementioned recommendations. The success of any program depends on the ability to accurately evaluate its progress periodically, and make adjustments and changes wherever necessary.

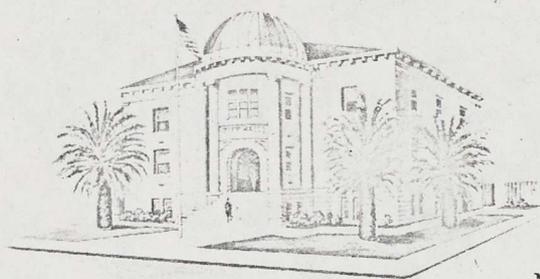
Memorandum**To :** Jerry Malugeon**Date :** March 22, 1972**cc:** Commissioner C. L. Dellums
Roger A. Taylor
James Mason**Subject:** Emeryville Study**From :** Department of Industrial Relations - L. E. Beane, Consultant

I conveyed the information to Commissioner Dellums and the plan was suitable to him.

In addition, he suggested that he would be at the Hearing in Los Angeles on Wednesday, the 29th and Thursday, the 30th. He suggested that he would have some time to see you then. Perhaps we could make a copy of the draft that Bobbie will be typing from or if she should have completed it by Wednesday evening, I could mail down to you special delivery so that you would get it Thursday morning.

I have a meeting in Sacramento the morning of Monday, March 27th, however, I shall be back in the office by 2:00 p.m.

LEB:bjm



P 71-72 A 7-0010
CLD: ell + jim

City of Emeryville

INCORPORATED 1896

OFFICE OF
CITY CLERK

EMERYVILLE, CALIFORNIA

New address: 2449 Powell Street

February 18, 1972

Commissioner C. L. Dellums
Fair Employment Practice Commission
P. O. Box 603
San Francisco, California

Subject: 1421 Investigation

Dear Commissioner Dellums:

This is to acknowledge receipt on February 17, 1972 of Consultant L. E. Beane's letter relative to the above subject.

I spoke to Mr. Beane by phone this date relative to his request for photostats of all of the applications received by the City for the Fireman's examination. He suggested that I write and explain the following.

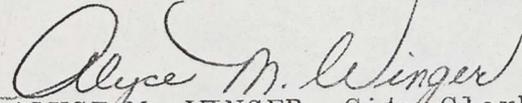
The City received 405 applications; however actually 206 candidates took the examination and 199 candidates failed to appear. Each application is four pages and in view of the number of applications would it be possible for someone from your office to review these here at City Hall or do you wish me to proceed with the copies.

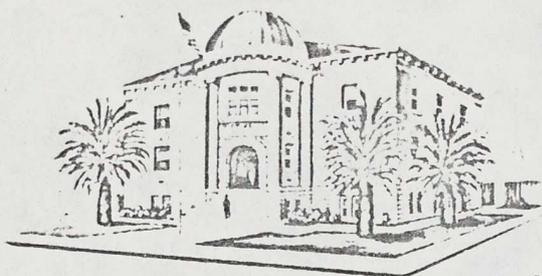
The Fireman's examination was prepared and conducted by the staff of the State Cooperative Personnel Services and we do not have the test or score sheets. I have written to them this date requesting a copy of this material be mailed to you, a copy of this letter is enclosed for your information.

Also enclosed is a copy of a letter to the undersigned dated October 18, 1971 from Goodyear K. Walker, Cooperative Personnel Services with the lists of the qualified and unqualified candidates for this examination.

I have forwarded the pattern survey's to the various department heads, however due to the holiday Monday, February 21, 1972 it may be more than a week before these are returned. We will make every effort to get them to you as soon as possible.

Very truly yours,


ALYCE M. WINGER, City Clerk
Enclosures



Town of Emeryville

INCORPORATED 1898

OFFICE OF
CITY CLERK

EMERYVILLE, CALIFORNIA

New address: 2449 Powell Street

February 18, 1972

Mr. Warren F. Schwegel
Selection Services Supervisor
State of California
Cooperative Personnel Services
1217 "H" Street
Sacramento, California

Subject: Fireman Examination, September 25, 1971.

Dear Mr. Schwegel:

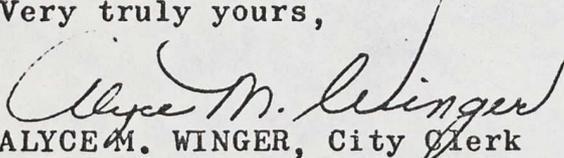
Enclosed is a copy of a letter received by the undersigned on February 17, 1972 from Mr. L. E. Beane, Consultant for the Fair Employment Practices Commission.

Please note his request in item (2), (c), (d) and (e). As you are aware your staff not only furnished but conducted and administered this Firemen's examination on September 25, 1971 for the City of Emeryville. Therefore would you kindly forward copies of said test and score sheets as requested to Commissioner C. L. Dellums of the Fair Employment Practices Commission.

Item (e) requests the individual test scores, I am forwarding to Commissioner Dellums a copy of Mr. Goodyear K. Walker's letter of October 18, 1971 with the lists of the qualified and unqualified candidates, as this is the only information we have received from your office.

Your prompt reply to this request will be appreciated.

Very truly yours,


ALYCE M. WINGER, City Clerk

AMW:a

cc: Commissioner C. L. Dellums

CALIFORNIA STATE PERSONNEL BOARD

COOPERATIVE PERSONNEL SERVICES

1217 H Street
Sacramento 95814714 W. Olympic Blvd.
Los Angeles 90015Sacramento, California
October 18, 1971

Mrs. Alyce M. Winger, City Clerk
Town of Emeryville
City Hall
Emeryville, CA 94608

Dear Mrs. Winger

Here are the lists of qualified and unqualified candidates for the Fireman examination. Since the test was administered on a pass/fail basis, there are no scores attached.

I am also enclosing three letters we have used to notify candidates of test results. Feel free to modify them for your purposes. If you have any questions, feel free to give me a call at any time.

Very truly yours

A handwritten signature in cursive script that reads "Goodyear K. Walker".

GOODYEAR K. WALKER
Personnel Analyst

GKW:jbs
Enc.

Pulliam, William D.

McQueen, Melvin E.

Lawson, Stephen

Chillers, Lloyd H.

Jamelo, Eddy M.

Carter, Ronald J.

Herndon, Herbert H.

Means, Joseph E.

Breedlove, James E.

Hill, Alvin E.

Johnson, Bernard B.

Agnew, Bennie J.

Grace, Charles

Johnson, James Jr.

Spearman, Gregory C.

Williams, Clyde D.

Clark, Alfred L.

Mapes, Michael A.

James, David A.

Taylor, Robert L.

Holloway, Vernon

Hinkston, Joseph

Condon, Michael N.

Pittman, Percy L.

Gallon, Berry L.

Taylor, Elihue D.

Martinez, Jose

Thomas, John B.

Wilson, Eugene G.

Williams, Maurice J.

30

Goss, Gregory E.

Fitzjearl, Michael A.

Christopoulos, Philip J.

Santos, Earl Jr.

Montoya, Donald L.

Bernal, Joseph H.

Morgenstern, Kenneth E.

Bolds, Jackie A.

Alexander, Jesse L.

Jones, Wendell

Harris, James H.

Pany, Guenter

Orn, Gary S.

Skally, Anthony C.

Dickey, Daniel M.

Permillion, Herbert L.

Springer, Frank G.

Mabrey, Roy C.

Lee, Mickey J.

Bryant, Willie

Thomas, Bob J.

Rodier, Roger H.

Norwood, Donald P.

Mejia, Manuel G.

Bell, Leavern R.

Viargues, John M.

Leslie, William A.

Alvarado, Steve L.

Long, Wyman D.

Archubeta, Donald S.

Lycne, Eric R.

Sims, Joseph T.

Hunter, Kenneth C.

Adams, Louis

Candelario, Michael A.

Roberts, Barry B.

Pawlowicz, Gary C.

Wilson, Lester

Stephens, Cleophas B.

Janson, Scott D.

Ford, Jimmie L.

Jeanpierre, James W.

Ledsinger, Larry D.

Evans, Kenneth

King, John P.

Watson, John H.

Williams, Logan

McNair, Jim T.

Lee, Willie C.

McIver, Malry C.

Young, David L.

Guiton, Oscar V. Jr.

Ross, William Jr.

Jewell, Al F.

QUALIFIED - Fireman City of Emeryville - 9-25-71

Mettle, Jonathan W.	Silva, Ronald J.
Pflaum, Sterling P.	Palmer, John E.
King, Signey E.	Harvey, John W.
Ellis, Lowell C.	Tabacco, Paul J.
Scholor, Gary P.	Almand, Jerry L.
Blackwell Mike J.	Hofmann, Peter R.
Newton, George M. Jr.	Van Sant Brian, R.
Belcher Steven W.	Thompson, Dennis W.
Freeman, Alvie D.	Stevens, Robert D.
Venables, Marchand L.	Ellison, Burt E.
Richards, Byron J.	MacMillan, Roderic, S.
Brown, Robert F.	Robarge, John M.
Rathbun, Norman H.	Mullan, Thomas M.
Norris, Kenneth J.	Ivica, Frank J. Jr.
Mullaney, Edward F.	Hammond, John C.
Lemon, Allan D.	Hess Richard A.
Fivash, James C.	Lendl, Carl L.
Litchfield, Herbert S.	Geddes, John L.
Phillips, John S.	Cambra, Michael G.
Schell, Michael B.	Meiers, Mark C.
Bruning, Wayne M.	Li, Ernest F.
Watkins, Gordon A.	Barlow, James E.
Jackson, Dean W.	Gregoire, George G.
McLaren, James T.	Walker, Clark W.
Berger, Douglas	Di, Guilio, Paul E.
Payne, Larry A.	Broussard, Gus
Cresswell, Richard E.	Clayworth, Robert C.

QUALIFIED - Fireman City of Emeryville - 9-25-71

Capra, James J.	Powell, Jimmie M.
Roche, Stephen L.	Souza, Ronney J.
Sowell, William D.	Wilson, Ronald C.
Reed, Elias R.	Weston, Phillip W.
Crosby, Billy J.	Andrewski, Roger A.
Hartley, Terry J.	Wood, Dudley C.
Cristiani, Gary L.	Baireuther, Robert J.
Mullen, Patrick J.	Gailey, Wayne B.
McGreehan, Albert J.	Irish, Glenn W.
Grijalva, William F.	Kearn, Kirk E.
Sandoval, Harold J.	Blackwell, Verlin D.
Scott, Mark L.	Green, Ernest C.
Gross, Stephen A.	West, Henry S.
Tatom, Richard Jr.	Young, Ashley K. Jr.
Friedrich, John C.	Leca, Henry P.
Stamps, Charles L.	Hopps, Don W.
Lewis, Steven A.	Souza, Jayme A.
Stapleton, Lance E.	Gomez, Andrew B.
Harris, Benjamin J. Jr.	Burnside, Kenneth J.
Filippini, Ernest J.	Kish, Jack B.
Holmes, Alfred T.	Hendershot, Ronald W.
Doell, Carl Ted	Jeros, Robert M.
Silva Mitchell A.	Kraftschik, Robert C.
Clark, Hurey G.	Royster, Stanley L.
Whitworth, Jerry W.	LaRiviere, David J.
Wheeler, Jerry L.	Mason, Charles J.
Hudson, Norman H.	Walters, Terry C.
Miller, Robert C.	Magby, Dennis C.

QUALIFIED - Fireman City of Emeryville - 9-25-71

McJilton, Michael S.
Massone, Michael T.
Powell, Dalton H.
Smith, James J.
Flotten, John H.
DeOliveira, Edward C.
Harry, William R.
Corrigan, John F.
Murray, William D.
Victoria, George A.
Shelling, Bobby W.
Moragne, David C. Jr.

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO 557-2600

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101

PIER A. GHERINI
Chairman

GEORGE C. BOND

C. L. DELLUMS

MARK CUERRA

CATHERINE L. MONTGOMERY

STELLA C. SANDOVAL

J. M. STUCHEN

PAUL A. MEANEY
Executive Officer

February 17, 1972

This one

Honorable Donald J. Neary, Mayor
The City of Emeryville
City Hall
Emeryville, California

Dear Mayor Neary:

I was pleased to see you again when we met last Friday, February 11, 1972, for the purpose of officially opening the Fair Employment Practice Commission investigation of the employment policy and its results of the City of Emeryville. I wish to express my thanks and appreciation for you stating, that the City Administration would cooperate with us completely, and would supply the members of our staff with any information they may desire, and that you will further make available, upon appointments, any officials or representatives of the City that our staff would desire to confer with.

As stated to you in the conference, it is our desire to complete this investigation as expeditiously as possible, and we have set a maximum of eight weeks from last Friday, and we hope to complete it in less time.

As stated to you in the conference, we hereby officially request that the City make no appointments, other than of an emergency nature, and that such would be temporary until our investigation is completed, and I would appreciate hearing from the City officially on this request.

As soon as the investigation is completed copies of it will be sent to every member of the Council, and we will try to work out a mutually agreeable time when all of the Council members can meet with us and the staff to discuss our findings, and I'm hopeful at that time we will have some helpful recommendations to make to the City.

We give no publicity to any such investigation during its progress, but the meeting in which the report is discussed would naturally be an open meeting.

Very truly yours,

CLD:cr

C. L. Dellums
Commissioner

CC: L. E. Beane
Jerry Malugeon

Roger Taylor
Wayne Curtis

Alyce Winger, City Clerk
City of Emeryville

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO 557-2000

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101



PIER A. GHERINI
Chairman
C. L. DELLUMS
D. D. DIERS
MARK GUERRA
CATHERINE L. MONTGOMERY
STELLA C. SANDOVAL
J. M. STUCHEN

PAUL A. MEANEY
Executive Officer

February 15, 1972

Honorable Donald J. Neary, Mayor
The City of Emeryville
City Hall
Emeryville, California

Dear Mayor Neary:

It was a pleasure to have met with you again last Friday, February 11, 1972. As agreed to at that time, I am hereby putting the understanding we reached in writing.

(1) It is my desire, as well as the desire of the staff that this 1421 investigation into the entire selection procedures of the City of Emeryville, authorized at the 159th meeting of the Commission on February 3, 1972, be conducted as expeditiously as possible. It is our desire that the investigation takes no longer than eight weeks.

(2) In the spirit of the above, we request that the City makes no permanent civil service appointments until the investigation is completed.

(3) We request that the City Council acknowledges our request above in writing as immediately as possible.

I would like to raise another point which we had not discussed at the meeting. The Fair Employment Practice Commission on its part pledges to give the Emeryville investigation no publicity until the investigation is completed and a report issued. I believe it would be helpful to the investigation, and to all concerned, if the City took the same stand.

Yours very truly,

C. L. Dallus
Commissioner

CLD:bjm

cc: L. E. Eeane
Jerry Malugeon

Roger A. Taylor
Wayne Curtis

Alyce Winger, City Clerk
City of Emeryville

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO 557-2000

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101



PIER A. GHERINI
Chairman
GEORGE C. BOND
C. L. DELLUMS
MARK GUERRA
CATHERINE L. MONTGOMERY
STELLA C. SANDOVAL
J. M. STUCHEN
PAUL A. MEANEY
Executive Officer

February 14, 1972

Mr. C. E. Fletcher
City Attorney
Town of Emeryville
Emeryville, California

Dear Mr. Fletcher:

Thank you for your letter of February 9th. As you doubtless know, the investigation which the Fair Employment Practice Commission is undertaking in the City of Emeryville stems from a request made to the Commission by the Emeryville Citizens for Better Government through the Legal Aid Society of Alameda County. The Commission undertook this action on February 3, 1972 under the authority of Section 1421 of the Fair Employment Practice Act. A Commissioner and Consultants were assigned to the case and will meet with you soon, if they have not done so already. All aspects of handling the investigation rest with the assigned Commissioner, Mr. C. L. Dellums, and I will see to it that he receives your February 9th letter.

As for release of information to the press, it is not our practice to release information on Section 1421 investigations to the press, and it was not done in this instance. As you are probably aware, our meetings are public, and at the February 3rd meeting in which Emeryville was discussed, spectators and representatives of newspapers and radio were present. It is also possible that information was released by the parties requesting the investigation.

I hope this letter will serve to answer your concerns, and I hope your meetings with Commissioner Dellums will prove of benefit to your city.

Thank you for writing.

Sincerely,

Paul A. Meaney
Executive Officer

PAM:lc

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO 557-2000

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101



PIER A. GHERINI
Chairman
C. L. DELLUMS
D. D. DIERS
MARK GUERRA
CATHERINE L. MONTGOMERY
STELLA C. SANDOVAL
J. M. STUCHEN

PAUL A. MEANEY
Executive Officer

February 7, 1972

Honorable Donald J. Neary, Mayor
The City of Emeryville
City Hall
Emeryville, California

Dear Mayor Neary:

This is to verify the appointment worked out through Mrs. Winger for you to meet with Commissioner C. L. Dellums at his office on Friday, February 11, 1972 at 1:00 p.m. in Room 1193 in connection with the 1421 investigation authorized by the Fair Employment Practice Commission.

Yours very truly,

L. E. Beane
Consultant

LEB:bjm

cc: Commissioner C. L. Dellums
Mr. Roger A. Taylor
Mr. Jerry Malugeon
Mr. James Mason
Mr. Wayne Curtis

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO 557-2000

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101



PIER A. GHERINI

Chairman

C. L. DELLUMS

D. D. DIERS

MARK GUERRA

CATHERINE L. MONTGOMERY

STELLA C. SANDOVAL

J. M. STUCHEN

PAUL A. MEANEY

Executive Officer

February 2, 1972

Honorable Donald J. Neary, Mayor
The City of Emeryville
City Hall
Emeryville, California

Dear Mayor Neary:

I regret that it is necessary that Commissioner Dellums attends to legal hearings in Los Angeles on Friday, February 11, 1972. Consequently, he will not be able to meet with you at 10:00 a.m. as he had requested.

When he returns from Southern California, I will work out another appointment to the convenience of you both.

Yours very truly,

L. E. Beane
Consultant

LEB:bjm

cc: Commissioner C. L. Dellums

Memorandum

To : James Mason, A. A. Coordinator

Date : January 31, 1972

cc: C. L. Dellums, Commissioner ✓
 Roger A. Taylor
 Jerry Malugeon
 Wayne Curtis

Subject: Emeryville Fire Department:
 Request for 1421
 Investigation

From : Department of Industrial Relations - L. E. Beane *L. E. Beane*
 Affirmative Action Consultant

In reply to your memo dated January 18, 1972, I have contacted Attorney Stephen Ronfeldt of the Legal Aid Society of Alameda County; Mr. and Mrs. Androse Calhoun and B. T. Wallace of Emeryville Citizens for Better Government; Mrs. Alyce Winger, City Clerk of Emeryville; Consultant W. R. Rosenberg (A6005 LaRue vs. Emeryville, City of; Police Department) and Commissioner C. L. Dellums who has been active from time to time in the Emeryville situation since 1965.

I collected a considerable amount of information which hopefully will be used in the case at a later date.

As you know, the Emeryville Citizens for Better Government is currently suing Emeryville in the United States District Court for the Northern District of California (the Legal Aid Society, Stephen Ronfeldt, handling the case) for alleged discriminatory action on the part of the Fire Department. The case has been filed under the Civil Rights Act.

Emeryville has a fire department of 40 men. There has never been a Negro fireman in spite of the fact that almost 40% of the population of Emeryville is Negro, and that the whole community of 2,000 residents is surrounded by Negro areas.

A test was given recently because of projected large retirements in the fire department. Almost a thousand men took the written part of the examination, including several hundred Negroes from nearby Merritt Community College who were recruited by Emeryville Citizens for Better Government. We do not know how many of these passed the written test. However, if examination is traditional, we know that it is highly discriminatory to Negroes and Mexicans from a cultural point of view. Oral examinations have not been scheduled as yet.

Emeryville Citizens for Better Government and the Legal Aid Society of Alameda County would like to have the examination held up until the test can be reviewed as to its reliability and validity. The FEPC has been very interested in this occupational area where discrimination is achieved largely through prejudiced examination and discriminatory hiring practices are so chronic. As you are aware also, the national and state associations of fire fighters are strongly opposed to these changes that would flow naturally from the Griggs versus Duke Power case. Thus, what might seem like a small legal or investigatory problem is certain to have national and state backing and repercussions. As a matter of fact, there are several cases currently in Court, including one in Sacramento.

While I lean heavily in the direction of recommending that the Commission order an investigation of the Emeryville Fire Department, I do not feel that I have had the time to cover all the bases that should be covered in such an important investigation.

I have discussed this matter with Commissioner C. L. Dellums, who has followed the problems in this community for many year and who was discussing the fire department situation with Attorney Ronfeldt as little as two weeks ago.

On that basis we decided to send a letter to Donald J. Neary, Mayor of Emeryville asking him to meet with us on Friday, February 11, 1972 at 10:00 A.M. in the FEPC office. At that time we will discuss the problem with him and, if necessary, request him to hold up the examination until the test can be reviewed and evaluated.

A specific recommendation to the Commission will await this meeting.

LEB:lc

Memorandum

To : Roger Taylor, Assistant Chief

Date : January 31, 1972

cc Paul Meaney
Robert H. Hine
James H. Mason
L. E. BeaneSubject: CITY OF EMERYVILLE
1421 Request

Preliminary Investigation Report

From : Department of Industrial Relations

Jerry Malugeon, Affirmative Action Consultant

This memorandum is the Preliminary Investigation Report on the pending 1421 Investigation with the City of Emeryville.

As previously noted, this request came from the Legal Aid Society of Alameda County. The original request specified the Emeryville Fire Department as having hiring practices which created adverse impact on the citizens of Emeryville and the surrounding community.

The preliminary investigation included gathering information from the above-cited group, as well as numerous attempted contacts with the city itself. It should be pointed out, however, that attempts to communicate with city officials were frustrated in the attempts by postponements, broken appointments, and general unconcern on the part of the city. The following is a finding of all preliminary inquiries.

- In a recent written examination for the city's fire department, fewer than 28% of the Black and Mexican Americans who took the test were successful while over 80% of the white applicants passed. This obvious "adverse impact" occurred as a result of a written selection procedure which has never been subject to any validation study.
- Although 42% of the city's population is minority (even not including Spanish surnamed), the city has fewer than 5% total minority employment.
- The city has never had a Black fireman since it began in 1896 even though nearly 40% of the community served is Black.
- When tabulating its minority employees recently, the city included ten Italians, an Englishman, one Yugoslavian, one Portuguese, one Russian, and one Frenchman in its count, thus underlining the city's lack of capacity for understanding the real problems within the community.
- Various community groups, including this agency, have attempted to meet with city officials and implement some positive affirmative steps in hopes of correcting existing deficiencies. All persuasive attempts have been met with resistance and ultimate failure.

On the basis of the above, we are recommending that the Commission authorize an investigation into the entire selection procedures of the City of Emeryville under Section 1421 of the Labor Code.

Jtak

Legal Aid Society of Alameda County

MODEL CITIES UNIT

2357 SAN PABLO AVENUE
OAKLAND, CALIFORNIA 94612

Telephone 465-4376

January 28, 1972

Mr. Roger Taylor
Assistant Chief
Fair Employment Practices Commission
455 Golden Gate Avenue
San Francisco, California 94102

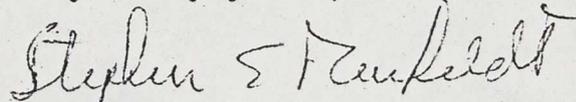
Dear Mr. Taylor:

Thank you for your letter of January 12, 1972. Members of your staff have been diligently investigating the facts concerning our claim of discrimination in the hiring practices by the City of Emeryville. Our office has already undertaken a very extensive investigation of these hiring practices, and I understand that there have been other previous investigations, including one by F.E.P.C. So, it should not take a great deal of time to verify our claims.

Your letter stated that you doubt if our request would be considered by the Commission on its February agenda. If at all possible, I would urge the Commission to consider this matter on the February agenda. My immediate concern is that the fire department is now proceeding with hiring applicants. If some actions is not taken immediately, the oral examinations will be given and the eligibility list will be established, leaving no opportunity for hiring minorities for the next two years. In such a case the investigation would not be nearly as worthwhile. If I can personally do anything to assist your staff in obtaining the necessary facts within the required time period for the February agenda, please let me know immediately.

Thank you for taking an interest in this matter.

Very truly yours,



Stephen E. Ronfeldt
Attorney at Law

SER:cw

cc: Duane, Richard
1504 Franklin Street
Oakland, California

Clifford Sweet
1815 Telegraph Ave
Oakland, California

Beane, L.E.
Fair Employment Practices Commission
455 Golden Gate Avenue
San Francisco

Calhoun, Androse
1247 54th Street
Emeryville, California

Taylor, Roger
Assistant Chief
Fair Employment Practices Commission
455 Golden Gate Ave

Nalugeon, Jerry
FEPC
322 West First Street
Los Angeles, California

Legal Aid Society of Alameda County

2357 SAN PABLO AVENUE
OAKLAND, CALIFORNIA 94612
Telephone 465-3833

January 10, 1972

Mr. Roger Taylor
Assistant Chief
Fair Employment Practices Commission
455 Golden Gate Avenue
San Francisco, CA 94102

Dear Mr. Taylor:

On behalf of the Emeryville Citizens for Better Government and certain minority individuals from Oakland, seeking to become firemen, I am requesting a prompt investigation by the F.E.P.C. into the hiring practices of the Emeryville Fire Department. This request is made pursuant to section 1421 of the Labor Code.

Never, in its over 50 year history, has the Emeryville Fire Department had one black fireman, even though City of Emeryville is located in one of the most densely populated minority areas on the West Coast. According to the 1970 Census, approximately 37.5% of Emeryville's 2,681 residents are black; another 5.2% are other minority, not including Spanish surnames. Immediately surrounding Emeryville are the very densely populated minority areas of South Berkeley (approximately 76% black), North Oakland (75.3%) and West Oakland (approximately 61.8% Black).

The Emeryville Fire Department emphasizes that they really have 25 "minorities" out of their 42 man force:

Ten Italians; three Irish Indians; one English. Scotch Indian; two Indians; one Yugoslavian; one Spanish Portuguese; one Spanish surname; one Russian and one French.

The ethnic makeup only further demonstrates their closed in selection system. The "minorities" on the Emeryville Fire

Department are not^{at} all representative ethnic makeup of the area. Just as revealing is the fact that as of November, 1970, only 1 of over 120 Emeryville city employees was black, and he was a street sweeper.

Our request for your prompt investigation is made because the Emeryville Fire Department is in the midst of hiring additional firemen. The written examination was recently given to the applicants by the Cooperative Personnel Services (C P S) of the State Personnel Board. The oral examination and physical agility test have not yet been given. Emeryville has made some improvements in its hiring procedures but not nearly enough to ensure equal employment opportunity.

The C P S written examination is clearly discriminatory. Even at a pass fail mark lowered to 56 only 17 of 67 (25%) blacks and 5 of 11 (27%) mexican americans passed while 99 of 127 (80%) whites passed. This extreme discrepancy is wholly inexcusable, particularly since the job of firefighting is basically nonverbal. Less discriminatory examinations or alternative hiring procedures must exist. The C P S written examination has never been professionally validated as to minorities, even though having a representative ethnic sample for validation is one of the most basic requirements for validation. See, e.g., the EEOC. Guidelines, Minimum Standards for Validation, 29 C.F.R. 1607.5.

The F.E.P.C. should be particularly concerned with this discriminatory C P S examinations. This exam is given in many other fire departments throughout the State of California, and it is well known that fire departments are amongst the most discriminatory agencies in the State. I understand that the F.E.P.C. is well equipped with testing experts who could review the validity of this exam. Other aspects of the city's hiring procedures such as the oral and physical exams and the recruitment practices should also be reviewed. The F.E.P.C. is the single agency with the authority, resources, and mandate to undertake such an investigation.

The Emeryville Citizens for Better Government have over a year ago petitioned (with 500 signatures) the Emeryville City Council to change its discriminatory hiring procedures. Our office, along with a private attorney, Mr. Richard Duane, filed suit against the both the Emeryville police and fire department for discriminatory hiring practices. In both cases we won motions to dismiss before Judge Swiergert in the Federal District

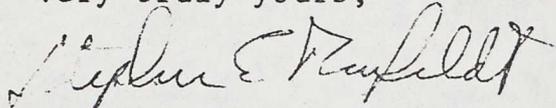
Court. In an attempt to expeditiously settle this case we have offered to the City Council to submit the hiring procedures to arbitration by mutually agreed upon members of the F.E.P.C. The Emeryville City Council has very recently declined this offer. The City Council has also refused to consider any type of preferential hiring program for minorities. They now seek to rely in the written examination results and will move ahead with their other procedures.

Mr. Jerry Nalugeon, affirmative action consultant for F.E.P.C., has on several occasions given assistance and advice on this case. Due to his prior involvement and familiarity with the case, we request his participation in the investigation by F.E.P.C.

A reply from you in the nearest possible future would be greatly appreciated. Some action must be taken almost immediately or the City of Emeryville will proceed with the results of its written examination.

Thank you in advance for your responsive consideration of this matter.

Very truly yours,



Stephen E. Ronfeldt
Attorney at Law

SER:cw

cc: Mr. Androse Calhoun, President
Emeryville Citizens for Better Government

Mr. Clifford Sweet, Director
Legal Aid Society of Alameda County

Mr. Richard Duane, Attorney, Meade and Duane

Mr. Jerry Nalugeon
Affirmative Action Consultant, F.E.P.C.

Suggested draft reply to Emeryville

*CM has copy of
this & it will be sent
as soon as he is
available to
sign it*
12

Dear Mr. Fletcher:

Thank you for your letter of February 9. As you doubtless know, the investigation which the Fair Employment Practice Commission is undertaking in the City of Emeryville stems from a request made to the Commission by the Emeryville Citizens for Better Government through the Legal Aid Society of Alameda County. The Commission undertook this action on February 3, 1972 under the authority of Section 1421 of the Fair Employment Practice Act. A Commissioner and a Consultant were assigned to the case and will meet with you soon, if they have not done so already. All aspects of handling the investigation rest with the assigned Commissioner, Mr. C. L. Dellums, and I will see to it that he receives your February 9 letter.

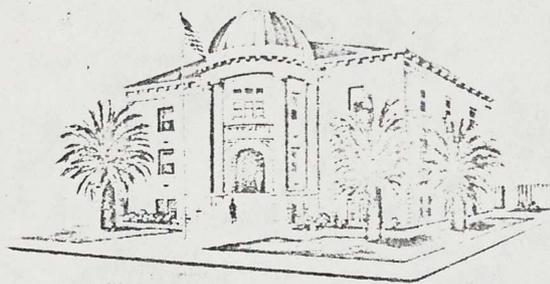
As for release of information to the press, it is not our practice to release information on Section 1421 investigations to the press, and it was not done in this instance. As you are probably aware, our meetings are public, and at the February 3 meeting in which Emeryville was discussed, spectators and representatives of newspapers and radio were present. It is also possible that information was released by the parties requesting the investigation.

I hope this letter will serve to answer your concerns, and I hope your meetings with Commissioner Dellums will prove of benefit to your city.

Thank you for writing.

Sincerely,

Paul A. Meaney



Town of Emeryville

INCORPORATED 1896

OFFICE OF
CITY ATTORNEY

EMERYVILLE, CALIFORNIA

February 9, 1972

Fair Employment Practice Commission
455 Golden Gate Avenue
San Francisco, California

Re: City of Emeryville

Gentlemen:

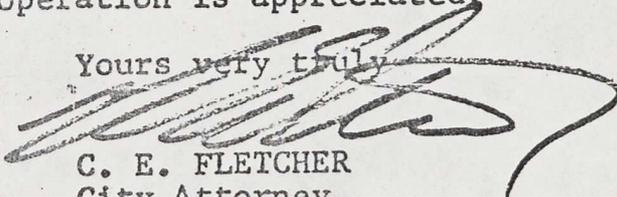
As you are probably aware from our numerous telephone calls, we have been attempting to find out the specific nature of the charges someone has lodged with the Fair Employment Practice Commission regarding hiring practices in Emeryville. It is my understanding from talking with the City Clerk that copies of the specific charges were in the mail to the City. However, on checking again with the City Clerk this date, no charges or any information has been furnished.

As you are undoubtedly aware, the Mayor and the City Council are quite concerned and would like an opportunity to review immediately the specific charges made. The Mayor, the Honorable Donald J. Neary, has asked that I make a formal request for copies of any specific charges. He has informed me that he did receive a registered letter stating the Commission has authorized an investigation and that Commissioner Dellums has been assigned the Commissioner in charge. However, no further information on what the charges might be was included.

On checking with Mrs. Tracy, your information officer, I was informed that the Commission has given no formal statement to the public and yet quite unfortunately the newspaper, radio and television media refer to a holding of the Commission and a public statement made by someone there and we are quite interested in determining the source of the statement if made, and if it was not made, have a press release correcting the unfortunate misstatement.

Your immediate cooperation is appreciated.

Yours very truly


C. E. FLETCHER
City Attorney

F:M
cc - Mayor Neary

THE INDUSTRIAL CITY OF THE WEST

Legal Aid Society of Alameda County

2357 SAN PABLO AVENUE
OAKLAND, CALIFORNIA 94612
Telephone 465-3833

January 10, 1972

Mr. Roger Taylor
Assistant Chief
Fair Employment Practices Commission
455 Golden Gate Avenue
San Francisco, CA 94102

Dear Mr. Taylor:

On behalf of the Emeryville Citizens for Better Government and certain minority individuals from Oakland, seeking to become firemen, I am requesting a prompt investigation by the F.E.P.C. into the hiring practices of the Emeryville Fire Department. This request is made pursuant to section 1421 of the Labor Code.

Never, in its over 50 year history, has the Emeryville Fire Department had one black fireman, even though City of Emeryville is located in one of the most densely populated minority areas on the West Coast. According to the 1970 Census, approximately 37.5% of Emeryville's 2,681 residents are black; another 5.2% are other minority, not including Spanish surnames. Immediately surrounding Emeryville are the very densely populated minority areas of South Berkeley (approximately 76% black), North Oakland (75.3%) and West Oakland (approximately 61.8% Black).

The Emeryville Fire Department emphasizes that they really have 25 "minorities" out of their 42 man force:

Ten Italians; three Irish Indians; one English. Scotch Indian; two Indians; one Yugoslavian; one Spanish Portuguese; one Spanish surname; one Russian and one French.

The ethnic makeup only further demonstrates their closed in selection system. The "minorities" on the Emeryville Fire

Department are not^{at} all representative ethnic makeup of the area. Just as revealing is the fact that as of November, 1970, only 1 of over 120 Emeryville city employees was black, and he was a street sweeper.

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The C P S written examination is clearly discriminatory. Even at a pass fail mark lowered to 56 only 17 of 67 (25%) blacks and 5 of 11 (27%) mexican americans passed while 99 of 127 (80%) whites passed. This extreme discrepancy is wholly inexcusable, particularly since the job of firefighting is basically nonverbal. Less discriminatory examinations or alternative hiring procedures must exist. The C P S written examination has never been professionally validated as to minorities, even though having a representative ethnic sample for validation is one of the most basic requirements for validation. See, e.g., the EEOC. Guidelines, Minimum Standards for Validation, 29 C.F.R. 1607.5.

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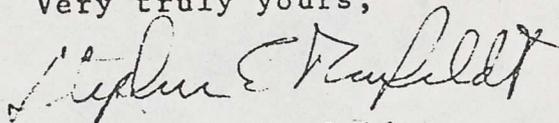
Court. In an attempt to expeditiously settle this case we have offered to the City Council to submit the hiring procedures to arbitration by mutually agreed upon members of the F.E.P.C. The Emeryville City Council has very recently declined this offer. The City Council has also refused to consider any type of preferential hiring program for minorities. They now seek to rely in the written examination results and will move ahead with their other procedures.

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A reply from you in the nearest possible future would be greatly appreciated. Some action must be taken almost immediately or the City of Emeryville will proceed with the results of its written examination.

Thank you in advance for your responsive consideration of this matter.

Very truly yours,



Stephen E. Ronfeldt
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Mr. Clifford Sweet, Director
Legal Aid Society of Alameda County

Mr. Richard Duane, Attorney, Meade and Duane

Mr. Jerry Nalugeon
Affirmative Action Consultant, F.E.P.C.

4345 Adeline Street
Emeryville, Ca. 94608
January 19, 1972

F. E. P. C.
455 Goldengate Avenue
San Francisco, Ca 94101

To the Fair Employment Practices Commission:
Gentlemen:

We the members of Emeryville Citizens For Better Government (E.C. B. G.) request your assistance in investigating the hiring for The City of Emeryville.

We beleive the practices to be discriminatory in that we heve a 40% ratio of mimorities who reside within the city, while only three persons of the minority race are presently employed by the City of Emeryville.

As an organization and as law abiding citizens, we have exhausted every peaceful means of righting these wrongs. ^{Any}

consideration or assistance that your office can give in correcting these long overdue injustices will be greatly appreciated.

B. T. Wallace

B. T. Wallace,
President E. C. B. G.

CITY OF EMERYVILLE: Chief Meaney indicated that the Legal Aid Society of Alameda County had submitted a request for a Section 1421 investigation. Attorney Ronfeldt was prepared to appear before the Commission today. The Chief suggested that this request be discussed as first item of business, so that Attorney Ronfeldt can be notified that his appearance is not necessary. Consultant Malugeon reported on his preliminary investigation, during which attempts to communicate with city officials were frustrated by postponements, broken appointments and general unconcern on the part of the city. The consultant found that in a recent written examination of the city's Fire Department (which has never been subject to any validation study), fewer than 28% of the blacks and Mexican Americans who took the test were successful, while over 80% of the white applicants passed. Although 42% of the city's population is minority, the city has fewer than 5% minority employment. The city has never had a black fireman since 1896, even though nearly 40% of the community served is black. On the basis of the foregoing, it was staff's recommendation that the Commission authorize a Section 1421 investigation into the entire selection procedures of the City of Emeryville. Commissioner Stuchen so moved, Commissioner Diers seconded and the motion was carried unanimously. Commissioner Dellums was assigned to this investigation.

Memorandum

To : Roger Taylor, Assistant Chief

Date January 31, 1972

cc Paul Meaney
Robert H. Hine
James H. Mason
L. E. Beane ✓Subject: CITY OF EMERYVILLE
1421 Request

Preliminary Investigation Report

From : Department of Industrial Relations

Jerry Malugeon, Affirmative Action Consultant

This memorandum is the Preliminary Investigation Report on the pending 1421 Investigation with the City of Emeryville.

As previously noted, this request came from the Legal Aid Society of Alameda County. The original request specified the Emeryville Fire Department as having hiring practices which created adverse impact on the citizens of Emeryville and the surrounding community.

The preliminary investigation included gathering information from the above-cited group, as well as numerous attempted contacts with the city itself. It should be pointed out, however, that attempts to communicate with city officials were frustrated in the attempts by postponements, broken appointments, and general unconcern on the part of the city. The following is a finding of all preliminary inquiries.

- In a recent written examination for the city's fire department, fewer than 28% of the Black and Mexican Americans who took the test were successful while over 80% of the white applicants passed. This obvious "adverse impact" occurred as a result of a written selection procedure which has never been subject to any validation study.
- Although 42% of the city's population is minority (even not including Spanish surnamed), the city has fewer than 5% total minority employment.
- The city has never had a Black fireman since it began in 1896 even though nearly 40% of the community served is Black.
- When tabulating its minority employees recently, the city included ten Italians, an Englishman, one Yugoslavian, one Portuguese, one Russian, and one Frenchman in its count, thus underlining the city's lack of capacity for understanding the real problems within the community.
- Various community groups, including this agency, have attempted to meet with city officials and implement some positive affirmative steps in hopes of correcting existing deficiencies. All persuasive attempts have been met with resistance and ultimate failure.

On the basis of the above, we are recommending that the Commission authorize an investigation into the entire selection procedures of the City of Emeryville under Section 1421 of the Labor Code.

JM:ak ak

Memorandum

To : Commissioner, C. L. Dellums

Date : October 1, 1973

Subject: Emeryville

From : Department of Industrial Relations, L. E. Beane

I am returning herewith your file. Our copy of this file has been found.

I have placed in your file a copy of RESOLUTION 73-70, the Affirmative Action program prepared by Sheppard Associates which was adopted by the City Council on July 23, 1973, but was not received in this office until last week.

I expect to critique the program later in the week and will send you a copy of my report.

LEB
cc

RESOLUTION NO. 73-70

RESOLUTION AMENDING RULES AND REGULATIONS FOR CIVIL SERVICE SYSTEM, RESOLUTION NO. 1597 IS AMENDED AS FOLLOWS: DELETE RULES IV, V, VI AND SECTION 1 OF RULE VII, SECTIONS 2 AND 3 OF RULE VII WILL BECOME RULE V

WHEREAS, the City Council is authorized and directed to formulate and adopt rules and regulations for the administration of the Civil Service System;

NOW, THEREFORE, the City Council of the City of Emeryville does rescind Rules IV, V, VI and Section 1 of Rule VII and Sections 2 and 3 of Rule VII will become Rule V of Ordinance No. 1597 and does adopt Rule IV as hereinafter set forth:

AMENDED CIVIL SERVICE RULES AND REGULATIONS OF THE
CITY OF EMERYVILLE

INTRODUCTION

The following new procedures embrace the following equal employment opportunity practices:

- HIRING GOALS

Each City Department alternately hires minorities until department parity is reached and maintained. Parity is reached when the work force reflects the ethnic composition of the City of Emeryville. At least 50% of total minority appointments within a given department shall be Black.

- FORMATION OF ELIGIBILITY LISTS

Separate eligibility lists for minority and non-minority candidates are formed. Candidates are ranked A, B, or C and listed alphabetically within each category.

- ORAL INTERVIEW BOARD

The Oral Interview Board has minority and community representation and the authority to establish the dual eligibility lists. The Oral Interview Board is provided with guidelines, and the operation of the Board is monitored by a staff member from the State Personnel Board (Cooperative Personnel Services referred herein as CPS). Interviews are randomly selected from all candidates who pass the qualifying examinations.

- WRITTEN EXAMINATIONS

All written examinations are developed, proctored and graded by the State Personnel Board (Cooperative Personnel Services). The written examination is graded pass - fail.

*Low 5/11 F.F.
filed 5/11
M. J. Nelson
vickie
J. Anderson*

- AGILITY EXAMINATION AND HEIGHT/WEIGHT CHECK

Requirements for passing the agility test and the height/weight check are lowered, in keeping with policies of other Bay Area cities. Both the agility and written examinations are considered qualifying in order to proceed to random selection for the oral interview.

- SELECTION OF APPOINTEES

Department heads and two other department members appointed by the City Council select the appointee from the appropriate eligibility list.

- RECRUITMENT

Job announcements and examination information are distributed to a diverse group of potential employees. Information about job opportunities is posted throughout the Emeryville community, including a statement of Emeryville's equal employment opportunity policy.

- NOTICES OF EXAMINATIONS

Notices of Examinations are attractive and positively written. Information about the number of openings and Emeryville's hiring and selection policy are delineated.

- APPLICATION PROCESS

Information requirements are modified to elicit only job-related information, and application procedures are simplified and streamlined.

RULE IV

PROCEDURES TO BE FOLLOWED - CIVIL SERVICE POSITIONS

- STEP ONE: The Personnel Clerk shall contact Cooperative Personnel Services and make arrangements for:

- (a) Scheduling, content and administration of written examination;
- (b) Scheduling, formation and administration of oral examination.

The Personnel Clerk shall provide CPS with:

- (a) CPS examination order form;
- (b) Job description or specification;
- (c) Outline of selection policy and procedures for the City of Emeryville.

- STEP TWO: Formulate Notice of Examination

Notice shall be prepared by the Department Head and

Personnel Clerk utilizing guidelines for revision of present announcements.

- STEP THREE: Carry Out Recruitment Procedures

Send out and post notices of examination.

- STEP FOUR: Accept Applications

Applications shall be accepted until the date and time specified as the deadline filing date on the Notice of Examination, not less than 1 1/2 months from the start of recruitment procedures. Along with the application form, a list of textbooks and ongoing preparatory courses shall be provided to assist applicants in preparing for the written examination.

A written note shall be kept of the race and sex of all applicants.

- STEP FIVE: Screen Applicants

Applications shall be screened to determine where minimum requirements or qualifications, as stated on the Notice of Examination, are not met. These requirements may refer to:

- Age
- Height/ weight
- Education or training
- Medical history

- STEP SIX: Notification to Applicant

Written notification shall be sent to each applicant acknowledging receipt of his/her application. Those who have passed the screening phase shall be informed of the examination schedule including date, time, location, length of examination. Some explanation of the content of the examination such as a pre-test or sample test questions shall be provided.

Those who have not passed the screening phase shall be informed of the reason for disqualification.

- STEP SEVEN: Written Examinations

The written test shall be held ten days subsequent to the deadline date for filing of applications. Construction, administration, and scoring of written examinations shall be done by CPS, maintaining a delineation of race and sex of each candidate throughout the examination process.

- The test shall be graded pass-fail and will be weighted as "qualifying".

- CPS will provide two lists of pass-fail names a minority list and a Caucasian list. (The designation of the term "minority" shall be determined in joint consultation between F.E.P.C. and the Personnel Clerk). This determination shall be consistent with F.E.P.C. guidelines.

- Candidates shall be informed of the date of the agility test (to be given to those who will have passed the written test) at the time of the written examination.

- STEP EIGHT: Agility Test and Height/Weight Check

The agility test and height/weight check shall be scheduled for one day only, and shall be administered to all individuals who have passed the written examination. Notification shall be sent to all those who have passed the written examination to take the agility test. The agility test will be preceded by a height/weight check. The guidelines for the height/weight check shall be as follows:

- The minimum height requirement for Patrolman and Hoseman candidates is 5' 7". Weight must be in proportion to height.

- There is no minimum height requirement for Laborer candidates. Weight must be in proportion to height.

The component of the agility test shall be updated based on the agility tests administered at present in other Bay Area cities. Components may differ for each department.

- STEP NINE: Selection of Candidates for Oral Interview

The following procedure outlines the steps to be taken to ensure that an equal number of minorities and Caucasians reach the oral interview stage of the examination process.

(a) Place the names of all qualified candidates (those who have passed the written examination and the agility test) from the minority list in a hopper.

(b) Randomly select the names of all the individuals from the hopper and record their names in numerical order, based on the order in which the names have been drawn.

(c) Repeat these steps for the names on the Caucasian list.

(d) The list of prospective interviewees will be taken from the minority and Caucasian lists so formed according to the following formula:

(1) For every list, a total of 20 persons - 10 minority and 10 Caucasians - will be interviewed.

(2) The names will be selected in numerical order from each of the lists.

(3) For a list, combine the names of the top ten from each list in a new hopper. Randomly select the names of all individuals from the hopper and assign interview dates and times based on the order in which the names have been drawn.

- STEP TEN: Notification to Applicants of Examination Results and Numerical Rank from Random Selection

Applicants will fall into three (3) categories:

(1) Those who passed the written and agility examinations and were chosen for the oral interview. These candidates shall be notified of their passing the agility test, the method of their selection for the oral interview and the date, time and location of their interview. An explanation of the formation of the Board, the elements of the interview and the duration of the interview shall also be provided.

Candidates shall be requested to inform the City if they are no longer interested in the position.

(2) Those who passed the written and agility examinations but were not chosen for the oral interview. These candidates should be notified of their passing the agility test, and of the method used in selecting candidates for the oral interview. They should be informed of their numerical rank and of the circumstances under which they might be selected for an interview:

(a) Individuals with higher priority numbers may no longer be available;

(b) Individuals with higher priority numbers may not be passed by the oral interview board;

Candidates shall also be requested to inform the City if they are no longer interested in the position.

(3) Those who failed the written examination. These candidates should be notified that they did not pass the written portion of the examination.

- STEP ELEVEN: Hold Oral Interviews

The services of CPS will be used to select and administer the oral interview. The City will follow the CPS recommendations regarding oral interview boards when making arrangements with CPS.

The Board shall be comprised of three (3) voting members:

(1) A minority representative of another city's police, fire or public works department (depending on the particular vacancy);

(2) A CPS staff member who will also serve as moderator of the interview proceedings;

(3) A member to be decided on in consultation between CPS and the head of the department in which the vacancy exists.

The fourth advisory and non-voting member of the Board will be a member of the minority community of Emeryville. This person will be randomly selected from a list of interested community persons.

The CPS staff member will instruct the Board members. The Personnel Clerk will greet all interviewers and introduce them to the Board.

- STEP TWELVE: Rating of the Candidates by the Oral Interview Board

The Board will rate individuals using the guidelines and rating sheet recommended. Candidates will be ranked A, B, C and F in each score of A, B, C, F from each of the three voting Board members. It will be the responsibility of the Board to:

(a) Establish a final letter rating on each candidate based on the three final rating sheet scores and the consensus of the Board.

(b) Maintain minority or Caucasian status of each candidate.

(c) Note in writing the reasons for failing any candidate interviewed. Should any candidate be rated F by the Board, the next candidate on the list from which the F candidate came will be contacted by phone and an interview set up.

- STEP THIRTEEN: Establishment of Eligibility List.

It will be the responsibility of the Oral Board to establish the eligibility list. The Eligibility List shall be comprised of an A, B and C category. The Oral Board will assign an equal number of minorities and Caucasians to each category.

At least three (3) minorities and three (3) Caucasians must be placed on the "A" list.

Any number may be placed on the "B" and "C" lists, as long as an equal number of minorities and Caucasians are represented in each letter category. All candidates may be classified as "A" caliber. Likewise, no candidate need be placed in the "C" category.

There will be no ranking within letter categories.

The Board shall note beside each name whether the candidate is minority or Caucasian.

The Board will present the Personnel Clerk with the eligibility list. The Personnel Clerk shall alphabetize the names in each category.

Eligibility lists for entry level positions shall remain current for one year, with the City Council maintaining the option of renewing it for one additional year.

- STEP FOURTEEN: Notification of Eligibility Status

Notification shall be sent to all candidates informing them of their eligibility status and the manner in which the list was formulated. Individuals who passed the Oral Board shall be informed of the next step in the selection process: that a Department Interview Committee will be considering the applications and Oral Board evaluations for interviews and that only those candidates selected for final interviewing will be notified by a given date.

Individuals who did not pass the Oral Board shall be informed of the reason for failure as explained by the Oral Board.

- STEP FIFTEEN: Selection from Eligibility List for
Department Interviews

Appointments from the eligibility list will alternate within each department with the first appointment to be a minority, the second a Caucasian, the third a minority, etc.

For the first appointment, the Department Head and two (2) members of the department workforce appointed by the City Council will evaluate the applications and oral rating scores of any number of minorities on the eligibility list. They shall be encouraged to review at least the applications of all minorities in Rank A. They are not limited to Rank A.

For the second appointment, the same procedure will be followed for the Caucasians on the eligibility list.

The Department Head will inform the Personnel Clerk of the candidates the Department Interview Committee have selected to interview. Candidates not selected retain their eligibility status.

Until parity is achieved within any given department, a minority shall be appointed to replace every minority whose employment terminates for any reason. The minority replacement shall be chosen from the eligibility list. The procedure for minority replacements shall be independent and distinct from the alternating hiring procedures otherwise provided herein.

- STEP SIXTEEN: Verification of Application Information

The Personnel Clerk shall be responsible for verifying application form information provided by candidates selected for interviewing by the Department Interview Committee.

Verification shall be made of qualifying information only:

- Age
- Education attainment
- Drivers license

The Personnel Clerk shall direct the Police Department to verify the police record and military discharge information provided by candidates on their application forms.

Any candidate who is found not to meet the above qualifications as a result of the verification process shall be eliminated from further consideration and shall not be returned to the eligibility list.

Note: The Police Department may perform a more thorough investigation of Patrolman candidates at this point as required by state and federal laws and guidelines.

- STEP SEVENTEEN: Notification to Candidates

Candidates not selected by the Department Interview Committee for interviewing (Step Fifteen) or eliminated in the verification process (Step Fifteen) shall be informed in writing of their status.

*after C
as on list.*

Candidates selected by the Department Interview Committee and found to meet the qualifications verified in Step Fifteen will be contacted by phone where possible by the Personnel Clerk.

- STEP EIGHTEEN: Medical Examination

The Personnel Clerk will arrange for medical examinations of the candidates selected by the Department Interview Committee and found to be qualified by the verification process.

Candidates disqualified as a result of the medical examination will be notified of the reason for their disqualification.

- STEP NINETEEN: Department Interview Committee

Interviews Candidates and Informs Personnel Clerk of of their Top Choice.

- STEP TWENTY: Psychiatric Evaluation - Police

Department Candidates Only

A psychiatric evaluation will be carried out on the top candidate selected by the Department Interview Committee for entry-level Police Department positions only. Results will be forwarded to the Personnel Clerk who will review the psychiatrist's recommendation with the Department Head.

- STEP TWENTY-ONE: Appointment

The Department Head shall make a recommendation to the City Council that the top candidate be appointed. The City Council shall accept the recommendation of the Department Head. The candidate shall be notified of his appointment to the City workforce.

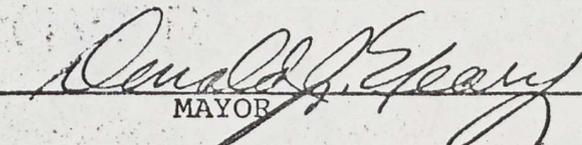
- STEP TWENTY-TWO: Notification to Candidates Not Recommended for Appointment

Candidates interviewed by the Department Interview Committee but not recommended for appointment shall be notified that their names have been returned to the eligibility list.

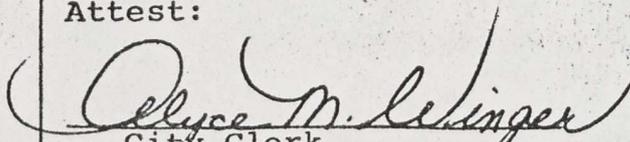
ADOPTED by the City Council of the City of Emeryville at a regular meeting held Monday, July 23, 1973, by the following vote:

AYES: COUNCILMEN FOX, GUARAGNO, HEINTZ, HUDSON & MAYOR NEARY (5)

NOES: NONE ABSENT: NONE


MAYOR

Attest:


City Clerk

Emeryville file

Oakland, Calif.
Tribune
(Cir. D 193,036
Sat. 191,959 - Sun. 224,530)
APR 3 1973
Allen's P. C. B. Est. 1888

Emeryville Seeks Jobs for Minorities

EMERYVILLE—The city council last night hired a consulting firm to evaluate the city's employment practices and prepare a plan to recruit minorities.
C. L. Dellums of the California Fair Employment Practice Commission told the council last May that the city was guilty of hiring procedures which violated the anti-discrimination laws in this area.
The firm, Morris Shepard and Associates of Berkeley, will draw up a planned recruitment program which will locate and notify minorities and women of city job openings.
Dr. Shepard told the council that his research, which will cost the city \$4,800 to \$8,000, should be completed within six weeks and will involve an evaluation that would isolate the barriers which were "insurmountable" from historical policies.
Then he plans to talk to department heads and employees who have been hired during the past five years or so and examine the testing procedures before setting up the program.

Shepard is expected to meet with the city council to make periodic progress reports as a result of Mayor Donald Neary's demand that the council be kept informed.

Oakland, Calif.
Tribune
(Cir. D 193,036
Sat. 191,959 - Sun. 224,530)
APR 1 1973
Allen's P. C. B. Est. 1888

Emeryville to Ponder Hiring Of Job Equality Consultant

EMERYVILLE—A proposed resolution to hire a consultant to implement a "program to ensure the fairness of city employment practices" will be considered tomorrow by the city council, which last year heard charges that the city was "brazenly violating" anti-discrimination laws in this area.
The charges were voiced by C. L. Dellums of the California Fair Employment Practice Commission (FEPC), who told the council last May that the city was guilty of having discriminatory testing and application procedures.
The proposed resolution, authored by City Atty. Francis J. Giambroni, says the city wishes to take active steps to ensure that every applicant for employment by the City of Emeryville is given an equal opportunity to secure such employment, and every employee given an equal opportunity for promotions...
It says Shepard Associates, a Berkeley consulting firm, has proposed a program to ensure the fairness of such practices, and calls for the city to hire the firm "to perform" the plan.

The plan, according to the resolution, includes "evaluation of current hiring and promotion, procedures contained in city resolutions, job descriptions, job application forms, examination procedures, consultation with the department heads, consultation with the state personnel board as to the validity of tests, and recommendation of regions where necessary."
Shepard Associates would "draw up a planned recruitment program which will utilize the most effective means of locating and notifying minorities and women of city job openings."
Further details of Shepard's plans were not immediately available.
Giambroni said he had been asked to deal with the matter after he became city attorney on a part-time basis in January, but added that he had neither the time nor expertise to handle it. He said Shepard Associates was the best equipped of the specialists he checked to take on the job.
A letter dated Wednesday

was sent to Giambroni by L.E. Beane, a consultant working fulltime for the FEPC, saying Dellums had asked him to inquire about "the status of our request of Jan. 19, 1973, as to what steps" the city had taken to implement recommendations made by the FEPC last May.
The letter asked that the city get "a copy of their program to us within the next two months." It asked that, in the next 10 days, the city provide data on the number of civil service appointments it has made since last May, the ethnic and sex derivation of those appointees, and the same information on any promotions made by the city since May, if any.
The FEPC last May asked for a report by the city by Jan. 2 on its recommendations. Mayor Donald J. Neary said later in January that "we have adraft put together," but that he wanted Giambroni to look at it before anything was submitted to the FEPC.
The council meeting will be at City Hall, 2449 Powell St., beginning at 8 p.m.

Refer to:

1330 Broadway, Suite 1428
Oakland, CA. 94612



CITY OF EMERYVILLE
2449 POWELL STREET
EMERYVILLE CALIFORNIA 94608
INCORPORATED 1896

April 5, 1973

Mr. C. L. Dellums, Commissioner
Fair Employment Practice Commission
P. O. Box 603
San Francisco, CA. 94101

Re: F. E. P. C. Investigation

Dear Mr. Dellums:

Enclosed please find a copy of the Resolution passed by the City of Emeryville on April 2, 1973. Also find a copy of a letter directed to me dated April 2, 1973, from Mrs. Winger, which letter I believe answers Mr. Beane's question in his letter of March 23, 1973.

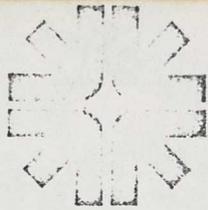
I might point out that, on the night of the meeting, I verbally told Mr. Shepard that he was to start work. He estimates that the work called for under the enclosed Resolution should take a minimum of six weeks and a maximum of ten weeks.

Very truly yours,

FRANCIS R. GIAMBRONI
CITY ATTORNEY

FRG:nzs / Enclosures
cc: Mr. L. E. Beane, Consultant

OFFICE OF CITY ATTORNEY



CITY OF EMERYVILLE
2449 POWELL STREET
EMERYVILLE CALIFORNIA 94608
INCORPORATED 1896

April 2, 1973

Francis R. Giambroni
City Attorney
1330 Broadway, Suite 1428
Oakland, Ca. 94612

Dear Frank:

This is in answer to your letter of March 30, 1973 relative to information requested by Mr. Beane in his letter dated March 28, 1973.

The City of Emeryville has not made any Civil Service appointments since May, 1972.

Very truly yours,

Alyce M. Winger
ALYCE M. WINGER, City Clerk

AMW:a

OFFICE OF CITY CLERK

White said the Task Force will concentrate its inquiry on points of view related to the amount of benefits; the distribution and allocation of benefits; those eligible for coverage; kinds of medical benefits and rehabilitation; systems for delivering benefits; and judicial system for resolving disputes. Witnesses at the hearing will be asked to reserve their comments to these areas under review, White said.

In addition to White, the Task Force members are: John Henning, Executive Secretary-Treasurer, California Labor Federation, AFL-CIO, San Francisco; Gerald O'Hara, Teamsters Union Legislative Representative in Sacramento; Kevin Twohy, Counsel for the California Self-Insurers Association, Sacramento; E. L. "Bud" Miller, Executive Director of Management Counseling, Merchants and Manufacturers Association, Los Angeles; Robert Gray, Executive Director, Industrial Relations Section, California Institute of Technology, Pasadena; and Gleeson Payne, State Commissioner of Insurance, Los Angeles.

###

RESOLUTION NO. 73-32

HIRING SHEPARD ASSOCIATES, INC. TO STUDY AND RECOMMEND REVISION OF CITY HIRING AND PROMOTION PRACTICES, AND TO ESTABLISH RECRUITMENT PROGRAM.

WHEREAS the City of Emeryville wishes to take active steps to ensure that every applicant for employment by the City of Emeryville is given an equal opportunity to secure such employment, and every employee is given an equal opportunity for promotions; and

WHEREAS Shepard Associates, of Berkeley, California proposes a program to ensure the fairness of City employment practices including evaluation of current hiring and promotion, procedures contained in City Resolutions, job descriptions, job application forms, examination procedures, consultation with the Department heads, consultation with the State Personnel Board as to validity of tests, and recommendation of revisions where necessary. In addition, Shepard Associates will draw up a planned recruitment program which will utilize the most effective means of locating and notifying minorities and women of City job openings.

IT IS RESOLVED that the City of Emeryville will hire Shepard Associates to perform the above outlined program and pay Shepard Associates as billed.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Monday, April 2, 1973, by the following vote:

AYES: COUNCILMEN _____

NOES: _____ ABSENT: _____

Mayor

Attest:

City Clerk

Refer to:

1330 Broadway, Suite 1428
Oakland, CA. 94612

CITY OF EMERYVILLE
2449 POWELL STREET
EMERYVILLE CALIFORNIA 94608
INCORPORATED 1896

April 5, 1973

Mr. C. L. Dellums, Commissioner
Fair Employment Practice Commission
P. O. Box 603
San Francisco, CA. 94101

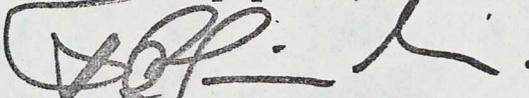
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I might point out that, on the night of the meeting, I verbally told Mr. Shepard that he was to start work. He estimates that the work called for under the enclosed Resolution should take a minimum of six weeks and a maximum of ten weeks.

Very truly yours,



FRANCIS R. GIAMBRONI
CITY ATTORNEY

FRG:nzs / Enclosures
cc: Mr. L. E. Beane, Consultant

OFFICE OF CITY ATTORNEY



CITY OF EMERYVILLE
2449 POWELL STREET
EMERYVILLE CALIFORNIA 94608
INCORPORATED 1892

April 2, 1973

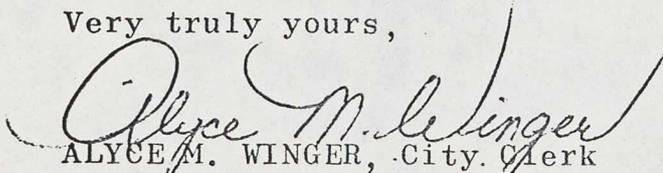
Francis R. Giambroni
City Attorney
1330 Broadway, Suite 1428
Oakland, Ca. 94612

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AMW:a

OFFICE OF CITY CLERK

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AYES: COUNCILMEN _____

NOES: _____ ABSENT: _____

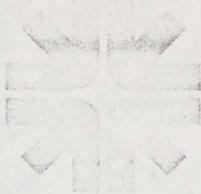
Mayor

Attest:

City Clerk

Reply to:

1330 Broadway, Suite 1428
Oakland, CA. 94612


CITY OF EMERYVILLE
2449 POWELL STREET
EMERYVILLE CALIFORNIA 94608
INCORPORATED 1926

April 2, 1973

Mr. C. L. Dellums, Commissioner
Fair Employment Practice Commission
P. O. Box 603
San Francisco, CA. 94101

Re: F.E.P.C. Investigation of the City of Emeryville

Dear Mr. Dellums:

I wrote you with reference to the above entitled matter on February 13, 1973.

Since that date, I have been actively considering the development of a plan of some sort for the City.

Mr. Beane was kind enough to send me various plans, and I also obtained various plans elsewhere. I finally came to the conclusion that I, as a part-time City Attorney, am not equipped to develop such a plan, even though Mr. Beane has offered to consult with me at least on a temporary basis.

I have contacted two parties whose names have been submitted to me by Mr. Beane as being persons knowledgeable in this area.

I am in the process at the present time of requesting of the City of Emeryville to consider the retaining of specialized assistants.

I expect a decision on this matter in the immediate future.

Very truly yours,

Francis R. Giamboni

FRANCIS R. GIAMBRONI
CITY ATTORNEY

(S)

FRG:nzs

cc: Mr. L. E. Beane, Consultant
OFFICE OF CITY ATTORNEY

Legal Aid Society of Alameda County

MODEL CITIES UNIT

2357 SAN PABLO AVENUE
OAKLAND, CALIFORNIA 94612

Telephone 465-4376

March 12, 1973

Mr. Henry Lasky
Fletcher, Smith & Lasky
1736 Franklin Street
Oakland, California 94612

Re: Emeryville Citizens for Better Government, et al,
v. Neary, et al,

Dear Mr. Lasky:

At our meeting on March 8, 1973, I promised to make some proposals for possible resolution of the Emeryville Fire Department litigation. While the proposals contained in this letter are tentative, without final approval of named plaintiffs, they reflect our basic position and are sufficient for immediate review by the Emeryville City Council. We request that the City Council not only review, but take a specific position on them, making clear any substantial disagreements. Where disagreements exist we further request that, as soon as possible, specific written counterproposals be made.

Our basic proposal is that the defendants in the fireman's suit adopt a written affirmative action program for the hiring of racial minorities on the work force of the Fire Department. As the FEPC recommended "specific goals and timetables should be established to increase the utilization of minorities and females and correct identifiable deficiencies." (FEPC Report at 26) We propose that the goal of this program be ethnic parity, i.e. the hiring of racial minorities on the Fire Department work force in proportion to the per centage of racial minorities in the resident population of the City of Emeryville.

The goal of ethnic parity has been adopted in the written affirmative action programs covering all city departments in both Berkeley and Oakland.* The County of Alameda is also seeking to reach this goal for all of its departments. The Oakland City Council even resolved to attain this goal by 1974 and, in the City of Berkeley, 70% of all new employees are racial

*In our prior conversations, I mistakenly thought that Oakland's program was directed toward the hiring of residents rather than racial minorities.

Mr. Henry Lasky
March 12, 1973
Continued Pg. 2

minorities. I shall forward copies of these resolutions to you in the near future.

Other public agencies surrounding Emeryville have also adopted the goal of ethnic parity for publicly assisted construction projects. These agencies include the Port of Oakland, the Oakland Housing Authority, the Peralta School District, and the Oakland School District. The City Council of Oakland and the Board of Supervisors for the County of Alameda have also imposed this goal on all contractors and subcontractors in their public works construction programs.

In both Oakland and Berkeley, the City Councils' resolved that each of their city departments adopt their own affirmative action programs reaching the goal of ethnic parity in a manner that is realistic within their particular confines, rather than imposing all of the conditions upon them. Such could be done by the City Council of Emeryville, i.e. by resolution that each of its departments adopt written affirmative action programs with a goal of ethnic parity for their particular work force and specific timetables to meet that goal.

If the City Council chose to do what its neighboring cities have done, then we would request that the Emeryville Fire Department adopt a written affirmative action program which seeks to attain the goal of ethnic parity in the following manner. First, as suggested by the FEPC, two lists should be made up in order of ranking from those who pass the entry level tests - one minority, the other non-minority. As jobs become available within the Fire Department, the applicants would be chosen from the two lists on an alternating basis. The first applicant would be chosen from the minority list, the second from the non-minority list, the third from the minority list, etc. This procedure would be followed until ethnic parity would be reached. Ethnic parity would be determined according to the census figures. Ideally, our clients ask that all open positions be filled by racial minorities until ethnic parity is reached, but we are proposing that it be done on an alternating basis in hopes of reaching some more prompt and realistic resolution of this case.

Obviously, if the Emeryville City Council and Fire Department agree to the proposed affirmative action program, resolution of other issues in the suit is greatly facilitated. For example, the discriminatory effect of the most recent written examination given to firefighter applicants (i.e., 78% Blacks failed while only 22% non-minorities failed) would be offset if minorities were hired on an alternating basis. Similarly,

Mr. Henry Lasky
March 12, 1973
Continued Pg. 3

the adoption of such an affirmative action program would make the composition of the oral boards, the content of the background examinations, the validation of the physical agility test, and the height requirement less of an issue since these hiring requirements would no longer be excluding racial minorities on a disproportionate basis.

Let me make clear that we do not consider the adoption of a written affirmative action program to be merely a good, social idea because surrounding cities and many other public agencies have adopted them. To the contrary, we believe that the City of Emeryville is legally obligated to adopt such a program to rectify past racial discrimination and to prevent present discrimination. The City must not forget that in the over eighty year history of its Fire Department not one Black has ever been hired, despite the fact that Emeryville has almost the highest proportion of Black residents of any city in the western United States. The recent FEPC Report as well as our discovery further substantiates the clear existence of racial discrimination by the Fire Department.

Should the City either fail or refuse to adopt a written affirmative action program substantially similar to the one proposed, we intend to press forward with litigation. This will involve extensive time and effort to the detriment of our other clients. Thus, should we prevail in court, Legal Aid and Richard Duane, co-counsel, shall request substantial attorneys fees. We sincerely hope that these further steps in litigation will not be necessary and that some agreements might be reached as soon as possible. Again, we emphasize the need for a prompt response to these proposals with specific counterproposals should any disagreements exist.

Thank you for your cooperation in this matter.

Very truly yours,

STEPHEN E. RONFELDT
Attorney at Law

SER:bl

cc: Francis R. Giambroni
Richard Duane
Clifford Sweet
Russell Galloway
California Fair Employment Practice Commissioner
Emeryville Citizens for Better Government

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO 557-2000

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101



PIER A. GHERINI

Chairman

C. L. DELLUMS

D. D. DIERS

MARK GUERRA

CATHERINE L. MONTGOMERY

STELLA C. SANDOVAL

J. M. STUCHEN

PAUL A. MEANEY
Executive Officer

February 13, 1973

Mr. Frank Giambroni, Attorney
The City of Emeryville
1330 Broadway - Suite 1428
Oakland, California 94612

Dear Mr. Giambroni:

I am glad that Emeryville finally responded to the Commissions' request for a follow up report six months after the first part of our report was issued last summer.

I had several discussions with the previous City of Emeryville Attorney, Mr. Fletcher, and had even sent him some material for the development of an Affirmative Action Program. We were therefore very much surprised that it was necessary for us to remind the City.

I suppose one of the factors that we are dealing with is that the City of Emeryville really does not have an executive person, nor does it have a Personnel Department. The executive functions of the jurisdiction, it seems to me, are carried out by the Council and the Mayor; and a part time Council and Mayor whose primary responsibilities are making a living.

I have a great deal of respect and admiration for Mrs. Winger. However, her position is that of the City Clerk, which is a full time job in itself; In addition she has not been given the responsibility for the overall situation.

For this reason, the development of an Affirmative Action Program for Emeryville is going to be time consuming and undoubtedly expensive.

Our criticism of the City of Emeryville was not only that it was using tests that had not been validated, but that it's whole selection procedures were faulty. This undoubtedly has resulted in one of the poorest pattern of minority utilization in the East Bay.

We should observe that Oakland, San Francisco and other cities have been the victim of the same institutionalized discrimination. Emeryville stands out because it is so extreme.

If you do not have the time to put into the development of an Affirmative Action Program, there are several consulting firms that to this: Provide for a

social sensitivity program for city employees. If the city is interested, they can call and get a quotation as to cost. There are two firms that comes to my mind, they are:

- (1) Louis R. Kemp and Associates
9912 Lincoln Village Drive
Sacramento, California

Mr. Kemp is with the University of California at Davis and can be reached at (916) 455-9959.

- (2) Shepard Associates, Inc.
1700 Solano Avenue
Berkeley, California

At any rate, I am sending you several pieces of material of which (1) The Grigg vs Duke Power Supreme Court Decision. (2) F E P C Equal Employment Opportunity and Affirmative Action Program. (3) U. S. Department of Labor, Chapter 60 (Order 4, (4) How to prepare an Affirmative Action Program, and (5) Affirmative Action (Plan of the City of San Diego).

I believe that these will give you a theoretical and practical insight to the problem. The City of Emeryville should also know that since March 24, 1972, Title VI of the Civil Rights Act of 1964 has been extended to include state and local governments governmental agencies and political subdivisions, thus the city is under much more strigent legal pressures than at the time of our investigation.

I would suggest that you read the material that I have sent you, and make an exploration of what a consulting firm would charge to develop the program in the social sensitivity part.

We would be very glad to give the city a small block of time to help you develop the program if that should be what you and the city decide to do... In which case I would suggest that you, as the representative of the city, address an official request to the Commissioner, C. L. Dellums.

Yours very truly,

L. E. Beane

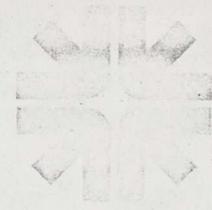
L. E. Beane, Affirmative
Action Consultant

LEB:jmm

Enclosures: As stated above

cc: Mayor Neary, Emeryville
C. L. Dellums
Carol Schiller
Jerry Malugeon

Dellums



Address Reply To:
1330 Broadway, Suite 1428
Oakland, CA. 94612

CITY OF EMERYVILLE
2449 POWELL STREET
EMERYVILLE CALIFORNIA 94608
INCORPORATED 1896

February 13, 1973

Mr. C. L. Dellums, Commissioner
Fair Employment Practice Commission
P. O. Box 603
San Francisco, CA. 94101

Re: F. E. P. C. Investigation of the City of Emeryville

Dear Mr. Dellums:

The undersigned has recently been appointed the City Attorney for the City of Emeryville.

As you know, the City of Emeryville does not have a Personnel Department, or a Personnel Chief; and, as a consequence, the investigation of the City under Section 1421 has been referred to me.

I have been in telephonic contact with Mr. L. E. Beane, a Consultant to your commission who is in the process of forwarding materials to me so that I, in turn, can work with the City Council to develop a plan or program with reference to fair employment practices.

I have also been in contact with people from the administration of Alameda County to obtain some background.

I am in hopes that the Council, with my assistance, will have a program developed by March.

I will undoubtedly be in contact with you in the very near future.

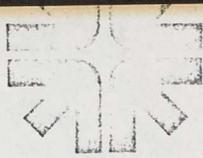
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Very truly yours,

FRANCIS R. GIAMBRONI

FRG:nzs
cc: L. E. Beane,
Consultant

OFFICE OF CITY ATTORNEY



Dellums

Address Reply To:
1330 Broadway, Suite 1428
Oakland, CA. 94612

CITY OF EMERYVILLE
2449 POWELL STREET
EMERYVILLE CALIFORNIA 94608
INCORPORATED 1895

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Very truly yours,

FRANCIS R. GIAMBRONI

FRG:nzs
cc: L. E. Beane, OFFICE OF CITY ATTORNEY
Consultant

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO 557-2000

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101

PIER A. GHERINI
Chairman

C. L. DELLUMS

D. D. DIERS

MARK GUERRA

CATHERINE L. MONTGOMERY

STELLA C. SANDOVAL

J. M. STUCHEN

PAUL A. MEANEY
Executive Officer

January 19, 1973

Mayor Donald J. Neary
The City of Emeryville
City Hall
Emeryville, California 94668

My Dear Mayor Neary:

You will recall that at our May 23 meeting and we presented the results of our 1421 Investigation, Commissioner Dellums stated that in about six months, with your cooperation, we would like to evaluate what progress has been made by Emeryville in the better utilization of minorities and women.

Commissioner Dellums has called to my attention that more than six months have passed and has asked me to send you the enclosed survey forms which you may process in the same way you did the forms used during the course of the investigation. We hope that these forms can be returned to us by the end of January.

The Commissioner has also asked me to ascertain what progress you have made in putting together an affirmative action program.

During the summer of 1972, I was in contact with the City Attorney, C. L. Fletcher, and mailed him some materials on what other cities had done in this area.

I would appreciate a short report in this connection and a copy of the affirmative action program that has been developed for the City.

Yours very truly,

L. E. Beane
Affirmative Action-Compliance
and Technical Assistance

LEB:ed

cc: Commissioner Dellums ✓
Roger A. Taylor
Carol Schiller
Jerry Malugeon

Memorandum

To : Commissioner C. L. Dellums ✓
Jerry Malugeon

Date : March 30, 1972

cc: Roger A. Taylor
James Mason

Subject: Emeryville 1421
Investigation

From : Department of Industrial Relations - L. E. Beane, Consultant

As per your request of this date, I am sending you herewith the names, union affiliation and current employers of the members of the Emeryville City Council. I obtained this information from Ms. Alyce Winger, the City Clerk, this afternoon. All addresses are the City Hall:

Mayor Donald J. Neary
Cost Accountant
Diamond National Corporation
San Francisco, California

Vice Mayor Wallace E. Fox
Retired War Veteran

Pietro Guargno
Retired Steam Fitter
Member of International Brotherhood of Steamfitters

Donald J. Heinz
Teamster
Systems 99 Inc.
Oakland, California
Member of Teamsters Union, Local 70

Doyle S. Hudson
Teamster
ONC
Oakland, California
Member of Teamsters Union, Local 70

LEB
LEB:bjm

City of Emeryville Accused of Personnel Bias

By ANDY JOKELSON
Tribune Staff Writer

EMERYVILLE — The City of Emeryville was accused last night by a member of the California Fair Employment Practices Commission of "brazenly violating" antidiscrimination laws in its personnel practices.

The commissioner, C. L. Dellums, noted in a report that only six city employees, or 8 per cent of the city's 76 regular employees, are members of minorities, though the city's minority population is 48 per cent including 37 per cent blacks.

Dellums severely criticized what he felt were discriminatory testing and application procedures for hiring, and also pointed to what he saw as anti-minority attitudes among some city employees and representatives.

Speaking at a brief special meeting of the city council,

Dellums set out a series of recommendations for bringing the city government into compliance with "the spirit, as well as the letter," of antidiscrimination laws.

Mayor Donald J. Neary told Dellums the city was willing to cooperate with the state FEPC and said "I see no problems in any of these recommendations. I see no problems."

The recommendations included issuance by the council of a "forthright non-discrimination policy statement regarding hiring, promotion, demotion, training and conditions of employment."

They also called for an immediate review of all applications, questionnaires and required documents "to determine their legality and appropriateness."

Photos on drivers' licenses or other documents "must no longer be used, and docu-

ments indicating racial or ancestral designation may only be used after an applicant is appointed to a job," Dellums said. "All questions or references to race, ancestry, national origin or sex must be discontinued immediately."

Dellums said the city must review all written examinations, and "those tests found to be eliminating disproportionately large groups of minorities and females should be discontinued in favor of selection tools which have less adverse effect."

Dellums called on the city to name an equal opportunity coordinator or equal employment officer to administer "an active affirmative action program" and to have enough authority to insure effective implementation and compliance. The appointee would report directly to the council.

Dellums also recommended increased efforts to recruit minorities for city jobs, creation of in-service human relations and communications classes for city employees, and a study aimed at greater utilization of women in city jobs.

The city only employs four females full-time, he said.

He said specific timetables and goals for increased use of minorities and identification of deficiencies should be established, and a contract compliance program should be developed to insure use of minorities on all future city construction projects.

Qualifications and abilities of the city's current minority employees should be reviewed to "determine the possibility of upgrading or lateral movement into other job classifications that would be commensurate with the employees' abilities," Dellums said.

He said the council should submit a progress report to the State FEPC no later than next Jan. 2.

Dellums' report warned that if the city "does not want larger governmental agencies to impose solutions to its problems, then it must be prepared to aggressively set about solving them or, by default, others will assume this responsibility."

Neary told newsmen, "Heck, it's the law. We have

to do it." He also said city officials are not involved in the day-to-day operations of city government, and "want to get a minority representation."

When asked what caused the city's minority hiring deficiencies, if they exist, Neary said "I don't know. That's what I'm going to find out. I have a suspicion, but I'm not going to say anything about it right now."

City Clerk Alyce M. Winger said the council makes policies and that she and other department heads just follow them. She also maintained that she has made strong efforts to recruit minorities.

Dellums' report noted that job recruiting is handled primarily through the city clerk's office, and that all job candidates are processed through the clerk's office.

City Engineer Edward M. Steffani declined to comment on Dellums' report, as did Councilman Wallace E. Fox. Councilman Pete Guaragno told newsmen he had no objections to Dellums' recommendations, and Councilman

Doyle S. Hudson said "we've done everything in the world to hire the minority group."

Dellums, who is an uncle of Rep. Ronald Dellums, D-Berkeley, said one Emeryville department representative, "in recognizing that the ratio of minority employees was very poor, stated his department was interested in finding 'a good, decent black person to be a clerk.'"

"Now, does this mean that a white skin is the only qualification necessary for the job?" Dellums asked.

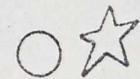
He also said that "it seemed to be a common practice of department representatives to refer to Negroes as 'colored' or 'colored boys.'" Blacks have never been unanimous on what they want to be called to describe their race, he said, but "there is total and complete unanimity among this group to be recognized as adults when they are so, and not be called or referred to as 'boys.'"

One department head, said Dellums, "felt that, whenever minorities made a good showing on an examination, the ex-

amination wasn't difficult enough, and a more difficult test was needed so that few minorities would pass it."

Dellums said the city "has never adopted an equal employment opportunity policy. The rhetoric of equal opportunity on an occasional announcement or in an ad without commitment is meaningless and hollow in the light of the true employment picture in Emeryville. The city appears to have no real understanding of equal employment..."

Dellums' report accused the city of not having actively recruited or sought improvements in its minority hiring practices.



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Executive Officer

May 9, 1972

Mr. Donald J. Neary, Mayor
City of Emeryville
Emeryville, California 94603

Dear Mayor Neary:

Commissioner Dellums has instructed me to thank you for your letter of May 7, 1972.

As of this date the reports are not in his hands but he has been assured that the printing is almost complete.

He would be perfectly amiable for you to name the night and the time for the presentation.

He is available any night next week except for Wednesday, May 17th and Thursday, May 18th. He is available anytime after 4:30 p.m.

If that schedule should not be convenient to you, please have Ms. Wynger contact me by phone and I will ascertain his schedule for the following week.

Sincerely,

L. E. Beane
Consultant

LEB:bjm

cc: Commissioner C. L. Dellums ✓