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THE BROTHERHOOD OF SLEEPING CAR PORTERS

FAIR EMPLOYMENT PRACTICE
COMMISSION, EXECUTIVE SESSION
ON PERSONNEL MATTERS

1965

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7 April 1965
Exec. Session
Personnel

MINUTES -- 77th meeting:

Howden
Fair Employment Practice Commission
State of California
San Francisco, California7 April 1965Executive Session on Personnel MattersState Building
Room 2198

CONVENE: At 4:45 p.m., the Commission convened a special executive session to consider personnel matters with Commissioners Graham, Dellums, Ford, Garcia, Sterling, Zook and staff members Howden, Hernandez, and Wilson in attendance.

Mr. Howden reported that former Consultant Earl Walter, who had left recently to accept a job in the Poverty Program in Los Angeles, had directed a letter to the Commission through him concerning the operation of the Los Angeles Area office. Mr. Walter's comments had been particularly critical of supervision in the Los Angeles office. Mr. Howden explained that he had discussed the matter with Mr. Walter and had recommended that he raise these questions directly with Mr. Lucks before he left to assume his new job. However, this was not done, since Mr. Lucks was out of the office for a few days because of illness. However, Mr. Walter had directed a copy of his letter to Mr. Lucks, and Mr. Lucks had sent a detailed memorandum to Mr. Howden in response to the criticisms raised in Mr. Walter's letter.

Mr. Howden indicated that he and Mrs. Hernandez had discussed the matter thoroughly and had agreed that a review of the entire situation in Los Angeles would be made as quickly as possible in an attempt to determine what actions, if any, needed to be taken. He stated that the Commission would be kept fully informed of the matter.

Mr. Brombacher stated that he was in full agreement that State staff should review the situation and report its recommendations for action to the Commission, but he also stated that copies of the communication from Mr. Walter and the response of Mr. Lucks should be forwarded immediately to the Commission, inasmuch as the letter from Mr. Walter was directed to the Commission. It was agreed that as soon as copies could be made, they would be forwarded to the Commission.

ADJOURN: At 5:07 p.m., the Commission adjourned its executive session on personnel matters.

Respectfully submitted:

Clive Graham, ChairmanEdward Howden, Secretary

ACH:gh

5-6-7 April
1965

CONFIDENTIAL

State of California

MEMORANDUM

To: Commissioners and Staff

Date: 12 April 1965

Subject: Transactions at 77th
Commission Meeting
5-6-7 April 1965
San Francisco, Calif.

From: Aileen C. Hernandez

1. AFFIRMATIVE ACTIONS:

a. Commission authorized closure of the following affirmative actions:

- (1) FEP64-A009a OAKLAND TRIBUNE
- (2) FEP64-A008a SHRIMP BOAT
- (3) FEP63-A004a F. W. WOOLWORTH (Oroville)
- (4) FEP63-A006a MONTEREY AREA LABORERS' UNION, LOCAL 690
- (5) FEP63-A007a BRUNSWIG DRUG CO. (Sacramento)
- (6) FEP63-A010a McKESSON & ROBBINS DRUG (Sacramento)
- (7) FEP63-A012a PROCTOR & GAMBLE MANUFACTURING (Sacramento)
- (8) FEP64-A004a SACRAMENTO QUARTERHORSE MEET

b. Commission approved the affirmative action report submitted by staff with the following provisions:

- (1) that no identification of individual companies be included
- (2) that the report be sent to the Governor, legislators, civil rights groups and other interested parties
- (3) that a brief summary be made at the beginning of each major heading to facilitate reading of the report.

c. Commission directed staff to give further consideration to the labor affirmative action program and be prepared to make specific suggestions for implementation at the May meeting.

d. Commission directed staff to develop criteria for implementing and reporting progress of affirmative actions.

2. SECTION 1421 INVESTIGATIONS:

a. Closure:

FEP60-B211v HUGHES AIRCRAFT

b. Authorization:

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

c. Other Actions:

- (1) Directed staff to prepare a report on all pending Section 1421 investigations similar to the report prepared on affirmative actions, to include recommendations on possible transfers to affirmative actions as well as specific recommendations for implementation of existing investigations.

- (2) Requested the Executive Officer to secure a copy of the recently completed survey of apprenticeship from the Division of Apprenticeship Standards.
- (3) Commissioner Brombacher requested that staff prepare a report on the investigation of the San Francisco Police Department (FEP61-A197v) and make the necessary arrangements for public dissemination of the information. Chief of Police Thomas Cahill is to review the proposed report and should be involved in the public reporting, if at all possible.

3. COMPLAINANT APPEAL/RECONSIDERATION OF APPEAL:

- a. HUGULEY/White House (FEP63-A415) - APPEAL DENIED. Complainant to be informed of right to reconsideration, and to be permitted to appear before the Commission at this reconsideration if she indicates a desire to do so.
- b. KIANG/S.F. Civil Service Commission (FEP61-A351). Complainant to be notified that Commission will take final action on this case in June, and that he will be allowed one hour for a personal appearance before the Commission if he chooses to utilize it.

4. POVERTY PROGRAM:

Commission directed that staff arrange to visit all the Community Action Councils established in California pursuant to the Economic Opportunities Act of 1964. Dr. Paul O'Rourke will supply a list of these councils to the Commission.

5. ADVISORY GROUPS:

- a. Commission authorized the formation of an advisory committee to the FEPC in the Palo Alto area.
- b. Problems of Mexican American Community: Commission approved the list of names submitted for membership on this advisory committee. Additional names are to be submitted for other areas under consideration.
- c. Women's Advisory Council: Names to be submitted for Commission action in May.

6. CAREER GUIDANCE CENTER (LOS ANGELES):

- a. Commission suggested that staff explore with advisory committees the possibility of their assuming responsibility for manning the booths of the Career Guidance Center next year.
- b. Commission directed that a letter be sent to Los Angeles County Superintendent of Schools (cc: Harold Hodge, principal exhibitors, and chairman of Board of Supervisors in Los Angeles) commending him on the idea of the Career Guidance Center, but also calling attention to the lack of representation of minority groups in the pictorial displays and in the manning of company booths.

7. STATE AGENCIES:

Commission directed that a report be made to William Becker on FEPC relations with State agencies, including specific problem areas which affect FEPC's ability to obtain meaningful results in contacts with state and other governmental agencies.

8. ADULT MINORITY EMPLOYMENT PROJECT, OAKLAND:

- a. Commission approved the granting of an exemption to the Adult Minority Employment Project, to compile racial information for research purposes under the direction of its Research Director, Dr. William Woodson, and within the limitations as recommended by staff.
- b. Commission authorized one location of the Adult Minority Employment Project to have the participants in the research project designate their own ethnic identification on a prescribed form for a period of thirty days. FEPC staff was directed to evaluate this self-identification procedure at the end of the thirty days and to determine whether or not similar self-identification procedures were to be extended to other areas of the project or eliminated in the limited test area.
- c. Commission approved permitting the Adult Minority Employment Project to have access to our pattern survey information related to employers in the Oakland area, to analyze these data and attempt to draw conclusions on the merits of special programs designed to increase minority employment. It was agreed that individual employers, unions, etc. would not be directly identified.

9. RESIDENCE REQUIREMENTS FOR GOVERNMENTAL EMPLOYMENT:

Commission expressed its concern that pre-employment residence requirements of cities, counties, and the state might adversely affect employment opportunities for minority group applicants and directed staff to study the matter and make recommendations for possible action to the Commission in May.

10. COMMUNITY GROUPS:

Commission directed that staff make the necessary arrangements to advise community groups of meetings of the Commission and to set aside one hour (preferably between 11:00 a.m. and 12:00 noon) for discussion with specifically invited leaders of these groups.

11. PRE-EMPLOYMENT FORMS:

Commission authorized the Executive Officer to review and approve or reject employment application forms of the Job Corps projects related to provisions of the Economic Opportunities Act of 1964.

12. BUDGET:

Commission requested that the staff review the chart on FEPC's budget history for further discussion at the May meeting.

13. COMMISSION MEETING SCHEDULE:

Commission approved the following schedule of meetings for July through December 1965:

July 6-7	(T - W)	L.A.	October 13 - 14 - 15	(W - TH - F)	S.F.
August 9-10	(M - T)	S.F.	November 8 - 9	(M - T)	S.D.
September 15-16	(W - Th)	L.A.	December 6-7-8	(M - T - W)	S.F.

Plans are to be made for a San Diego meeting in November.

CONFIDENTIAL

14. COMMITTEE ON COMMISSION STRUCTURE:

Commissioners Dellums, Sterling and Zook were appointed by the Chairman to a committee to study any and all matters pertaining to the efficiency and organization of the agency -- including any changes in the FEPA related to the appointment power and/or the case handling functions of the Commission.

15. RESOLUTION ON IMMIGRATION LAW REVISION:

Commission directed staff to draft a resolution in support of proposed revisions of the present immigration law to eliminate quotas based on national origin or ancestry. The resolution is to be forwarded to President Johnson, Attorney General Katzenbach, and members of the California Congressional delegation.

16. INSURANCE COMPANIES:

Staff was authorized to cooperate as far as feasible with the Washington State Board Against Discrimination in a nationwide effort to seek voluntary discontinuance by insurance companies of the requirement of the ethnic identification of applicants for insurance and applicants for employment with insurance companies.

17. CASE CLOSINGS: (See attached).

ACH:gh

Enclosure

Howden

CONFIDENTIAL

MINUTES -- 77th meeting:

Fair Employment Practice Commission
State of California
San Francisco, California

5-6-7 April 1965

Executive Session

State Building
Room 2198

First Day:

CONVENE: At 3:52 p.m., the Commission convened in executive session for the purpose of hearing a reconsideration of a former appeal decision.

Present: Commissioners Graham, presiding, Dellums, Ford, Garcia, Sterling, Zook and staff members Howden, Hernandez, Wilson, Henry and Lucks. Mr. Brombacher was not present because of a previous appointment. Mr. Dellums did not take part in the discussion of the case of

KIANG/San Francisco Civil Service Commission (FEP61-A351).

Consultant Taylor explained that the Commission had heard an appeal in this case in November of 1964 and had subsequently voted to deny the appeal and uphold the decision of Commissioner Dellums. Mr. Kiang had later requested reconsideration of this appeal decision and had asked that he be permitted to appear in person with his attorney at this scheduled meeting. Mr. Kiang's attorney had called to request an indefinite continuance of this reconsideration for the purpose of permitting his client to pursue all the avenues of appeal within the San Francisco Civil Service Commission. The attorney had indicated that if those appeals failed, he wished then to return to the Fair Employment Practice Commission in order to seek redress of his client's complaint. Mr. Taylor stated that pursuant to Mrs. Hernandez' request, he had written a letter to Mr. Kiang asking what new evidence was available that might affect the Commission's original appeal decision. At Mr. Kiang's request, he had contacted his attorney who had expressed disappointment at not being given more than one hour to present Mr. Kiang's appeal, but who did not indicate that any new evidence was involved in this reconsideration request. After a brief discussion, it was the consensus of the Commission that final action will be taken on this case in June 1965, and that if Mr. Kiang and his attorney wish to make a formal presentation to the Commission at that time, one hour would be allowed for this purpose.

RECESS: At 4:04 p.m., the Commission recessed and reconvened in open session.

Second Day:

RECONVENE: At 2:02 p.m., the Commission reconvened in executive session with Commissioners Brombacher, Dellums, Ford, Garcia, Sterling, Zook and staff members Howden, Hernandez, Henry, Wilson, Zimpel, Hine and Taylor in attendance.

MINUTES: Corrections in the minutes of the March meeting relating to the executive session on personnel matters were made as follows:

Page 1, line 16 should read "delegation to him of the authority to recommend an individual to fill the position of Community Relations Officer (formerly Special Representative), he had . . .". Page 1, line 22 delete "of Special Representative". Line 27 should read "position of Community Relations Officer be approved". The minutes of the executive session on personnel matters were then approved as corrected. (Mr. Lucks and Mr. Graham entered at 2:05 p.m.)

Executive Session: Corrections were made as follows: Page 9, line 8 delete "actively". Page 9, line 30 insert sentence to read as follows: "For strategy reasons, this bill is not to be identified as emanating from or suggested by FEPC." The minutes of the executive session were then approved as corrected.

There was a brief discussion in which Mr. Ford recommended that the minutes be shortened considerably, but this motion was defeated with the Commission suggesting that it was necessary to have rather full detail on the activities at Commission meeting.

AFFIRMATIVE ACTIONS: Mrs. Hernandez reviewed briefly for Commission the affirmative action program and the reason for the special session scheduled for today's meeting. She stated that some time ago, the Commission had adopted a set of criteria for initiating affirmative actions. These criteria still appear to be useful and effective in determining targets for affirmative actions. She had requested that each affirmative action consultant report on his activities and make recommendations for improving the program. The results of that report had been submitted to the Commission, and several meetings had been held between the affirmative action consultants and state staff to discuss implementation of the Commission's affirmative action program. She indicated that the full reports of the consultants had been sent to the Commissioners several months ago, but she asked Consultant Hine and Consultant Taylor to make any supplementary remarks they wished.

Mr. Hine indicated that the affirmative action program was so vast that the two consultants assigned could not possibly handle all aspects of it. He recommended that additional staff be assigned to this work, so that the affirmative action program could move more rapidly and so that more community sources could be developed. He suggested that it would be meaningful to attempt to arrive at a signed agreement with each affirmative action target,

so that there would be some formal understanding of what efforts needed to be made. He also urged that FEPC develop a specific program which would outline those things we expected to accomplish in the affirmative action and how we expected to accomplish them. It was necessary also to attempt to encompass all employers and unions in some affirmative action efforts and perhaps to seek pledges of action as well as pattern surveys from as many targets as possible. He recommended that efforts be made to define how to select targets, the content of formal agreements, and methods of making contact with the sources of minority personnel. In the discussion which followed, Commission agreed that the criteria which had been developed more than a year ago still applied and should be utilized more stringently in requesting Commission authorization of affirmative actions. It was also agreed that it was necessary to develop reporting procedures which would explain what had happened in the course of an affirmative action with a company, union, etc.

Mr. Taylor agreed essentially with Mr. Hine that more people were needed in the affirmative action program. He also stated, however, that decisions should be made on an individual basis for each affirmative action to decide whether or not a formal agreement would serve any purpose and more progress could be made without it.

Labor Affirmative Action: The Commission then turned to consideration of the proposals made several months ago by Area Supervisor Don Henry concerning an affirmative action program with trade unions. Mr. Howden indicated that staff had reviewed Mr. Henry's proposals and was prepared to recommend that the Commission authorize the formation of a Labor Advisory Committee to the Fair Employment Practice Commission for the purpose of assisting the labor movement in positive efforts to increase the numbers of minority groups in apprenticeship programs, membership, officers, etc. It was also suggested that it might be useful to plan a conference with all labor unions similar to the conferences that had been held with employer groups in the early stages of FEPC's existence. In the discussion of staff recommendations, Commissioners agreed that the approach was too generalized and would not be particularly effective in making real contact with those labor unions who most needed FEPC's services. It was felt that such a formal Advisory Committee would probably bring together those trade union officials already committed to affirmative work and would not include those who resisted these efforts. Several suggestions were made concerning the possibility of an informal group of the sympathetic labor leaders who could assist FEPC in full implementation within the labor movement of FEPC's affirmative action programs.

Mr. Howden agreed that this approach could be meaningful and suggested that the Commission authorize the formation of such a body for the purpose of exploring how to make meaningful contact and for the purpose of receiving recommendations as to names of trade union officials who could and would serve effectively on a Labor Advisory Committee. Mr. Zook suggested that it was important for FEPC to decide in advance what we felt the unions should do, so that we would have some useful discussion around positive efforts to increase minority representation in the trade union movement. It was fully agreed that the FEPC needed close continuous contact with the labor movement. Staff recommended again that the Commission authorize the formation of a statewide Labor Advisory Committee with a Commissioner assigned by the Chairman as adviser to the group. However, after further discussion, it was moved by Mr. Ford, seconded by Mr. Brombacher and carried that the matter of an affirmative action program with the trade union movement be referred back to staff for specific recommendations as to immediate goals and programs for this group. It was consensus that the program as presented was not meaningful and represented only a gesture towards implementation of FEPC goals.

Public Utilities: Commission discussed briefly approaches to affirmative action programs with various public utilities throughout the State. Prior efforts had been made to develop a program with the assistance of the Public Utilities Commission. It now appeared that that approach would not yield significant results at this time. It was reported that plans were under way for a meeting with various utilities in the Southern California area, and it was suggested that a similar meeting could be scheduled for Northern California as well.

Affirmative Action Report: Mr. Howden presented for Commission consideration, pursuant to its prior request, a report of the affirmative action program. It was agreed that the report was valuable in explaining FEPC's efforts in this regard, and it was suggested that the report should have as wide a dissemination as possible. While the report was originally compiled for the Governor, it was recommended that it be sent to others as well. After discussion, the Commission approved the affirmative action report submitted by staff with the following provisions:

- (1) That no identification of individual companies be included.
- (2) That the report be sent to the Governor, legislators, civil rights groups, and other interested parties.
- (3) That a brief summary be made at the beginning of each major heading to facilitate reading of the report.

Closures: The following affirmative actions which had been previously reviewed by the Commission were authorized for closure:

- (1) FEP64-A009a OAKLAND TRIBUNE
- (2) FEP64-A008a SHREDP BOAT
- (3) FEP63-A004a F. W. WOOLWORTH (Oroville)
- (4) FEP63-A006a MONTEREY AREA LABORERS' UNION, LOCAL 690
- (5) FEP63-A007a BRUNSWIG DRUG CO. (Sacramento)
- (6) FEP63-A010a McKESSON & ROBBINS DRUG (Sacramento)
- (7) FEP63-A012a PROCTOR & GAMBLE MANUFACTURING (Sacramento)
- (8) FEP64-A004a SACRAMENTO QUARTERHORSE MEET.

SECTION 1421 INVESTIGATIONS:

Independent Taxi Cab Companies: Commission discussed the request from the San Francisco NAACP to initiate an investigation of the hiring practices of the independent taxi cab companies in San Francisco. It was alleged that Negroes were not hired by the independent cabs, and the Commission was requested to investigate this charge. It was pointed out that there was an existing Section 1421 investigation of all taxi cab companies in San Francisco, and that progress had been made with the Yellow Cab Company in its hiring of minorities. It was, therefore, recommended that in view of the charges by the NAACP, the existing 1421 investigation be re-activated with specific attention to the hiring practices of the independent cab companies.

Closure: It was moved by Mr. Graham, seconded by Mrs. Sterling and carried that the Section 1421 investigation of the Hughes Aircraft Company (FEP60-B211v) be closed. Consultant Hine reported that in his review of the employment pattern of this company he found that virtually every job category in the company has Negro employees.

Reports:

(1) Plumbers Local 78: Mr. Garcia reported that meetings had been held with Mr. Mazzola of Plumbers Local 78, but that little had been accomplished. He indicated that he has been informed that the Division of Apprenticeship Standards recently completed a survey of the apprenticeship program in California as it relates to inclusion of members of minority groups. It was the consensus of the Commission that a copy of the report be secured from the Division of Apprenticeship Standards.

(2) San Francisco Police Department: Mr. Brombacher reported on the progress made with the San Francisco Police Department since the initiation of our investigation. In 1961, there were

24 Negro policemen out of 1,600. Since our FEPC contacts, 34 additional Negroes have been hired (in the past three years) and of the 24 original patrolmen, 21 are still with the force. The current total in San Francisco is 55 Negro policemen who are assigned throughout the city, without regard to race, creed or color. There are, in addition, approximately 60 Mexican Americans on the force. Mr. Brombacher indicated that the cooperation of the Police Department had been significant, and a human relations program, as well as a community relations program, have been established within the San Francisco Police Department. While there is still work that needs to be done, the progress of the Department is newsworthy, and Mr. Brombacher suggested that some publicity be issued on this investigation. The consultant has recommended that the investigation be closed and that future contacts with the Department be maintained on an informal basis or through any individual complaints that might be filed. It was agreed that public information on the investigation would be useful in getting more applicants from minority groups. It was consensus of the Commission that staff prepare a report on this investigation and make necessary arrangements for public dissemination. In view of the cooperation of Police Chief Thomas Cahill, Commissioner Brombacher recommended that he be sent a copy of the report in advance of publication for his comment. It was further recommended that, if at all possible, the Police Chief should be involved in the public reporting of the results of this investigation.

Mr. Zook requested that staff prepare a report on all Section 1421 investigations similar to the report made on affirmative actions.

COMPLAINANT'S APPEAL:

HUGULEY/White House (FEP63-A415). Mr. Wilson informed the Commission that this case involved a complaint against the White House, a San Francisco department store, which has recently gone out of business. The original decision of the Commissioner in charge had found insufficient evidence of discrimination, but in the course of investigating the complaint, some affirmative action work had been done with the respondent. Part of the affirmative action program involved periodic review and had resulted in the case remaining open for some period of time. The complainant is now appealing the decision of the Commissioner and is seeking redress against respondent company. Mr. Wilson suggested, as a recommendation of staff, that the Commission review the file in this case rather than have the complainant appear in person, since the company is no longer in business and redress under these circumstances appears remote, even if the Commission were to overrule the Commissioner's decision. (At 5:20 p.m., Mr. Brombacher left.)

After additional discussion, it was recommended that the matter be held over till the following day for decision.

RECESS: At 5:25 p.m., the Commission recessed.

Third Day:

RECONVENE: At 11:45 a.m., the Commission reconvened in executive session with Commissioners Graham, presiding, Brombacher, Dellums, Ford, Garcia, Sterling, Zook and staff members Howden, Hernandez, Hartsfield, Wilson, Lucks, Henry in attendance.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT: The Commission briefly discussed the request for investigation of the San Francisco Unified School District made by the Urban League and other community organizations. It was moved by Mr. Dellums, seconded by Mr. Garcia and carried that the request be accepted and an investigation authorized.

RECESS: Commission recessed its executive session at 11:50 a.m.

RECONVENE: At 2:30 p.m., the Commission reconvened in executive session with Commissioners Graham, presiding, Brombacher, Dellums, Ford, Garcia, Sterling, Zook and staff members Howden, Hernandez, Hartsfield, Wilson, Lucks, Henry in attendance.

BUDGET: Mr. Howden briefly reviewed with Commission the chart showing the budget history of the Fair Employment Practice Commission. Pursuant to some questions raised by Commissioner Dellums as to the meaning of certain parts of the budget chart, Mr. Howden agreed to obtain additional information and review the matter at the next Commission meeting.

RECESS: At 4:02 p.m., the Commission recessed briefly to

RECONVENE at 4:15 p.m. with Commissioners Graham, Dellums, Ford, Garcia, Sterling, Zook and staff members Howden, Hernandez, Hartsfield, Wilson, Lucks, Henry in attendance.

INSURANCE COMPANIES: Mr. Howden reported that Mr. Randolph Carter of the Washington State Board Against Discrimination had recently requested, via letter, California FEPC's assistance in a proposed nationwide project to seek from private insurance companies voluntary discontinuance of the requirement of ethnic identification of applicants for insurance and applicants for employment. It was consensus of the Commission that staff cooperate with the Washington State Board Against Discrimination to the extent feasible in effecting a solution to this problem.

COMMISSION STRUCTURE: Mrs. Hernandez reviewed briefly this agenda item which arose out of a discussion with William Becker during our Sacramento visit in an attempt to see the Governor. He asked at that time if the Commission had given consideration to the proposals made a year or two ago by the Department of Finance concerning a change in the structure and procedure of the Commission. At that time, Mrs. Hernandez had indicated that the Commission was not aware of these recommendations, and asked if Mr. Becker would send copies of the proposals. Subsequent to this discussion, the material had arrived and had been forwarded to the Commission for study. Commissioner Garcia had sent a detailed memorandum to Mrs. Hernandez outlining his approval of the recommendations and suggesting that total supervision of staff be in the hands of staff. Mr. Graham asked if the Commission wished to comment on the material sent to them. Mrs. Sterling stated that she had read Mr. Garcia's memorandum and agreed with it, and suggested that the Commission adopt its proposals. Mr. Dellums stated that he was totally opposed to most of the comments in Mr. Garcia's memorandum and felt that they would have the effect of making the Commission a purely "rubber-stamp" body.

Mr. Howden indicated that some of the recommendations in Mr. Garcia's memorandum were partially in effect in the agency in that he had been given the power to select staff members in Southern California, but had not been given similar authority in Northern California. He stated that he was prepared to make the following recommendations to the Commission:

- (1) That no submission of amendments on the structure or power of the Commission be made during this legislative session -- either at Commission authorization or otherwise.
- (2) That a Committee of the Commission be designated to study any and all matters pertaining to the efficiency and organization of the agency -- including any changes in the law on appointment power and case handling functions of the Commission.

It was the consensus of the Commission that the recommendations be accepted, and Chairman Graham appointed Commissioners Sterling, Dellums and Zook to the Committee. It was agreed that the Committee would meet as soon as possible and would make reports of its progress to the Commission periodically. In response to a question by Mrs. Hernandez, it appeared to be consensus that staff would be involved at the request of the Committee.

COMPLAINANT APPEALS: Hearing Commissioners - Graham, Bellums, Ford, Garcia, Sterling and Zook.

HUGULEY/White House (FEP63-A415): Pursuant to the Commission's decision of the previous day, Mr. Henry was asked to review the complaint. Mr. Bellums indicated his opposition to the procedure, suggesting that it was improper to base the decision simply on the file in this inasmuch as staff had already indicated that the complainant was unhappy with the decision and wished an opportunity to present her case to the full Commission. He felt that this procedure would not satisfy her desire for this personal review. However, the Commission agreed to hear the file in this case, and Mr. Henry reviewed the complaint. He pointed out that the complaint had been closed in December 1964 as "no adjustment effected, specific complaint not sustained" by Commissioner Brombacher. Consultant Williams had investigated the complaint and had called to the attention of White House personnel some of the practices of the company which needed correcting. This investigation did not substantiate the allegation by the complainant that she had been discriminated against, but affirmative action to recruit more minority personnel was indicated and the case had been held open to effect this change. Some efforts had been made by the company and the employment pattern had improved during our contacts with the respondent. However, the company has since gone out of business. After hearing the case file, it was moved by Mr. Garcia, seconded by Mrs. Sterling and carried that the Commissioner's decision be upheld and the appeal denied. However, it was agreed that the complainant should be advised of her right to request reconsideration of the Commission's decision and that she be permitted to appear in person at this reconsideration, if she indicates a desire to do so.

SALARY OF COMMUNITY RELATIONS OFFICER: Mr. Howden reported that pursuant to the Commission's request, he had submitted a memorandum to Department Director Ernest Webb seeking approval of a two-step increase in the salary of the former Special Representative position. Mr. Webb had met with him and reviewed the content of this job as it relates to a similar position in the Division of Apprenticeship Standards. The two positions are quite comparable, but the DAS position is four steps above the current Special Representative salary range. It appeared to both Director Webb and Mr. Howden that a request for the improvement of the salary level of the Community Relations Officer should be made on the basis of a four-step increase, since the jobs were equal in scope. Mr. Howden stated that he had informed Director Webb that it was his conviction, as well as that of the Commission, that the Community Relations Officer should be on the same salary

level as the Area Supervisors and the Information Officer. He wanted it made clear that, while he agreed with the desirability of the recommendation, he felt strongly that the jobs in question were equal in responsibility and should, therefore, be equal in salary. Mr. Webb informed him that this matter could be raised at a later time, but that it would be valuable to secure this raise for the Community Relations Officer. Therefore, Mr. Howden had submitted a new memo to Director Webb asking for the four-step increase. Procedure now is to forward the request to the Department of Finance for approval, and their approval is by no means certain at this time. Mr. Howden stated, however, that even if the Department of Finance does approve the range increase, this would not result in any more money for the present Community Relations Officer, since the beginning of the new range would be equivalent to the top of the old range. It did, however, provide for merit increases periodically. In the discussion which followed, it was agreed that the request was proper and that it would be good leverage for increasing the consultants' salaries as well as the salaries of the Area Supervisors and Information Officer.

Mr. Howden also reminded the Commission that the Department is seeking a four-step increase for the Consultant (journeyman) in several divisions and appears to have a reasonably good chance of securing this requested raise, because a position in private industry comparable to the position of Consultant in the Division of Apprenticeship Standards pays considerably higher than the DAS position. Since FEPC Consultants are in a parity relationship to Division of Apprenticeship Standards Consultants, the increase would apply to our Division as well.

ASSISTANT CHIEF: Mr. Howden reported that he had made a strong request to the Department for an improvement in the salary level of the Assistant Chief as well.

He submitted copies of the memoranda on the salary increase for the Community Relations Officer and the Assistant Chief.

ADJOURNMENT: At 4:45 p.m., the Commission adjourned its executive session to reconvene on May 3 in Los Angeles.

Respectfully submitted:

Clive Graham, Chairman

Edward Howden, Secretary

ACH:gh

Howden

MINUTES -- 77th meeting:

Fair Employment Practice Commission
State of California
San Francisco, California

5-6-7 April 1965

State Building,
Room 2198

PRESENT: Clive Graham, Chairman, presiding; Elton Brombacher, C. L. Dellums, Louis Garcia, John Anson Ford, Audrey Sterling, Dwight Zook, Commissioners; Edward Howden, Aileen Hernandez, Lloyd Zimpel, Don Henry, Lawrence Lucks, staff, and Dr. Paul O'Rourke.

A quorum being present, Mr. Graham called the meeting to order at 10:10 a.m.

MINUTES: The minutes of the March meeting were approved.

REVIEW OF THE AGENDA: Mrs. Hernandez reported that Dr. William Woodson would appear as a special order of business on Tuesday, at 10 a.m. on April 6, for the purpose of requesting an exemption.

DR. PAUL O'ROURKE: Mr. Graham welcomed Dr. Paul O'Rourke, Special Assistant for Anti-Poverty Planning to the Governor, who outlined for the Commission his role in the poverty program in California. He explained the main themes of the Economic Opportunities Act of 1964 as:

1. Participation by the poor in the program.
2. Prevention of the cycle of poverty by emphasis on youth programs.
3. Compensatory rehabilitation programs with adults to provide a "second chance".
4. Community citizen participation at all levels.

In essence, the poverty program is geared to local community/citizen identifying their own problems and effecting solutions to these problems. Dr. O'Rourke briefly described the seven titles of the Economic Opportunities Act of 1964. (At 11:15 a.m., Mr. Wilson entered.)

In response to questions from the Commission, Dr. O'Rourke suggested that FEPC staff could be helpful to the poverty program by providing assistance to the local Community Action Councils throughout the state. It was moved by Mr. Ford, seconded by Mr. Dellums and carried that FEPC staff arrange to visit all the Community Action Councils in the state. Dr. O'Rourke agreed that he would provide a list of these councils at his earliest opportunity. The Commission thanked Dr. O'Rourke for his clear analysis of the program and agreed that FEPC would seek to assist his efforts in whatever way possible. (At 11:30 p.m., Dr. O'Rourke and Mr. Ford left.)

PALO ALTO ADVISORY COMMITTEE: Pursuant to the Commission's request for a recommendation by staff concerning the possible formation of an advisory committee to the FEPC in Palo Alto, Mr. Wilson presented for Commission consideration a proposal to authorize the formation of such a committee. Staff recommended that the committee be established if the Palo Alto community would provide quarters and personnel and underwrite whatever expenses are required to carry on the functions of the committee. It was suggested that FEPC would be available to provide assistance to the group within the limitation of its own staff needs. The powers of the committee in the fields of employment and housing were outlined, and it was suggested that the group be given the authority to mediate or conciliate between a community organization and an employer when requested, provided the same was authorized by FEPC. (See attachment for full text of recommendation.)

In the discussion which followed staff's presentation, Mr. Dellums suggested that the group should issue no publications of any kind without prior authorization by FEPC. He also felt strongly that the group should not overly emphasize study programs as one of its functions. It was moved by Mr. Zook, seconded by Mr. Ford and carried that the proposal of staff be approved with the suggestions of Mr. Dellums incorporated, and that a Palo Alto Advisory Committee to the FEPC be formed. In terms of the procedure to be followed concerning the authorization by the Commission for the group to engage in mediation of the civil rights dispute, it was agreed that such authorization could be made at the discretion of the Commissioner assigned to the Advisory Committee.

COMMISSION MEETING SCHEDULE: Commissioner Dellums indicated that his schedule conflicts with the proposed meeting dates in September and October. It was agreed that information would be sought concerning major conferences which might be scheduled for that time. Decision on the schedule was postponed until that information could be received.

OPEN HOUSE INVITATION: Mrs. Hernandez, on behalf of the clerical staff, invited the Commission to an open house luncheon. She indicated that staff had prepared the food and had made all the arrangements for this first celebration in our new headquarters. Mrs. Sterling and Mr. Zook indicated that they would not be able to attend because of a prior commitment, but thanked staff for the invitation. All other Commissioners accepted, and the meeting recessed at 11:58 a.m. for the staff luncheon.

RECONVENE: At 2:01 p.m., the Commission reconvened with Commissioners Graham, Brombacher, Dellums, Ford, Garcia, Sterling and staff members Howden, Hernandez, Wilson, Hartsfield, Henry, Lucks, and Zimpel in attendance.

It was formally moved by Mr. Ford, seconded by Mr. Brombacher and carried that the Commission extend its thanks to staff for the lovely luncheon that had been arranged, and the Commission further voted to show a small token of its appreciation through a contribution to the staff "entertainment" fund.

REACTION TO BROKER GUIDELINES: Mr. Howden reported that despite a mix-up in mailing arrangements, the Commission statement on suggested guidelines to real estate brokers had received fairly wide press coverage, with most newspapers having carried the story given to the wire services. Somewhat fuller coverage was possible in the labor and minority press. The essential points, however, were covered in all stories, even in the shorter ones. Mr. Howden indicated that the statement had been circulated to a number of organizations, seeking their comments on the FEPC guidelines. He cited a number of responses from fair housing groups and human relations committees which complimented FEPC on the statement as issued. (At 2:08 p.m., Mr. Garcia left.) Mr. Howden indicated that the California Real Estate Association had responded in a press release to the FEPC statement with some hostility and had stated that the Commission expected real estate brokers to act as missionaries in this situation, or refuse to handle the properties of owners who wish to use their lawful right to discriminate. (At 2:15 p.m., Mr. Garcia and Mr. Zook entered.) In a telephone call from CREA officials to Mr. Graham, these officials had indicated that they would have to oppose some of the points made by FEPC, although it was admitted that they had not fully read the ten points, but were going primarily on the basis of the press release accounts.

After some discussion, the CREA officials had agreed to meet with the FEPC within the near future to discuss these matters in greater detail.

WOMEN'S ADVISORY COUNCIL: Mr. Ford reported that he has met with Mrs. Thomas and Mrs. Hernandez to plan the next move for the Women's Advisory Council. A list of names will be submitted for Commission approval at the May meeting. He reported that he has written to the State President of the League of Women Voters to ask her help in recommending women to serve on the committee and has received her assurance that such a list will be forthcoming.

Mr. Ford and the Commission commended the members of the Women's Advisory Council in Long Beach who had compiled an excellent survey of the resources of their community. The survey will be sent to all members of the Women's Advisory Council as an example of a meaningful community project. Mr. Ford also reported that FEPC's Education Officer is in the process of compiling a brochure containing suggestions for community action by members of the Advisory Council.

SAN MATEO ADVISORY COMMITTEE: Mr. Zimpel reported that the job survey conducted by this local advisory committee has been completed and received quite a bit of attention in the San Mateo press. He stated that the results of the survey had been compiled by two CORO interns and that the information would soon be available for distribution to the Commission. San Mateo Advisory Committee Chairman, Horace Marshall, has stated that the survey was beneficial from a number of points of view, including the fact that it provided those students who cooperated in the program with their first opportunity for contact with the minority community of San Mateo. A meeting of the San Mateo Advisory Committee has been scheduled for April 12, 1965 to discuss the results of the survey and to make plans for a new project involving a Career Guidance Day in San Mateo. The initial plans call for the program to begin in the San Mateo High School, and if it is successful, to extend to other high schools, junior high schools and elementary schools in the San Mateo area.

TECHNICAL ADVISORY COMMITTEE ON TESTING: Mrs. Hernandez reported that a meeting of this Advisory Committee is scheduled for April 28, and that the initial high degree of enthusiasm has been maintained by the individuals involved. Additional names have been suggested for the northern Committee and a number of names have been recommended which should provide a nucleus for a similar committee in the Los Angeles area.

ADVISORY COMMITTEE ON PROBLEMS OF THE MEXICAN AMERICAN COMMUNITY: Mr. Garcia reported that staff and he have been working on a list of names to submit for Commission approval in some of the seven geographic areas into which this Committee will be divided. The list will be available later on in the meeting. Mr. Garcia also reported on a conference to be held at Camp Hess Kramer near Los Angeles on April 9, 10 and 11. Consultant Ralph Vega is scheduled to attend. Mr. Garcia distributed to the Commission and staff copies of a study called "Historical Background on Mexicans and Mexican Americans" which will be used for discussion purposes at the conference. It was the consensus of the Commission that a Commissioner attend, if at all possible.

STAFF REPORTS:

Southern California Area Supervisor: Mr. Lucks reported briefly on some of the activities in the Southern California area during the past month. He called particular attention to a meeting with Miss Sue Welch, Adviser to the Student Committee for Improvement in Watts. The group is composed of junior high school and high school youngsters who are working on an individual basis to improve their community.

Miss Welch, a teacher on leave, has been supervising the group and reported that they have made significant contributions to beautifying their community. She indicated that she would be bringing a group of these youngsters to meet with the FEPC staff during the Easter vacation week.

The annual Career Guidance Center for Los Angeles County was held during the month, and FEPC provided a sort of shopping bag with an imprint stressing fair employment practices to all persons who attended the Center. There was some discussion concerning the shopping bag as presented, and while it was agreed that the idea was a good one, there was some question as to the effectiveness of the message as it appeared on the bag. It was explained that there was very little time to prepare the material for distribution and that FEPC had not even seen a proof of the bag, until the quantity was delivered. Mr. Zimpel reported that in general the shopping bag idea was very well received and we had had a number of requests to provide them for other career guidance centers. Mr. Howden explained that in addition to the bag, two pieces of FEPC literature were also provided. After the discussion concerning the Career Guidance Center in Los Angeles, it was moved by Mr. Ford, seconded by Mr. Zook and carried that a letter be sent to the County Superintendent of Schools in Los Angeles commending him for the monumental job of coordinating the Career Guidance Center, but also expressing the Commission's concern with the noticeable lack of minority group members either manning the booths or in the photographic displays at the Center. Carbon copies of the letter are to go to Harold Hodge, principal exhibitors at the Center, and to the Chairman of the Los Angeles County Board of Supervisors.

It was suggested that career guidance centers of this kind were valuable and that FEPC participation should be encouraged, perhaps by asking the Women's Advisory Council to assume the task of coordinating FEPC's involvement and making arrangements to man the booths during the period of time that the center was in operation.

Mr. Lucks also reported on the Merit Employment Conference sponsored by the Urban League which drew a large attendance of employers. Mr. Zook indicated that he felt that the conference was generally successful, but that it was extremely difficult to conduct meaningful workshop sessions, since the employers present had a wide range of experience in merit employment programs.

Northern California Area Supervisor: Mr. Henry reported that Consultant Phil Murphy had used some of his accumulated leave time to go to Montgomery, Alabama to assist in the Selma-Montgomery march. He worked directly with the Montgomery Improvement Association,

organizing transportation, communication and housing for the 30,000 participants in the march.

Mr. Ford stated that a great indirect compliment was paid to the Commission by having a staff member take his own time to participate in such an important event. He suggested that Consultant Murphy be asked to appear before the Commission to discuss his part in the Selma march. It was agreed that this would be done.

Consultant Everett Beane played an important role in the planning and execution of an extremely successful Career Day at McClymonds High School in Oakland. Over one thousand students participated as well as representatives from some thirty of the largest employers and labor unions in the area. This Career Day was the second one at McClymonds in which Consultant Beane has played a significant role, and he reported that the involvement of the students was at a very high level. Continuing work will be done in this area.

Mr. Henry reported on two staff meetings -- one with Lino Lopez of the San Jose Mexican American Community Services Project and the other with two representatives of the State Personnel Board, Alden Brock, Chief of the Recruitment and Field Services Division, and John McKay, Chief of the Personnel Services Division.

Mr. Henry stated that Consultant Si Connelly formally took over the Fresno office on March 1 and has been continuing the contacts made by Consultant Lisker during his stewardship of that office.

Education Officer: Mr. Zimpel reported that FEPC is receiving an increasing number of requests from the schools for "anti-drop-out material" and he has been working on a bibliography of sources for this material. It was consensus that FEPC's work with youth motivation is an important function, and staff participation in this project should be encouraged wherever possible. Mrs. Hernandez stated that FEPC staff members have participated in a number of career day programs and have been instrumental in improving the effectiveness of these programs in many ways. It is difficult, however, for the limited staff resources of FEPC to cover all the requests of this nature. Mr. Howden suggested that it might be possible, through the poverty program, to develop a corps of professional aides to FEPC for the specific purpose of giving assistance to school career day programs. Mr. Zimpel continued his report by informing the Commission that he has been preparing and distributing a number of articles requested by small magazines throughout California.

RECESS: At 3:52 p.m., the Commission recessed briefly.

RECONVENE: At 4:04 p.m., the Commission reconvened in executive session to hear an appeal. At 4:20 p.m., the Commission recessed its executive session and reconvened in open session to continue with staff reports.

Legal Counsel: Mr. Wilson reported that he was scheduled to attend a conference sponsored by the National Association of Manufacturers on the Federal Civil Rights Act in San Mateo on April 23. He also discussed a meeting called by Bill Becker with the Department of General Services, the Department of Public Works, and other agencies which have the main responsibility for letting contracts in State government. He and Mrs. Hernandez were present and the group had explored ways of increasing positive efforts by State agencies in implementing the anti-discrimination clause in all State contracts. Regional meetings are to be held to discuss this matter with prime contractors, and Associate Counsel Hartsfield and Consultant Hine are to participate in the first such meeting to be held in San Bernardino on April 22. In response to questions by Mr. Ford, it was explained that this was a preliminary meeting for the purpose of planning a larger conference later in the year and that only staff of each of the departments was involved at this time. It was hoped that Commissioners would be involved when the conference was finally scheduled.

On April 17, a regional meeting of the Legal Redress Committee of NAACP will be held to discuss the ramification of various cases which may eventually reach the Supreme Court. Mr. Hartsfield and Mr. Wilson will both attend. Mr. Wilson briefly explained the recent court decision in Los Angeles in which the court held that under the protection of Proposition 14, a property owner need not rent to a Negro, but he is not similarly protected by Proposition 14 in attempting to evict a leaseholder in that such an attempt involves State action which is not permitted under Proposition 14.

Assistant Chief: Mrs. Hernandez reported that she has recently been involved in affirmative action work with a number of State agencies, particularly in the last month with the Department of Mental Hygiene and the State Controller's Office. At the request of the State Controller, she met with upper-level supervisory staff to discuss positive recruitment efforts that could and should be made by State officials. The Controller's Office has instituted a course in cultural differences which is scheduled to reach all levels of supervision. Consultant staff has followed through with the State Controller's Office and has acted as resource persons for this course. Reports received from the consultant and Mr. Wilson who were

both involved in the course, indicate serious problems in communicating to State agency officials their responsibility for positive efforts in this area. Mrs. Hernandez reported that it is increasingly apparent from contacts with this and other agencies that while sincere commitment may appear at top levels, there is often deep resistance to the program at lower levels of supervision. She indicated that a great deal of work needs to be done with State agencies to move them in the direction already taken by any number of private employers. As an example of positive work that could be done, Mrs. Hernandez cited the efforts being made by the Department of Mental Hygiene to encourage the facilities under their jurisdiction to analyze critically the problems of their agency and to suggest possible solutions.

After discussion of the difficulties frequently encountered with State and other governmental agencies, the Commission suggested that staff call these matters to the attention of William Becker for his information and action. Mr. Zook commented that State and local government were very difficult to deal with on an affirmative action basis and that some meaningful approach must be developed if we are to be successful in changing employment patterns in these areas.

RECESS: At 5:05 p.m., the Commission recessed.

Second Day:

RECONVENE: At 10:00 a.m., the Commission reconvened with Mr. Graham, presiding, Mr. Dellums, Mr. Ford, Mr. Garcia, Mrs. Sterling, and Mr. Zook, Commissioners, and Mr. Howden, Mrs. Hernandez, Mr. Wilson, Mr. Hartsfield, and Mr. Zimpel, staff. (At 10:06 a.m., Dr. William Woodson and Mrs. B. J. Miller entered.)

ADULT MINORITY EMPLOYMENT PROJECT, OAKLAND: Mr. Howden presented to the Commission Dr. William Woodson, Research Director of the Oakland Adult Minority Employment Project. Mr. Howden explained that Dr. Woodson was seeking an exemption from the Commission in order to obtain data on ethnic background of individuals serviced both by the Adult Minority Employment Project and by the Oakland office of the California State Employment Service. Mr. Wilson and Mr. Howden had met with Dr. Woodson to explore his request and were prepared to make a recommendation to the Commission. Mr. Graham asked Dr. Woodson to explain the project to the Commission. The Adult Minority Employment Project is a two-pronged program funded jointly by the Ford Foundation and United States Department of Labor. Focus of the project is on both action and research, and Dr. Woodson has responsibility for the research section. The project is designed to increase the employability

of minority adults in Oakland, and it is necessary to determine how many minorities are utilizing the service and how successful the service is in providing employment for these adults. For comparative purposes, data will be collected on all the applicants who go through the three offices of the Adult Minority Employment Project as well as those who are serviced by the Oakland office of the Department of Employment. To obtain the necessary ethnic data, Dr. Woodson was proposing that the applicant be asked to fill out a questionnaire which would include ethnic identification. The applicant would be informed that this information was purely for research purposes and would be directed to deposit the form in a special locked box which would be collected by the Research Division of the Adult Minority Employment Project. He further explained that the research side of the project is administered through the Institute of Industrial Relations at the University of California, Berkeley.

After Dr. Woodson's presentation, Mr. Howden outlined for the Commission what he considered to be the essential policy questions involved in Dr. Woodson's request:

- (1) Should the exemption be granted for a limited time for research purposes?
- (2) In what way should the collection of data be handled? Should the Commission permit self-identification by the applicant?

In the discussion which followed it was emphasized that FEPC has serious reservations about requiring applicants to identify themselves as to ethnic background, since it can easily be misunderstood by some people. Mr. Wilson then presented staff's recommendations:

- (1) That the request for exemption be granted.
- (2) That for a limited period of one month, self-identification be permitted in one of the three Project offices.

Mr. Dellums pointed out that the State Department of Employment has been collecting racial information for more than a year. He asked Dr. Woodson if that information was suitable for his purposes and was informed that it was inadequate because it did not identify the individual applicant and it only applied to claimants for unemployment insurance. He indicated, however, that limited ethnic information is available on referrals made by the Department. (At 10:30 a.m., Mr. Brombacher entered.)

Mr. Zook requested clarification of why the whole question of the exemption was before the Commission, since it was his impression that Commission had delegated to staff the responsibility for making these determinations, and only in situations where staff was in doubt, would the Commission become involved.

Mr. Howden explained that while he was clear on the delegation to staff regarding bona fide occupational qualifications exemption, he was in doubt as to whether Commission had made a general delegation to staff of decisions concerning all types of exemptions. Brief discussion followed concerning the possible problems that might arise if applicants were required to identify their racial or ethnic background, and it was generally conceded that it would be worthwhile to gain specific information as to the reaction of individuals to this type of question.

- (1) It was, therefore, moved by Mr. Zook, seconded by Mr. Ford and carried that the Adult Minority Employment Project be granted an exemption to the restrictions against ethnic information for the express purpose of conducting research into the effectiveness of their project.
- (2) It was moved by Mr. Garcia, seconded by Mr. Ford and carried that self-identification by the applicant be permitted for a 30-day period in one of the three Adult Minority Employment Project offices, and that at the end of that time, FEPC staff evaluate the situation and if, in its discretion, no noxious results appear, the self-identification procedure could be extended to other areas of the research project.

Dr. Woodson then made an additional request to the Commission that it permit his research project access to confidential pattern survey information on employers in the Oakland area for the purpose of analyzing the results of special recruitment efforts by various organizations.

- (3) It was moved by Mr. Ford, seconded by Mr. Zook and carried that this information be made available to Dr. Woodson's project with the proviso that individual employers or unions etc. would not be specifically identified. (Mr. Brombacher abstained from all three votes, since he had not been present for the full discussion.)

Dr. Woodson thanked the Commission for its consideration and left at 10:50 a.m. (Consultant Phil Murphy entered at this time.)

SELMA MARCH: Mrs. Hernandez informed the Commission that Consultant Murphy was on hand, in response to the Commission's request to report on his recent visit to Montgomery, Alabama. Mr. Murphy reviewed briefly his activities in Montgomery during the days immediately preceding the march from Selma to Montgomery. He emphasized that despite newspaper accounts, the march itself was essentially a march of local Negroes in protest of the events in Selma. More than 90% of the marchers were Negro and only about 10% of all the people in that march had come from out of state. While the committee in charge of the march was overwhelmed by the response of the community (which was three

times greater than the most optimistic estimate had expected), the march itself was highly disciplined, and without any incidents of violence. However, the behind the scene's organization of housing, food, etc. for the marchers was chaotic because the huge number of participants severely strained the resources of the local community. Mr. Murphy stated that Governor Wallace had appealed to the Alabama community to ignore this march of "northern radicals" and had encouraged people to stay off the streets. The National Guard was in evidence along the march route, but according to Consultant Murphy, the marchers did not feel a sense of security in their presence inasmuch as many of them wore Confederate flags on their tunics. (At 11:05 a.m., Mr. Henry entered.) Consultant Murphy indicated that he felt the march was extremely valuable because it provided an expression of the unity of the Negro community in this cause, and while most of the Caucasian marchers were from out of state, a number of local Caucasians who viewed the march appeared to be sympathetic. Mr. Ford expressed to Consultant Murphy the Commission's commendation of his involvement in this historic event. (At 11:30 a.m., Mr. Lucks and Mr. Graham left for a meeting at the University of California.)

STAFF REPORTS (cont'd.):

Executive Officer: Mr. Howden reported on the meeting held on March 10 with Governor Brown. While six Commissioners had been present at the pre-arranged time, the Governor was unable to see the group in the morning and requested that the meeting be set for 3 o'clock in the afternoon. As a result of this change of schedule, only two of the Commissioners (Zook and Ford) were able to remain until that time. Mr. Becker, Commissioners Ford and Zook, Mr. Howden and Mrs. Hernandez had a very brief meeting with the Governor in which it was possible only to sketch briefly the Commission's concern for the affirmative action program and the need for an expanded budget for this activity. Commissioners Ford, Sterling, Zook and Graham had subsequently sent letters to the Governor stressing these needs and urging the Governor to include an additional amount for the FEPC in his supplementary budget request. As of this date, the Governor had not included FEPC in his supplementary request for funds.

Mr. Howden stated that two Senate Finance Sub-Committee hearings had been held on FEPC budget, but no decision has been reached by the full Finance Committee. The hearings on the Assembly side have not yet been held.

The Alameda County Human Relations Commission and the Oakland Chamber of Commerce were co-sponsors of the Merit Employment Conference in which some 250 Bay Area employers participated. The discussion at the meeting moved away

from the simple policing functions of fair employment practice commissions to some of the other affirmative work that has been done. Mr. Howden commented that the representative of the Emporium had been particularly complimentary to this role of FEPC.

Mr. Howden then reviewed briefly proposed and pending legislation of interest to FEPC:

AB 238 (Stanton) which provides for the establishing of an office in San Jose. The bill has now been heard in the Governmental Efficiency and Economy Committee and passed narrowly. It is now scheduled for hearings in the Assembly Ways and Means Committee.

SB 425 (Bradley) which amends the Fair Employment Practice Act to bring the public hearing procedures of the FEPC fully under the Administrative Procedure Act. Is scheduled for hearing in the Senate Judiciary Committee on April 20.

AB 150 (Song) which makes age discrimination unlawful. The bill was amended by the author in March to remove enforcement from the Fair Employment Practice Commission and provide that enforcement will be handled through the Division of Labor Law Enforcement.

SB 981 (Holmdahl) which makes it unlawful for an employer to hire because of race, religious creed, color, national origin or ancestry in order to establish or maintain a quota, or offer preferential treatment in hiring and in terms and conditions of employment because of race, etc. It also makes it unlawful for labor organizations to discriminate in favor of or give preferential treatment to any person because of race, religious creed, etc. While the bill includes existing FEPC policy, the great risk in rigidly including it as law is that it may well give aid and comfort to employer groups and employers or labor unions who wish to oppose any positive recruitment efforts to improve their patterns of employment or membership.

Mr. Howden indicated that he had communicated his own and Commissioner Dellums' concerns on this bill to Senator Holmdahl, before the bill was introduced.

SB 1063 (Holmdahl) which states that it shall not be an unlawful employment practice to make ethnic surveys or racial head counts of applicants for employment or present employees, when the purpose is informational and statistical and not intended as a means of discriminating. Essentially, the language in this bill is almost identical with the FEPC's own statement on the collecting of racial data. It includes the proscription against questioning applicants directly or using questionnaires and also provides that the information shall not be identified as to a specific applicant or employee, nor shall it become

part of any personnel record. This legislation again appears to be unnecessary in that clear statements of this position have already been made publicly by FEPC.

Other bills which may be introduced by Senator Holmdahl, but which have not yet appeared in the legislative hopper include:

- (a) A bill to provide that the ethnic pattern or racial composition of a workforce shall not be considered in and of itself a presumption of the existence of discrimination.
- (b) A bill specifically to include under the jurisdiction of the Fair Employment Practice Commission the employment policies and practices of the University of California. This bill is of particular concern in that it may trigger an unnecessary legislative fight about FEPC's jurisdiction which for all practical purposes has been amicably settled between the FEPC and the University of California. A good working relationship now exists and shows every evidence of bearing important fruit.

SB 950 (Holmdahl) which forbids discrimination by any licensee of the State under the penalty of revocation or suspension of the license after willful continued refusal to service a member of the public because of the race, color, religion or national origin of the person seeking service. This bill is of intense interest to civil rights groups and will undoubtedly have strong support in the Legislature.

In addition to SB 950, Senator George Miller is scheduled to introduce an anti-panic promotion bill to prevent block-busting activities in the real estate industry.

AB 2150 (Song) which amends Section 1420(b) of the Labor Code to read "that it is an unlawful employment practice for a labor, trade or business organization" to discriminate against members or applicants for membership because of their race, religion or ancestry.

SB 891 (Lagomarsino) which amends Section 1422 of the Labor Code to add a section requiring that a complaint be served on respondent party at the time of initial contact. This bill freezes into law an existing well established policy of the Commission, and on the principle that these minor administrative details should not be rigidly included in the law, it is probable that the bill will be opposed by civil rights groups.

SB 892 (Lagomarsino) which amends the FEP Act:

- (a) To provide that all complaint investigations shall be processed as quickly as possible.
- (b) To require closure of a complaint within 90 days of its filing, unless an accusation has been filed.

- (c) To require closure of Section 1421 investigations within 120 days of their initiation.

While it is obviously desirable to seek prompt processing of cases and FEPC has moved directly to effectuate this policy, the arbitrary setting of time limits may seriously limit FEPC's ability to devote all the time necessary to a full investigation and elimination of unlawful practices. The time limits set are also completely unrealistic in terms of FEPC staff limitations and the backlog of cases currently being handled. Without substantial increase in staff, this amendment would create chaos in the FEPC administration of the law.

SB 893 (Lagomarsino) which amends Section 1423 of the FEP Act:

- (a) To require a Commission finding of sufficiency of the allegations of a complaint before investigation can commence.
- (b) To insert requirement that the investigating Commissioner reach a formal determination of probable cause before taking any other step.
- (c) To make a technical correction by substituting complaint for accusation in the first sentence of Section 1423.

With the exception of (c) above, which would clarify an existing inconsistency in the law, the other sections proposed would seriously slow down FEPC operations by requiring the Commission to review all cases prior to the commencing of any type of investigation. This would require more frequent convening of the Commission for routine review of all cases. It would also seriously cloud the impartiality of the Commission in its role as an appellate body from the decision of an assigned Commissioner. Present procedures place full handling of individual cases under the full jurisdiction of the assigned Commissioner until such time as a review of his decision may be required by the full Commission in a public hearing. The question of inserting probable cause again unnecessarily formalizes and makes more technical the legal requirements of proof, before any affirmative work can be done with the respondent. Much of FEPC's work which has lasting value is accomplished in the educational processes of discussing fair employment practices with respondents, even where the individual complaint is dismissed for lack of evidence. The measure may further delay settlement of cases.

SB 894 (Lagomarsino) which:

- (a) Attempts to define conference, conciliation and persuasion and limits FEPC action specifically to the settlement of unlawful practices only.
- (b) Specifies that endeavors of conciliation shall be privileged.
- (c) Requires that respondent be informed of the purpose of a given contact by FEPC representatives -- e.g. investigation, conciliation, etc.

This apparently innocuous amendment could bar certain phases of affirmative action work by the Commission which may go beyond the specific unlawful practice complained of and where FEPC perceives other practices which could be corrected in the interest of fair employment.

In addition, the term "privileged" is weaker than the current prohibition against admitting conciliation endeavors into testimony in the event of a public hearing.

SB 895 (Lagomarsino) which amends the FEP Act to require notification to a respondent and complainant of the withdrawal of a complaint, its dismissal or the closure of an investigation. Like others of the Lagomarsino bills, this amendment is unnecessary in that it freezes into law existing administrative practice of the Commission which is a well established routine in all cases.

After completing his legislative report, Mr. Howden reviewed briefly for the Commission legislative developments in other states and cities pertaining to discrimination. Of particular interest is the fact that a Fair Employment Practice Act has been passed in the state of Maryland and a fair housing law has been enacted in the state of Indiana. Also in Ohio, the courts upheld an Oberlin city ordinance prohibiting discrimination in housing. The courts' view was that fair housing laws strengthened rather than weakened the constitutional right of all people to hold property.

CASE CLOSINGS:

- (1) Mr. Zook reported his intention to close his cases 1 through 9, all employment cases. He reported briefly on one case in which a supervisor who had discriminated against the complainant was demoted from his position of authority by the company.
- (2) Mrs. Sterling reported her intention to close her cases 1 through 5, all employment cases.
- (3) Mr. Garcia reported his intention to close his cases 1 through 12, including three housing and nine employment cases. He cited a complaint against a local housing authority in which a number of procedures of the authority were changed as a result of our investigation. The case had also assisted in developing a better relationship between the local Human Relations Commission and the Housing Authority.
- (4) Mr. Ford reported his intention to close his cases 1 through 12, all employment cases.

- (5) Mr. Brombacher reported his intention to close his cases 1 through 22, all employment cases. He called attention to one case involving a local beauty college in which a Negro woman was not permitted to enroll in the school, because the school did not provide training in "hot work".

Mr. Dellums commented that some efforts have been made to persuade the Department of Professional and Vocational Standards that no one should be licensed by the State who cannot serve the full public. Efforts are continuing in this direction.

- (6) Mr. Dellums reported his intention to close his cases 1 through 20, all employment cases.

In a brief discussion on the problem of licensing, Mr. Howden inquired if the Commissioner had considered the possibility of seeking an amendment to the Barbers' and Beauticians' Code to provide for service to the full public. Mr. Dellums stated that he felt that the same result could be accomplished by implementation of the Governor's Code of Fair Practices by State agencies involved.

RECESS: At 12:10 p.m., the Commission recessed for lunch to convene at 2:02 p.m. in executive session on personnel and case related matters.

Third Day:

RECONVENE: At 10:00 a.m., the Commission reconvened in open session with Commissioners Graham, presiding, Brombacher, Dellums, Ford, Garcia, Sterling, Zook and staff members Howden, Hernandez, Henry, Lucks, Hartsfield.

RESIDENCE REQUIREMENTS: Mrs. Hernandez reported briefly that Consultant Taylor had called to staff attention the fact that some cities require up to five years residence for employment within the city government. These residency requirements were largely adopted during the period of the depression to provide preference for scarce jobs to local people. While the original intent may not have been predicated on racial or ethnic prejudice, to some degree, the continued existence of these residency requirements may well prove discriminatory in this modern context. It was consensus of the Commission that the requirement of long-term residence in an area could, if desired, be a disadvantage to minority applicants for employment. Commission directed staff to study the situation and present specific recommendations for action to the Commission at its next meeting. (At 10:05 a.m., a number of community leaders entered.)

SAN FRANCISCO UNIFIED SCHOOL DISTRICT: Mr. Howden reported to the Commission that the Bay Area Urban League had requested an opportunity to present to the Commission a recommendation for a Section 1421 investigation of the San Francisco Unified School District. He introduced Percy Steele, Executive Director of the Bay Area Urban League, and Dr. Price Cobbs, Chairman of the Bay Area Urban League Education Committee. Dr. Cobbs presented a recommendation by the Bay Area Urban League that the Fair Employment Practice Commission investigate the San Francisco Unified School District along the same lines as the investigation conducted in the Oakland Unified School District. The Urban League expressed its concern with the hiring practices of the San Francisco District and with counseling practices that might affect employment opportunities for youngsters within the school system.

Mr. Eugene Wolfe, Executive Director of the Council for Civic Unity, expressed his organization's endorsement of the Urban League's request and urged the FEPC to authorize the investigation.

Mrs. Lois Barnes, Chairman of the Education Committee of the San Francisco branch of the NAACP, added her endorsement of the Urban League's request and cited what she termed "intolerable neglect and denial in the San Francisco schools".

Mr. Reginald Major, former Education Committee Chairman of the San Francisco branch of the NAACP, stated that the San Francisco School Board showed bad faith in making no serious attempt to solve a problem that had been called to its attention a number of times.

Mr. Steele emphasized that the Urban League was requesting the positive assistance of the FEPC in improving the San Francisco Unified School District's policies and practices as they relate to ethnic groups, and stated that the District should welcome the FEPC investigation as a positive step to implementation of its stated goals.

Miss Joan Olson of the Bay Area Urban League briefly outlined some of the problem areas with which the Urban League was concerned, including the criteria and procedures for promotion to principal, the qualifications for counselors, human relations training for teachers, etc. She reported that the Urban League had sent a questionnaire to Bay Area county schools seeking information of this nature, and while other counties had responded with factual information on the matters of concern, San Francisco had merely reiterated policy statements. In response to a question from the Commission, Mr. Steele indicated that he considered the investigation of the Oakland school system a very valuable piece

of work which had made an excellent contribution to the understanding of the problems of minority group youngsters and adults.

At the conclusion of the presentation, Mr. Graham explained that it was the practice of the Commission to consider requests for investigations in executive session and inform^{ed} the groups that a decision would be reached in the next few hours. He thanked the representatives of the community for appearing before the Commission.

COMMUNITY REPORTS: Mr. Howden suggested that the Commission hear from other members of the audience on programs in which their organizations were currently engaged.

1. URBAN LEAGUE: Dr. Cobbs explained that the Urban League was placing primary emphasis on its National Skills Bank and has been successful in making a number of important placements in the Bay Area. The Urban League, through this program, is attempting to work out a creative on-going program of career motivation and to put interested employers in contact with the minority community. Mrs. Olson reported that the Urban League has received excellent cooperation from employers and that their office is attempting to place both skilled and unskilled workers and to emphasize the necessity for job development, including the re-evaluation of requirements for specific jobs. The Urban League works closely with the minority specialist of the Department of Employment in exchanging information. In addition to working with the Negro community, the Urban League also assists in the placing of Spanish surname individuals, Orientals, handicapped workers, parolees, etc. They attempt to match existing skills to existing jobs, with the Urban League doing the initial screening of applicants.

2. COUNCIL FOR CIVIC UNITY: Mr. Eugene Wolfe, Executive Director of the CCU, stated that with the formation of the official Human Rights Commission in San Francisco, CCU had begun to direct its efforts to regional coordination of certain human relations activities. One of the projects which had been developed was HOPE (Housing Opportunities Program Exchange) which coordinated the activities of a number of groups interested in fair housing and in providing a listing service on a multiple county basis for owners of property in previously restricted areas who wished to offer their property to members of minority groups. He stated that some 300 listings had been received and a number of important break-throughs had been made. He stressed that HOPE accepted listings only in restricted areas and not in areas which already had open occupancy housing. The greatest need in San Francisco is for rental listings.

Mr. Wolfe also pointed out that CCU is cooperating with local human relations commissions in the Bay Area on the regional conference to be held on May 22 in Berkeley. A number of these groups had indicated a desire for a continuing seminar to discuss program and procedures/with at least one person from each of the commissions/^{in attendance} FEPC is assisting in the planning and will participate in the May 22 conference. Mr. Wolfe indicated that he would make copies of the program for that conference available to the Commission. Mr. Brombacher inquired if the HOPE program is attempting to aid fair housing realtors, so that they may share economically in this open occupancy approach. Mr. Wolfe explained that this is being done in varying degrees, and wherever a person calls and asks for the assistance of a realtor, HOPE supplies that individual with the names of three fair housing brokers from which to select a realtor. However, he pointed out that HOPE is attempting to educate even anti-fair housing brokers to their responsibility under the law to comply with the request of an owner that his property ~~was~~ shown on a non-discriminatory basis -- so that when a willing seller and a willing buyer come together, a broker must handle the transaction. Mr. Wolfe was informed that there were situations in which FEPC could assist in this educational process, and if there were specific complaints about brokers, FEPC could accept the complaint and proceed to investigate the broker's practices. Mr. Wolfe was informed that it was not necessary for CCU to screen all these complaints as to their validity, since the FEPC would have that as part of their responsibility in investigation.

The Commission expressed their appreciation for the appearance of community groups, and Mr. Brombacher asked if the leadership present wished to make any specific comment to the Commission as to the communities' image of the FEPC. Mr. Major stated that there was some feeling in the minority community that FEPC did not have sufficient power to move on some complaints and that, like many governmental agencies, there was just too much red tape involved in filing a complaint. He also stated that others in the community were unaware of FEPC and suggested that there was a need for the Commission to reach into the minority communities to dispel the idea that the Commission is simply an "exalted theoretical organization which occasionally makes a good statement". He urged the FEPC to open its meetings as much as possible to the public and to continue the program of seeking information from community organizations. Mr. Dellums suggested that while FEPC had a responsibility to reach into the minority community, the minority community had a similar responsibility to communicate directly with the FEPC.

Mrs. Barnes asked if the Commission had reviewed the Oakland schools since its initial report and if so, what the results of the review had been.

Consultant Hugh Taylor, who had entered during the discussion, reported that there has been an on-going review of the Oakland schools, and that significant changes had been effected, including placements of Negro teachers in virtually all of the Oakland schools. Mr. Wolfe specifically inquired if this applied to elementary as well as high schools and was informed that it did. He then stated that there was a great need to communicate this to the public, since many people still feel that the Oakland schools had not moved as positively as they should on the question of human relations and the employment of minority group teachers. Mr. Graham again thanked the groups for appearing and stated that the Commission would be conducting this kind of open session with the community at all Commission meetings, and extended an invitation to the groups present to attend all such Commission meetings.

The representatives of the community groups left at 11:45 a.m. Mr. Brombacher suggested that similar sessions be scheduled at 11:00 a.m. on one day of each scheduled Commission meeting, so that there could be free exchange of information and ideas between the community and the FEPC. It was consensus of the Commission that the period from 11:00 to 12:00 noon be set aside for this purpose at one day of each Commission meeting.

JOB CORPS APPLICATION FORMS: Mr. Howden reported that he had received an inquiry from Dennis Fargas who is currently working in the poverty program in Los Angeles concerning the federal forms required for applicants for the Job Corps. These forms require racial designation and are essentially pre-employment inquiries, since jobs for the youngsters are involved. It was the consensus of the Commission that the Executive Officer be authorized to review and approve or reject employment application forms of the Job Corps projects under the Economic Opportunities Act of 1964.

RECESS: At 11:58 a.m., the Commission recessed for lunch.

RECONVENE: At 2:25 p.m., the Commission reconvened with Commissioners Graham, Dellums, Garcia, Sterling, Zook and staff members Howden, Hernandez, Henry, Lucks, Hartsfield.

The Commissioners extended their thanks to Commissioner Garcia for inviting them to attend the Pan-American luncheon at noon. The luncheon had been extremely interesting, and all Commissioners had enjoyed the opportunity to hear the Governor and the Ambassador from Chile.

ADVISORY COMMITTEE ON PROBLEMS OF THE MEXICAN AMERICAN COMMUNITY: It was moved by Mr. Garcia, seconded by Mr. Zook and carried that the list of names presented to the

Commission for inclusion on the Advisory Committee be accepted. Staff indicated that additional names would soon be available for those areas not included in this list.

COMMISSION MEETINGS SCHEDULE: Mr. Howden explained that he had been attempting to get information concerning scheduled meetings of interest to the Commission which might conflict with the schedule as originally presented. After brief discussion, it was moved by Mr. Zook, seconded by Mrs. Sterling and carried that the following schedule of Commission meetings from July to December 1965 be approved:

July 6-7	(T - W) L.A.	October 13-14-15	(W - Th - F) S.F.
August 9-10	(M - T) S.F.	November 8-9	(M - T) S.D.
September 15-16	(W -Th) L.A.	December 6-7-8	(M - T - W) S.F.

IMMIGRATION ACT REVISION: It was moved by Mr. Garcia, seconded by Mr. Brombacher and carried that the Commission forward a resolution in support of proposed changes in the Immigration and Naturalization Act to eliminate ethnic quotas. The resolution is to be forwarded to President Lyndon Johnson, Attorney General Nicholas Katzenbach, and members of the California Congressional delegation.

ADJOURNMENT: At 2:30 p.m., the Commission adjourned its open session for the purpose of completing its executive session business.

Respectfully submitted:

Clive Graham, Chairman

Edward Howden, Secretary

AGH:gh

Enclosure

PALO ALTO ADVISORY COMMITTEE TO FEPC

RECOMMENDATIONS:

1. That the group furnish its own staff personnel and quarters and underwrite whatever expenses are necessary to carry on its operation. Within the limits to be set by FEPC, consultation and assistance will be provided by FEPC staff.
2. That the powers of the committee in the field of employment will be as follows:
 - (a) To assist Palo Alto residents who believe they have been or are being discriminated against by informing them of their rights and assisting them in getting their complaint to FEPC. The committee would also inform an employer or employee of applicable city, State or federal laws.
 - (b) To assist and encourage Palo Alto employers to increase opportunities for people of minority ethnic background and to improve their human relations posture in other ways. The committee is authorized:
 - (1) To provide and distribute educational materials.
 - (2) To arrange special workshops and seminars for supervisory employees' training and instruction in human relations, particularly in the area of ethnic groups.
 - (3) To coordinate human relations programs in Palo Alto with those in neighboring communities, since employer, employee and customer are frequently not all residents of Palo Alto.
 - (4) To encourage employers to have their people participate in community activities that promote better human relations.
 - (c) To work with other community organizations engaged in human relations or civil rights activities. The committee is authorized to do the following:
 - (1) Participate in programs, both within Palo Alto and in neighboring communities, which have as their goals increased employment of minority groups and elimination of employment discrimination.
 - (2) Mediate or conciliate between a community organization and an employer when requested, provided the same is authorized by FEPC.
 - (3) Provide and distribute materials which assist in alleviating human relations problems.
 - (4) Coordinate the efforts of these community organizations with the public and private agencies which can provide assistance in the areas of employment, job upgrading and retraining.
 - (5) Encourage those working with younger people on taking advantage of their educational opportunities and to appreciate what these opportunities can mean to them.
 - (6) Provide continual encouragement to school systems to present through the adult program courses that are beneficial to minority groups to better qualify them for employment opportunities.

3. That the powers of the committee in the field of housing will be as follows:
- (a) To assist individuals who believe they have been discriminated against in securing housing in the Palo Alto area by informing them of their rights and assisting them in getting their complaint to the FEPC. Information concerning applicable city, State or federal laws would also be disseminated by the committee.
 - (b) To assist and encourage members of the housing industry and homeowners in the Palo Alto area to eliminate barriers to housing opportunities for people of minority ethnic background. The committee is authorized to:
 - (1) Provide and distribute educational materials.
 - (2) Conduct studies of housing patterns in the Palo Alto area in order to identify trends.
 - (3) Study integrated housing as it affects the rental and sales of homes and apartments -- including its effect on property values, schools, social behavior, etc.
 - (4) Disseminate the information gathered to real estate brokers, apartment house owners and operators, and residents of the community.
 - (5) Encourage meetings, lectures and educational programs aimed at stimulating greater public understanding and acceptance of open occupancy housing.
 - (c) To coordinate activities in the field of open housing with other organizations in the community with similar goals.
4. The committee is further authorized to engage in other activities as approved by FEPC which will further the goals of equal opportunity for all.

The committee has the obligation and duty to keep FEPC advised and informed at all times on matters regarding its operation. The committee exists at the will of the FEPC and may be continued or disbanded at the will of the Commission. Any rules of procedure, publications, educational materials, public announcements or official statements issued by the committee must first be cleared with FEPC.

115 OTHER JURISDICTIONAL MATTERS

115.1 The Division may undertake or assist in endeavors to prevent or resolve disputes relating to questions of unequal opportunity because race, religion, or ancestry in employment, housing or other fields. Such special conciliation endeavors may include consultation with one or more parties to the dispute, fact-finding, conciliation, and the like, with appropriate public information or interpretation concerning such situations.

The Division has neither the intention nor present personnel capacity to assume a substantial workload of this nature. It is highly desirable for these disputes to be resolved, whenever possible, (a) by the parties directly involved, (b) with the aid of official local human relations commissions or FEPC advisory agencies, perhaps assisted in some instances by the Division, or (c) through the services of a professionally qualified mediator. The Division may extend its good offices for such purposes, acting alone, in cooperation with local authorities or other State Agencies, or with the assistance of key individuals. Such activities may be undertaken at the discretion of the Commission ^{or} the Chairman or the Chief, subject to Commission review^a, and shall be carried out under the direction of an assigned Commissioner or the Chief. The procedure for disposition of such matters shall be the same as for Section 1421 investigations and affirmative actions.

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Department of Industrial Relations
Division of Fair Employment Practices
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GUIDELINES
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1100 - HOUSING

1100.1 FEPC Jurisdiction Post Proposition 14 (adopted January 6, 1965).

The results of the November 3rd balloting on Proposition 14 became effective 7 December 1964 as Article 1, Section 26 of the California Constitution. Many uncertainties remain as to the precise legal consequences of this amendment; these will be resolved in due course by our courts of law. Pending such judicial determinations, the Fair Employment Practice Commission must continue to discharge its duties and conduct its program on the basis of the best available legal advice. This statement seeks to answer, insofar as possible, main questions which are being asked as to the impact of Proposition 14 on FEPC's work in the field of housing discrimination. The following points appear to be free of serious doubt:

Proposition 14 does not repeal the Rumford Act. Nowhere in the text of the new Article 1, Section 26 is there reference to that law or to any other statute. While the new amendment refers to owners of residential property with respect to their decisions on rentals or sales, it does not change the coverage by existing law of individuals, associations, or corporate entities engaged in dealings in homes or rental units of which they are not the owners. Thus real estate brokerage offices, as business establishments, and lenders or financial institutions which service the housing market are still clearly covered by the law. Complaints of unlawful discrimination by such offices, persons, or institutions which are filed by any aggrieved person with FEPC will be investigated and, if the facts warrant, will become the subject of the same conciliation or enforcement processes as existed prior to the adoption of Proposition 14.

Apart from the foregoing enforcement jurisdiction which remains unchanged by the new amendment, the Commission is still authorized to engage in a broad range of educational, advisory, research, conciliatory and affirmative activities in service of the objective of equal housing opportunity. No conflict with the new constitutional section arises, for example, if the Commission (a) investigates complaints of housing discrimination and seeks conciliated adjustment of valid grievances, where the owner is willing to cooperate; (b) puts forth an intensified educational program to eliminate or reduce misunderstandings, fears, and other sources of prejudicial restrictions in

1100.1 housing; (c) creates advisory agencies or conciliation councils to
(Cont'd.) study problems in this field, to foster good will and cooperation,
and to make recommendations to the Commission concerning its work;
(d) conducts or brings about needed research relating to achievement
of an open housing market; and (e) initiates or assists in various
types of affirmative action with the housing industry toward the above
objective. With regard to such approaches to the acknowledged problem
of discrimination in housing, the Commission's legal authority under
the Rumford Act stands unchanged by the adoption of Proposition 14.

This interpretation of the effects of Article 1, Section 26 of
the State Constitution is based upon the advice of the Commission's
staff counsel and that of the Office of the Attorney General, which
also serves as counsel to FEPC. This analysis is in basic accord with
that of the Legislative Counsel of the State of California. It is
consistent also with statements frequently made during the recent
campaign by leading proponents of Proposition 14 and spokesmen for the
real estate industry.

Admittedly, grave questions of constitutional authority and
statutory interpretation remain to be answered. No decisive answers
to these questions can be secured at this point, nor can they be
considered in the abstract. They may be determined preliminarily and
in part by the Commission -- as they will be decided ultimately in the
courts -- on the basis of concrete complaints and factual problems
which are brought to the Commission's attention.

It must be recognized, however, that even in those areas where
the authority of the Commission remains clear, the task of fulfilling
the public policy against discrimination in housing, inherently diffi-
cult and complex prior to last November 3rd, assumed far weightier
dimensions with the adoption of Proposition 14. The Commission is
left with important statutory responsibilities which it must endeavor
to carry out in the face of the new declaration of absolute right,
enshrined in our State Constitution, which sanctions and thus inevi-
tably tends to encourage those acts of racial and religious discrimi-
nation decried by both proponents and opponents of Proposition 14. It
is impossible to predict whether the Commission and other forces will

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(Cont'd.)

be able, in the face of this forbidding handicap, to bring about significant progress against pervasive and stubborn patterns of housing discrimination.

The Commission will, in any event, vigorously and wholeheartedly endeavor to fulfill its educational and affirmative responsibilities in support of equal opportunity in housing.

1100.2

Recommendations to Real Estate Brokers on Fair Housing Practices,
March 8, 1965

On JANUARY 6th THIS COMMISSION issued a statement clarifying the status of the Rumford Fair Housing Act during the present period in which the constitutionality of Proposition 14 (Article I, Section 26 of the State Constitution) is being tested in the courts. We note that the California Real Estate Association (CREA) concurs essentially in our view and that of the Attorney General and Legislative Counsel that real estate brokerage firms, as business establishments, are still forbidden by law to discriminate because of race, religion, or ancestry.

Important questions remain, however, as to just what the realty broker and salesman may or may not do as agent for the residential property owner, and how the realtor could best serve the stated purpose of his association's new "Code of Practices" -- promotion of nondiscriminatory housing opportunity. We now offer guidelines and suggestions relating to these questions.

CREA took a first step of potential significance in promulgation of its Code of Practices. As local realty boards adopt the Code, the critical test of actual impact on restrictive practices lies ahead: whether there is to be full and decisive implementation of this policy by each board, and whether meaningful action will be taken by the other main divisions of the housing industry, the homebuilders and apartment house owners. This statement is concerned solely with the opportunities and obligations today facing real estate brokers (using the term to include salesmen) and their organizations.

FIRST AND FOREMOST, WE REMIND ALL BROKERS that they have the right not to accept discriminatory listings, and that if they would together exercise that right the impact on race barriers in the housing market would be tremendous. Proposition 14 allows homeowners to discriminate, but in no way obliges brokers to involve themselves in this harmful process. If all or most realtors in a given area were to commence, by common consent, to decline such business, racially restricted home sales would drastically decrease almost overnight. Realtors are not only free to make such a decision, but have ample facilities for concerted action through their local boards and state association.

1100.2
(Cont'd.)

According to the Code of Ethics of the National Association of Real Estate Boards (NAREB), the realtor's functions "impose grave social responsibility...obligations beyond those of ordinary commerce," and it is held that he "should endeavor to eliminate in his community any practices which could be damaging to the public or to the dignity and integrity of the real estate profession..." CREA President David N. Robinson has advised all his vice presidents that it is their duty to work in their respective communities to overcome housing inequities. We suggest that, if this CREA goal is to be realized, the time has come for realtors to conduct their business altogether without participation in any discriminatory practice.

IF, HOWEVER, BROKERS SHOULD FAIL to make this clean break from the old restrictive practices, and continue to serve as agents for discriminatory owners, we strongly recommend that at least the following guidelines be observed:

1. The broker has a compelling duty to the buyer or tenant prospect to inform him of all listings which might interest him. Also, as emphasized in the CREA Code, the broker "has a legal and ethical responsibility to receive all offers and to communicate them to the property owner," and to "exert his best efforts to conclude the transaction."

2. In keeping with the "equal service to all clients" theme of the CREA Code, the broker must not volunteer information as to the race of either party to the prospective transaction. He should fully understand the essential irrelevance of race and the illegality of injecting this factor into his dealings.

3. In taking a listing, the broker must not in any way suggest or encourage a restriction as to race, religion, or ancestry (hereinafter "race" for brevity), or inquire as to the client's intention in this regard. It is illegal to raise the question. As CREA states, such a listing may occur only "at the property owner's instance without any influence whatsoever by the agent."

4. If the listing owner raises the question of race restriction, the broker should seek earnestly to dissuade him from insisting on such discrimination. This is not only the realtor's duty, if he means seriously to promote the objective of the CREA Code of Practices;

1100.2 it is legally prudent as well. In such a situation the broker faces
(Cont'd.) an interesting challenge to the depth of his knowledge of residential property and to his effectiveness as a salesman. Over many years these talents have generally fostered discrimination; now their influential thrust should be reversed.

5. Even if the listing owner persists in expressing discriminatory intent, the broker should endeavor to keep the situation flexible, urging that the listing not be formalized in restrictive terms. The owner should be made aware of the advantages of considering all prospective buyers or tenants on their merits, rather than denying himself in advance this free range of choice. (This is one of the points at which, if the broker's best efforts to secure a non-restrictive listing fail, he could decline the listing.)

6. Where the owner insists on a discriminatory listing, he must do so explicitly and in writing. It would appear inadvisable for the broker to employ any kind of prepared or printed form to accommodate such listings.

7. If a formal restrictive listing exists, and if the broker has a prospect who is of the minority group proscribed by the owner, the broker should do everything possible to bring this prospect into contact with the owner or to show the property, or both. Discriminatory inclinations often evaporate when two persons of comparable economic or educational level meet face-to-face.

8. Where a restrictive listing exists, we recommend that this fact appear only in the formal listing document and nowhere else in the records, forms, notices, signs, advertisements, or the like kept or used by the broker's office.

9. We hold serious doubts as to the legality of a multiple listing service accepting, recording, or processing a restrictive listing, and we strongly recommend that all these services follow the lead of those which prohibit such practices.

10. We suggest that careful study be given to the view that brokers may not legally handle discriminatory listings on behalf of tract builders or others engaged in housing as a business.

THESE ARE SOME OF THE WAYS -- under existing law and pursuant to CREA's declared opposition to housing discrimination -- in which

1100.2 California brokers could generate substantial progress toward equal housing opportunity. Their example could spark similar actions on the part of homebuilders and apartment house owners. Should the housing industry as a whole move ahead in such fashion and achieve meaningful results, all Californians who sincerely support the right to residence without discrimination would heartily applaud.

Realtors contend that racism in housing can be overcome through "education." We remind them that their own practices -- including the information and advice they give to clients -- comprise the most powerful single educational force in the housing market. We hope, accordingly, that the California Real Estate Association and its affiliated local boards will enlarge on a good beginning and strengthen their present Code of Practices along the lines suggested above.

FEPC will continue, in any event, to discharge its responsibilities under the law and to cooperate fully with sincere and realistic affirmative fair housing programs.

1100.3

Guideline to Staff for Use with Prospective Complainants - FEPC
Powers and Procedures Re Housing Complaints Pending Constitutional
Test of Proposition 14.

Proposition 14 - which is now in effect - gives the owner of residential property the right to discriminate in the sale or leasing of said property based on race, religion, national origin or ancestry. Therefore, FEPC can no longer, under the Rumford Act, force an owner to sell on the basis of non-discrimination. That is to say that Proposition 14 took away the enforcement power of FEPC against an owner in housing matters.

However, the Rumford Act was not repealed. The Commission still has jurisdiction over lending institutions, public housing, urban renewal agencies, and real estate offices. In these cases the ordinary enforceable procedures of investigation, conciliation, public hearing and court enforcement are followed.

Until the constitutionality of Proposition 14 is decided in the courts, the Commission will continue accepting housing complaints against owners of private residential property mainly to protect the complainant against a 60-day statute of limitations. Once the complaint has been received, it will be investigated, and attempts will be made to conciliate the matter. All of this is done on a voluntary basis. No subpoena may be used or temporary restraining orders secured from the court. Therefore, the Commission's success in a particular case depends largely upon the cooperation of the owner. If the matter cannot be conciliated, then the Commission has done all it can for the complainant.

All professional staff and Commissioners should understand the foregoing clearly and make sure that complainants understand the situation.

GUIDELINES
1101-EMPLOYMENT

1101 - EMPLOYMENT

1101.1 Religious Prohibitions on Working Certain Days -- Guidelines to Staff -
Commissioners

Employers may not inquire into the religion of an applicant or an employee in order to ascertain whether he can work on certain days of the week. The proper and legal way for the employer to get this information is for him to state on his pre-employment form or forms the days, hours and shifts that are required to be worked during the week. If the applicant cannot meet this requirement, the employer does not have to hire him, if the employer applies this requirement uniformly.

However, if the employer has followed a practice of making exceptions to this requirement, he may have to make another exception to avoid the claim of discrimination.

The employer should always try, where possible, to adjust the work schedule of employees who have to be off on certain working days for genuine religious purposes. In cases where the employer makes a change in the practice and suddenly requires work on religious days, he should not apply the rule to present employees but only to applicants who apply after the new rule goes into effect.

SUMMARY AND ANALYSIS OF PENDING BILLS AND BUDGET AFFECTING
FAIR EMPLOYMENT PRACTICE COMMISSION, STATE OF CALIFORNIA

As of April 28, 1965 (Note: The content or status of any of these measures
can change at any time.)

I. THE BUDGET as submitted by Governor Brown

A "hold-the-line," no-increase, no-decrease budget for FEPC's fiscal year 1965-66, starting next July 1. Included are the 7 professional and 4 clerical positions authorized in connection with the Rumford Fair Housing Act; the 7 professionals consist of an attorney, an assistant education officer, and 5 consultants (all-around investigators-conciliators-community relations workers). Adoption of Proposition 14 provided a rare "natural" of an opportunity for the budget-cutters. The Legislative Analyst -- who is employed by the Legislature to recommend such cuts and who has always sought major slashes in FEPC's budget requests -- is urging (a) elimination of all 11 positions, for an estimated saving of about \$85,000, and (b) reduction of the Commission membership from 7 to 5, for a claimed saving of about \$11,000.

FEPC points out that Prop. 14 did not repeal the Rumford Act; that the State's public policy against discrimination in housing still holds; that enforcement jurisdiction remains with the Commission over the housing activities of real estate offices, lending institutions, and housing and redevelopment agencies; that the Commission may still investigate and seek to conciliate many complaints of housing discrimination despite lack of enforcement power against owners; that FEPC is fully authorized to carry out programs of education and conciliation on behalf of equal housing opportunity; that such preventive and affirmative endeavors are now more important than ever; and that the freeing of some staff from enforcement duties makes possible a partial shift of program emphasis to educational and affirmative work. . . . At the same time, there is the distinct possibility that the State Supreme Court might rule Prop. 14 unconstitutional early in the coming fiscal year, in effect reactivating all compliance work under the Rumford Act. If staff had been cut back severely, such reactivation would have to await further action by the Legislature, with many months' delay likely. . . . All 7 commissioners are still needed, due to heavy overall workload and need for affirmative action in housing. In any event, the Analyst errs in his projected money saving; at most it would come to around \$3,000.

Status: (a) Under advisement in the Senate Finance subcommittee (Teale, Chairman; Arnold, Christensen, Dolwig). Will go in due course to full Senate Finance Committee, George Miller, Ch. Recommendation of subcommittee usually followed. Desirable now: communications to subcommittee members and Miller. (b) Referred without recommendation by an Assembly subcommittee (Waldie, Ch., Belotti, Greene, Henson, Lanterman, Porter) to full Ways & Means Committee. No date yet announced for hearing before the full committee. Eleven votes required for favorable action. Important to contact Crown, Ch., Beilenson, Belotti, Britschgi, Davis, Greene, Henson, Kennick, Meyers, Mills, Petris, Porter, Waldie, Williamson, Winton. If you wish to attend hearing, request notice of it by Chairman Robert Crown's office.

II. THE LAGOMARSINO & BRADLEY BILLS affecting the fair employment law

Here are 6 bills to amend the FEP Act, all sponsored by the California Conference of Employer Associations. Some are not of major importance; others would have seriously adverse, even crippling, impact on the present pace of FEPC casework and affirmative actions relating to minority employment opportunities. None are needed. Taken together, they (a) tend to saddle FEPC operations with added legalistic restrictions and points of potential delay or obstruction, and (b) convey the implication that these changes are necessary to correct some doubtful or improper practices on the part of FEPC. The overall effect of these measures, then, is to weaken the FEP Act. (Militant civil rights organizations have been contending in the past year or two that the law is already too weak.)

MANUAL OF POLICY
FAIR EMPLOYMENT PRACTICE COMMISSION
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

July 1964

INDEX

100 -- CASES

100	ACCEPTING COMPLAINTS
101	WITHDRAWAL OF COMPLAINT
102	ASSIGNMENT OF CASES
103	SERVICE OF COMPLAINT ON RESPONDENT PARTY
104	INVESTIGATION OF COMPLAINTS
105	CONCILIATION ENDEAVORS AND AGREEMENTS
106	ASSESSMENT OF BACK PAY, LOST EARNINGS, OR DAMAGES
107	REQUESTS FOR SECTION 1421 INVESTIGATIONS
108	PRIORITIES IN CASE HANDLING
109	EMPLOYMENT AGENCIES
110	DISPOSITION OF CASES
111	ACCUSATION AND PUBLIC HEARINGS
112	PATTERN CHECKS
113	JURISDICTIONAL QUESTIONS: EMPLOYMENT
114	JURISDICTIONAL QUESTIONS: HOUSING
115	REVIEW OF CLOSED CASES
116	DESIGNATION OF CONTACT BY RESPONDENT

200 -- AFFIRMATIVE ACTIONS

200	REQUESTS TO INITIATE
201	AUTHORIZATION
202	ASSIGNMENT
203	METHODS OF APPROACH
204	PRIORITIES FOR INITIATING
205	REPORTING
206	ARISING OUT OF CASES
207	UTILIZATION OF ADVISORY COUNCILS
208	WITH NEWSPAPERS RE ADVERTISING

300 -- COMPLAINANT APPEALS

300	RIGHT OF APPEAL TO THE COMMISSION
301	PROCEDURE FOR APPEAL
302	CONDUCT OF HEARING

INDEX

300 -- COMPLAINANT APPEALS (cont'd.)

- 303 ELECTION OF APPEAL PROCEDURE
- 304 BASIS FOR REVERSAL OF ASSIGNED COMMISSIONER'S DECISION
- 305 TRANSCRIPT OF PROCEEDINGS
- 306 NOTIFICATION TO RESPONDENT
- 307 FAILURE OF COMPLAINANT TO APPEAR

400 -- PRE-EMPLOYMENT INQUIRIES AND EXEMPTION

- *400 ISSUANCE OF GUIDE AND GRANTING OF EXEMPTIONS
- *401 BONA FIDE OCCUPATIONAL EXEMPTIONS
- 402 SECURITY EXEMPTIONS
- 403 MILITARY SERVICE OR UNITED STATES CITIZENSHIP
- 404 MEMBERSHIP IN ORGANIZATIONS
- 405 RELATIVE OF APPLICANT
- 406 NAMES
- 407 PHOTOGRAPHS

500 -- PUBLICITY

- 500 ENDEAVORS AT CONCILIATION
- 501 RESPONSIBILITY FOR PUBLIC DISCLOSURE OF CASE INFORMATION
- 502 PRESS, RADIO AND TV RELATIONS
- 503 PUBLICITY ON ACCUSATIONS, PUBLIC HEARINGS, ETC.
- 504 EXCHANGE OF INFORMATION

600 -- COMMISSION MEETINGS

- 600 SCHEDULING
- 601 QUORUM
- 602 AGENDA
- 603 VOTING
- 604 MINUTES
- 605 PHONE CALLS AND MESSAGES DURING MEETING

INDEX

1100 -- GUIDELINES

1100	HOUSING
1101	EMPLOYMENT

100 -- CASES

100 - ACCEPTING COMPLAINTS

- 100.1 The Commission will receive and docket any complaint where proper cause and proper elements within its jurisdiction are asserted.
- 100.2 The staff is expected to exercise reasonable discretion in determining whether or not a complaint should be accepted. (CM-66, May 1964)
- 100.3 A record shall be kept of all individuals whose complaints have been rejected, and a monthly statistical report will be made to the Commission of these instances, with the proviso that specific information concerning the reason for the rejection shall be on hand if the Commission desires to inquire further into a rejected complaint. (CM-56, July 1963)
- 100.4 An individual may file complaints against more than one respondent if proper cause can be alleged in each such complaint. Each complaint will be handled on its merits without reference to the apparent strength or lack of strength of the other complaints. (CM-23, November 1960; CM-14, June 1960)
- 100.5 Complainant should be a bona fide seeker for housing accommodations, employment, promotion, union membership, equal treatment in terms or conditions of employment, job referral or the like. (CM-14, June 1960)
- 100.6 Where an individual seeks to file a complaint against a respondent who is manifestly exempt or where proper records conclusively establish the fact that FEPC does not have jurisdiction, the complaint will not be taken. (Cm-66, May 1964) (See also 113.3)
- 100.7 Cases within the jurisdiction of the Commission may include as respondents persons or organizations alleged to have aided,

- 100.7 abetted, incited, compelled or coerced the doing of acts
(cont'd.) unlawful under the applicable statutes, or to have attempted
to do so. (CM-68, July 1964)

101 - WITHDRAWAL OF COMPLAINT

- 101.1 A complaint, or part thereof, may be withdrawn prior to
filing of an accusation with the consent of the assigned
Commissioner, and after filing of an accusation with the
consent of the Commission. (CM-11, April 1960)

102 - ASSIGNMENT OF CASES

- 102.1 The Chairman of the Commission shall assign cases to
individual Commissioners.
- 102.2 Staff assignments shall be the responsibility of appro-
priate supervisory staff. (CM-15, June 1960)

103 - SERVICE OF COMPLAINT ON RESPONDENT PARTY

- 103.1 The complaint shall be served on a person of authority
in respondent organization on the first investigative
visit.
- 103.2 The assigned Commissioner may serve the complaint on a
specific respondent prior to the initial visit, if, in
that Commissioner's judgment, such action is warranted.
(CM-52, March 1963)
- 103.3 Simultaneously with the first investigative contact, the
Commission will send a copy of each complaint against a
State agency to the head of the Department in which that
agency is located. (CM-66, May 1964)
- 103.4 The Commission will send a report to the State Personnel
Board and to the Governor's Secretary for Human Rights of
all cases filed against State agencies and their disposition.
(CM-66, May 1964)

104 - INVESTIGATION OF COMPLAINTS

- 104.1 The Consultant investigating a case has the authority to take all reasonable steps required for proper investigation, including subpoena of records and interview of respondent's personnel. Each Consultant will exercise proper discretion and avoid any unnecessary assertion of authority. (CM-25, January 1961)
- 104.2 In the investigation of complaints, Consultants should regard as relevant only that information of which the respondent had knowledge and upon which he acted at the time of the alleged discrimination. (CM-23, November 1960)
- 104.3 Staff may exercise discretion to the extent of initiating preliminary investigations of complaints without awaiting assignment of the case to a Commissioner. (CM-15, June 1960)
- 104.4 In circumstances where the time factor appears critical, and where protecting a complainant's chance at a job or housing accommodation is involved, a Consultant may recommend to respondents that they refrain from taking any action which would tend to make satisfactory settlement more difficult. (CM-15, June 1960)
- 104.5 Non-governmental respondents should be asked if they hold contracts with the State or Federal Governments. (CM-60, November 1963)

105 - CONCILIATION ENDEAVORS AND AGREEMENTS

- 105.1 Except in unusual circumstances no staff member in a position lower than that of Area Supervisor is authorized to conduct a conciliation conference. The assigned Commissioner may delegate this responsibility within his discretion. (CM-67, June 1964)
- 105.2 Conciliation endeavors must be clearly distinguished from investigative efforts at conferences held with respondents.

105.2
(cont'd.)

At each such conference, the assigned Commissioner or other person assigned by him to conduct it will include in his introductory remarks an explanation of the distinction between (a) questions or determinations of fact -- the investigative function -- and (b) endeavors at conciliation -- e.g., the specific suggestions, offers, counter-offers, etc. by either party directed toward adjustment or solution of the case. A written explanation of the distinction between conciliation endeavors and information or fact finding shall be given to the respondent at all such conferences. (CM-22, October 1960; CM-24, December 1960)

105.3

Endeavors at conciliation during a conference concerning an employment case shall not be disclosed under any circumstances, whether at public hearing, should such eventuate, or otherwise.

105.4

Matters bearing upon what actually happened or evidence relevant to the substance of the allegations of the complaint are neither privileged nor subject to the non-disclosure provision and would be admissible in a subsequent hearing. (CM-24, December 1960)

105.5

In housing cases, where endeavors at conciliation are privileged, both the assigned Commissioner and the respondent must agree to the exercise of the waiver of privilege before conciliation endeavors may be admitted into evidence at a public hearing or otherwise publicly disclosed. (CM-59, October 1963)

105.6

The assigned Commissioner may exercise discretion as to whether to furnish in writing to the complainant the terms of a conciliation agreement. (CM-14, June 1960)

105.7

Where circumstances warrant, in the judgment of staff, and where prompt action may bring about employment or housing which might not be attainable later, staff is

- 105.7 authorized to effectuate tentative conciliation agreements, subject to the approval of the assigned Commissioner. It will be understood by all concerned that no such tentative agreement is binding upon the assigned Commissioner until he has expressly approved it.
- (cont'd.)
- 105.8 The assigned Commissioner may delegate to staff authority to reach final conciliation agreements in any of his cases.
- *105.9 Unless specifically instructed otherwise by the assigned Commissioner, in cases where a conciliation agreement has been reached which provides for some action to be taken in the future, the terms of that agreement shall be reduced to writing and sent to the respondent, on a routine basis, return receipt requested certified mail.

106 - ASSESSMENT OF BACK PAY, LOST EARNINGS, OR DAMAGES

- 106.1 The Commissioner assigned to a case may, in his judgment, award back pay or lost earnings to individuals who have been aggrieved under the terms of the Fair Employment Practice Act. Such back pay or lost earnings shall be determined from the date of the alleged violation until the date of hire or other employment. The amount awarded shall take into account the wages that would have been earned, less compensation from unemployment benefits or other employment during the period, and should not exceed the amount which would have been earned up to the time of the offer of the job in question or of the complainant's acceptance of another position. (CM-12, April 1960; CM-16, July 1960)
- 106.2 The Commissioner's determination to award back pay or lost earnings is not contingent on the complainant maintaining an interest in accepting a job with the respondent company. (CM-16, July 1960)
- 106.3 In cases where an employment agency is respondent, the Commissioner may, in his judgment, elect (as one of the remedies open to him) to assess back pay or lost earnings from the respondent agency because of its failure to refer a qualified applicant to a job opening. (CM-21, October 1960; CM-16, July 1960; CM-12, April 1960; CM-55, June 1963)

- 106.4 In housing cases where an award of damages is indicated, the legal maximum is \$500.00 for each aggrieved person. Below this figure, any amount of damages that appears reasonable and proper in a particular case may be agreed upon. In the absence of unusual or special circumstances, the damage provision of the Unruh Act (\$250.00) is a reasonable guideline to follow in conciliation endeavors. (CM-64, March 1964)

107 - SECTION 1421 INVESTIGATIONS

- 107.1 Acceptance or rejection of requests for Section 1421 investigations shall be by action of the Commission. (CM-41, April 1962)
- 107.2 Such investigations may be initiated upon the presentation of reasonable evidence by a credible source as to the need for such investigation. (CM-26, February 1961)
- 107.3 Each request for investigation shall be made on a form provided for that purpose in which specific information as to the individual or organization making the request, the alleged discrimination and the recommendation of staff shall be incorporated. (CM-43, May 1962)
- 107.4 The Commission shall not accept Section 1421 investigations based on anonymous requests, but there is no objection to staff making a report on an unsigned complaint. (CM-41, April 1962; CM-53, April 1963)
- 107.5 Commission shall endeavor to keep the parties requesting a Section 1421 investigation informed of the progress in the investigation. (CM-68, July 1964)

108 - PRIORITIES IN CASE HANDLING

- 108.1 Cases, whether 1421 investigations or complaints, shall be judged on their merit and assigned priority in accordance with the priority system adopted by the Commission. (CM-13, May 1960; CM-56, July 1963)

- 108.2 There shall be no automatic priority as between housing cases and employment cases. (CM-58, September 1963)
- 108.3 Where a top-priority housing case and a top-priority employment case occur simultaneously, both should be handled forthwith, even if an Area Supervisor or member of State staff must be called on to assist. (CM-58, September 1963)

109 - EMPLOYMENT AGENCIES

- 109.1 If the assigned Commissioner has reason to believe that the discriminatory practices of an employment agency stem from an employer client's illegal request, the Commissioner may extend the investigation to cover the employer, or the complaint may be amended accordingly. (CM-16, June 1960)
- 109.2 Where an employment agency is found to be in violation of the Fair Employment Practice Act, a statement on referral and application forms may be required to the effect that "in accordance with the provisions of the Fair Employment Practice Act, the _____ agency makes referrals solely on the basis of the applicant's qualifications and merits without regard to race, religion, national origin or ancestry." (CM-19, August 1960)
- 109.3 Employment agencies are forbidden to accept orders or make referrals on a discriminatory basis, regardless of the exempt status of the employer who may seek to place the order. (CM-15, June 1960)
- 109.4 Employment agencies are forbidden to place advertisements containing prohibited discriminatory specifications in newspapers or other media for any type of employment. (CM-15, June 1960)
- 109.5 One of the forms of remedy and redress which an assigned Commissioner may invoke, when in his judgment the facts so warrant in a case in which a private employment agency is the respondent, is the assessment of an amount in lieu of back pay or lost earnings. (CM-52, March 1963)

110 - DISPOSITION OF CASES

- 110.1 The disposition of complaint cases assigned to a Commissioner is within the complete jurisdiction of that Commissioner. (CM-14, June 1960)
- 110.2 The disposition of cases under specific case closing categories shall be recommended to the Commissioner by the assigned Consultant, but final determinations shall be made by the Commissioner.
- 110.3 Cases in which the settlement involves a promise or commitment to hire should not be closed until that commitment has been honored. (CM-32, July 1961)
- 110.4 Under normal circumstances, case closings should be reported only if the assigned Commissioner is present at the Commission meeting; however, if the Commissioner must be absent and specifically asks that closings be reported, the Commission may proceed in that manner. (CM-34, September 1961)
- 110.5 Cases in which the complainant is not hired or upgraded, but in which the respondent makes significant improvements in his employment pattern or modifications of his application forms, may be considered to be cases in which an adjustment was effected. (CM-22, October 1960)
- 110.6 The assigned Commissioner will request Commission approval to close Section 1421 investigations. (CM-60, November 1963)

111 - ACCUSATIONS AND PUBLIC HEARINGS

- 111.1 The decision to file an accusation leading to a public hearing on a case shall be within the discretion of the assigned Commissioner, and such action will be taken only after consultation with Legal Counsel and the Division Chief.

- 111.2 A legal notice of public hearing shall be filed in the San Francisco Recorder and the Los Angeles Daily Journal at least 60 days in advance of the hearing. (CM-20, September 1960)
- 111.3 The Commission, with the exception of the assigned Commissioner, will sit with the hearing officer in public hearings. A full stenographic report of all public hearings will be taken, but not necessarily transcribed. (CM-14, June 1960)

112 - PATTERN CHECKS

- 112.1 It shall be the policy of the Commission to seek a pattern check in all cases, whether Section 1421 investigation or individual complaint. (CM-21, October 1960; CM-44, July 1962)
- 112.2 Pattern checks may be conducted either by the respondent party or by the FEP Consultant. In the case of government contractors, Form 40 or Form 44 will be secured.
- 112.3 A written statement concerning pattern surveys and suggesting how they should be conducted should be presented to each respondent at the earliest opportunity in the course of an investigation. A suggested form should also be provided. (CM-58, September 1963)
- 112.4 In cases in which a respondent refuses to cooperate in conducting, or in permitting FEP staff to conduct, a pattern check: (1) if in the judgment of the assigned Consultant, the complaint has little or no merit and the pattern check is therefore not necessary to the determination of the case, he may recommend to the Commissioner that he not insist on the pattern check; (2) where the case appears to have possible merit and the pattern check is relevant to making a sound determination, the assigned Commissioner, after consultation with Legal Counsel, will bring the matter before the Commission for decision as to next steps to be taken. (CM-56, July 1963)

113 - JURISDICTIONAL QUESTIONS: EMPLOYMENT

- 113.1 The Commission will accept cases in which an individual alleges discrimination in employment because he supports the aims of the Act or civil rights in general. (CM-19, August 1960)
- 113.2 The Commission will accept jurisdiction over licensing authorities on the grounds that liberal construction of the Fair Employment Practice Act means coverage of all avenues of entry to employment. (CM-19, August 1960)
- 113.3 In cases properly filed with it, the Commission will proceed until determination of no jurisdiction is made or until jurisdiction is challenged by the respondent on grounds found to be valid. In cases filed where a determination of no jurisdiction is reached, the Commission may use its good offices to attempt to secure compliance. (CM-13, May 1960)
- 113.4 The Commission will not consider as employment within the meaning of the FEP Act policy making boards and commissions whose members are appointed by a political head. (CM-63, February 1964)
- 113.5 Staff and Commissioners will be available to act as conciliators in disputes between civil rights groups and specific employers or unions. Such activity is within the scope of the FEP Act.

114 - JURISDICTIONAL QUESTIONS: HOUSING

- 114.1 The broker or other real estate agent is forbidden from accepting a discriminatory listing whether or not the seller is covered by the Act. (CM-59, October 1963)
- 114.2 A broker who accepts a discriminatory order from a seller covered by the Act may be guilty of violation of both Section 35720(6) and 35720(8). (CM-59, October 1963)

- 114.3 If a broker unknowingly accepts a listing from a seller who intends to discriminate, he will not be in violation of the Act if he serves equally all prospective buyers and if, on learning of the seller's intentions, he does all in his power in good faith to persuade the seller to accept buyers without regard to race, creed, color, religion or national ancestry until such time that he concludes that no such effort will succeed.
- 114.4 All discriminatory advertising by any person covered by the Act is prohibited.
- 114.5 The Commission adopts, in the area of privately financed housing, the Unruh Act coverage over three units or more as determined in the Swan vs. Burkett decision. (CM-59, October 1963)
- 114.6 The Commission has jurisdiction over three and four units under the same ownership which are contiguous. (CM-64, March 1964)

115 - REVIEW OF CLOSED CASES

- 115.1 All closed cases shall be placed on a review calendar for later checks on compliance both as a protection to the complainant against reprisals and to ascertain if a merit hiring policy has resulted in an integrated work force. (CM-44, July 1962)
- 115.2 The assigned Commissioner shall determine when a case is to be reviewed, but it is desirable that it be done within six months or a year. (CM-44, July 1962)

116 - DESIGNATION OF CONTACT BY RESPONDENT

- 116.1 The decision as to whether or not to deal solely with the designated contact of a respondent party shall be within the discretion of the assigned Commissioner.

- 116.2 The assigned Commissioner may agree to forward copies of the complaint to a specifically designated contact in respondent party.
- 116.3 Agreement to deal with specified contacts in a respondent organization does not imply the right of the respondent to conduct the investigation. (CM-20, September 1960)
- 116.4 When a respondent organization requests that all matters relating to a case or cases be channeled to a person assigned to work with the Commission, such requests shall be accepted if the assigned Commissioner believes that the arrangement will be advantageous to proper investigation of such cases. (CM-16, June 1960)

200 -- AFFIRMATIVE ACTIONS

200 - REQUESTS TO INITIATE

- 200.1 Request to initiate a specific affirmative action may come from a Commissioner, Commissioners, or staff members. (CM-57, August 1963)
- 200.2 Upon receipt of a request from a source outside the Commission, staff will initiate a preliminary contact to ascertain sufficient facts to present to the Commission for decision. (CM-69, August 1964)
- 200.3 All requests for affirmative action authorization shall be presented on a prescribed form which will incorporate all pertinent information necessary to making a determination on the request. (CM-69, August 1964)

201 - AUTHORIZATION

- 201.1 Commission action will be required to open and close any affirmative action. (CM-69, August 1964)
- 201.2 In the event that an action is required in the interim between Commission meetings, the Chief is authorized to initiate such action, assign staff, and report his action to the next Commission meeting for approval. (CM-57, August 1963)

202 - ASSIGNMENT

- 202.1 The Chairman of the Commission shall designate Commissioners to supervise affirmative action programs. (CM-57, August 1963)
- 202.2 Staff will be assigned to assist the Commissioner as required. (CM-57, August 1963)

203 - METHODS OF APPROACH

- 203.1 It is anticipated that affirmative actions would not require exhaustive research or investigation. (CM-57, August 1963)
- 203.2 Conferences with groups of people would be arranged to discuss hiring, recruitment, and training practices. (CM-57, August 1963)

200 -- AFFIRMATIVE ACTIONS (cont'd.)

- 203.3 Emphasis would be on top-level discussions -- for example, with association heads, union leaders, personnel directors, or top company management. (CM-57, August 1963)
- 203.4 Appropriate and constructive uses of publicity will be considered. (CM-57, August 1963)

204 - PRIORITIES FOR INITIATING

- 204.1 Affirmative action programs should be geared to obtaining the maximum results out of minimum effort. (CM-57, August 1963)
- 204.2 Targets should be carefully planned so as to provide the most effective means for increasing compliance with equality of opportunity. (CM-57, August 1963)
- 204.3 Special efforts should be made to contact large new companies locating in an area in order to provide for the inclusion of minorities at the initial hiring period. (CM-57, August 1963)

205 - REPORTING

- 205.1 Monthly reports of the status of affirmative actions shall be made to the Commission. (CM-57, August 1963)

206 - ARISING OUT OF CASES

- 206.1 A Commissioner may within his discretion bring together parties in a total industry when facts in an individual case indicate this procedure to be advantageous. (CM-19, August 1960)
- 206.2 In such expanded actions, the new conference should be docketed as an affirmative action in order to provide some way of statistically recording the effects of such a conference.

207 - UTILIZATION OF ADVISORY COUNCILS

- 207.1 Advisory councils within a specific industry or group may be utilized to effectuate affirmative compliance with the FEPC program. (CM-47, October 1962)

208 - WITH NEWSPAPERS RE ADVERTISING

- 208.1 The Commission will continue efforts to persuade newspapers to bar all advertisements containing discriminatory specifications. (CM-15, June 1960)

300 -- COMPLAINANT APPEALS

300 - RIGHT OF APPEAL TO THE COMMISSION

- 300.1 A complainant may appeal from the dismissal of his complaint by the assigned Commissioner.
- 300.2 A complainant may appeal from the terms of conciliation agreed upon between the respondent and the assigned Commissioner. (CM-14, June 1960)

301 - PROCEDURE FOR APPEAL*

- 301.1 The complainant must submit his request for appeal of a decision of the assigned Commissioner in writing.
- 301.2 The request must state the grounds on which the complainant wishes to base his appeal.
- 301.3 The request for appeal must be filed within 30 days of the notice of disposition of the case.
- 301.4 The complainant may be represented by a designated representative -- his attorney, union official or other individuals so designated.
- 301.5 The complainant will have a time limit on the presentation of his case and will be so advised in advance.
- 301.6 Complainant will be notified at least 7 days in advance of the time and place of the appeal hearing. (CM-26, February 1961)

302 - CONDUCT OF HEARING

- 302.1 The Chairman will open and close each appeal hearing.
- 302.2 The Legal Counsel for the Commission will explain the appeal procedure to the complainant.

* The majority of the appeal procedure outlined above was agreed upon at Commission meeting 28 April 1961 unless otherwise indicated.

300 -- COMPLAINANT APPEALS (cont'd.)

- 302.3 The assigned Commissioner or his representative will give a brief factual summary of the case.
- 302.4 Complainant will give a brief statement of his reasons for appeal.
- 302.5 Questions will be directed to the complainant and the assigned Commissioner or his representative by the Commission's attorney.
- 302.6 Commissioners may ask questions of ~~either~~ parties.

303 - ELECTION OF APPEAL PROCEDURE (CM-57, August 1963)

- 303.1 Appellant is to be notified that he has the right to elect whether he wishes his appeal to be heard by a panel of two Commissioners between Commission meetings or by a full quorum of the Commission at regular meetings.
- 303.2 Where the two-Commissioner panel acts, their recommendations will be brought back to the Commission for ratification.

304 - BASIS FOR REVERSAL OF ASSIGNED COMMISSIONER'S DECISION

- 304.1 Where the Commission determines that there is palpable error in the facts of the case which would have a bearing on any determination made, it may reopen the case.
- 304.2 If the Commission determines that the investigation was not complete and that certain additional facts are necessary in order to arrive at a just determination in the case, it may reopen the case.
- 304.3 If the Commission feels that the ends of justice have not been served by the determination made, it may reopen the case.
- 304.4 The Commission's decision should not be based on how well or how poorly an appellant presents his case or out of sympathy for the appellant.

305 - TRANSCRIPT OF PROCEEDINGS (CM-30, May 1961)

- 305.1 Proceedings at appeal hearings will be recorded by an official stenographic reporter.
- 305.2 Proceedings will not be transcribed unless required at a later date.

*306 - NOTIFICATION TO RESPONDENT

- 306.1 The respondent shall be notified in the closing letter that the complainant has the right to appeal the decision of the assigned Commissioner.
- 306.2 The respondent shall be notified if the complainant exercises his right to appeal.
- 306.3 The respondent shall be notified of the decision reached by the Commission after hearing the complainant's appeal and of the complainant's right to reconsideration of that decision.
- 306.4 In the event that a complainant appeals the Commission's final decision to the courts, the respondent shall be notified of this.

*307 - FAILURE OF COMPLAINANT TO APPEAR

- 307.1 If a complainant fails to appear at a scheduled appeal hearing, he shall be notified in writing that, unless he can submit an acceptable reason for not appearing, the matter shall be officially closed.

400 -- PRE-EMPLOYMENT INQUIRIES AND EXEMPTIONS

400 - ISSUANCE OF GUIDE AND GRANTING OF EXEMPTIONS

- 400.1 The pre-employment inquiries material will be considered as a guide rather than a regulation.
- 400.2 There will be no blanket exemption for police agencies. Requests will be handled on an individual basis. (CM-12, April 1960)
- 400.3 Questions considered unlawful pre-hire (such as citizenship) can be asked at the decision to hire. (CM-20, September 1960)
- 400.4 The point of hire is determined to be when the applicant has been informed that a decision has been made to hire him. (CM-24, December 1960)
- 400.5 Commission reserves the right to review the practices of any person granted an exemption to ascertain that the exemption is not abused. (CM-26, February 1961)

401 - BONA FIDE OCCUPATIONAL EXEMPTIONS

- 401.1 Employers seeking exemption on the basis of bona fide occupational qualifications must file a written petition requesting the Commission ruling. (CM-12, April 1960)
- *401.2 Commission delegates to staff the authority to act on exemption requests under the following guidelines:
- (a) The statutory provision for bona fide occupational qualification exemptions has meaning, and it follows that the Commission may not categorically deny all requests for such exemption without regard to the specifics of the given fact situation.
 - (b) The exemption should not have as its purpose or effect exclusion from the employment in question of substantial numbers of persons of particular racial, ethnic, or religious groups.
 - (c) Where ethnic or cultural "atmosphere" is advanced as a basis for the exemption, the authenticity and consistency with which this total effect is achieved--through factors such as interior design, decor, other personnel, and mode of service--will be major criteria to be weighed in determining whether to grant the exemption.

401.2 (Cont'd.)

- (d) Apart from the job categories for which exemption is sought, the policy and practice of the employer must be consistent with the letter and spirit of the FEP Act.
- (e) In closed cases weight may be given to whether the requested exemption will tend to advance the purpose and spirit of the FEP Act. One consideration which may be relevant in this connection is whether the employment in question will tend to present minority persons in reasonably favorable, non-stereotyped capacities.
- (f) In all cases where the employment is to be of indefinite duration, any exemption allowed will cover only a specified period, subject to renewal if warranted, and there will be occasional review of the actual operation.
- (g) Such exemptions should be permitted as sparingly as possible. It is important, among other things, to keep in mind that some exemptions may be warranted on a religious or other non-profit institutional basis rather than in terms of bona fide occupational qualifications; and that where only a valid performance or skill qualification is involved (e.g. linguistic or culinary, as distinguished from physical appearance per se), there is no need for an exemption.

*401.3

Where exemptions are granted,

- (a) Help-wanted advertising which carries racial, ethnic, or religious identification should be avoided.
- (b) Other factors equal, sudden or substantial displacement, short-term or long-term, of workers in a given firm, occupation, or industry, should be avoided.
- (c) Practice which would have seriously adverse economic impact upon minority group members of the labor force should not be approved.

*401.4

In any case of substantial doubt as to Commission policy relating to a particular situation, the question will be brought to the Commission.

*401.5

Decisions made by staff on exemption requests shall be forwarded to Commissioners promptly.

*401.6

The burden as to whether an exemption is a bona fide occupational

401.6 exemption rests with the employer seeking the exemption.
(Cont'd.) (CM-12, April 1960)

*401.7 Blanket exemptions shall not be given to anyone. Each request must be handled separately. (CM-12, April 1960)

402 - SECURITY EXEMPTIONS

402.1 An employer who believes he is entitled to an exemption for security reasons may request an advisory ruling from the Commission. (CM-12, April 1960)

402.2 No company will be granted a blanket exemption for all jobs. Only those positions listed as "classified" may be granted exemptions. (CM-16, July 1960)

402.3 Whenever the Commission is asked for an advisory ruling on a security exemption, it will ask the employer to check back with his defense agency's regional representative and to request that a clarification be sought from higher echelons. (CM-26, February 1961)

402.4 Consultants are to refer the matter of security exemptions encountered in the field to Legal Counsel. (CM-26, February 1961)

402.5 Only two questions, otherwise considered unlawful, may be asked after the offer to hire:

1. "Have you any close relatives residing outside the United States?"
2. "Have you resided outside the United States at any time during the past fifteen years or since your eighteenth birthday, whichever is later?" (CM-35, October 1961)

403 - MILITARY SERVICE OR UNITED STATES CITIZENSHIP

403.1 Applications requiring listing of military service must specify that it is information concerning United States service that is requested. (CM-19, August 1960)

400 -- PRE-EMPLOYMENT INQUIRIES AND
EXEMPTIONS (cont'd.)

- 403.2 Where a city or county charter provides that only United States citizens may be certified for employment by such city or county, proof of citizenship may be inspected at the time of or immediately prior to certification of eligibles to the hiring agency. (CM-30, May 1961)

404 - MEMBERSHIP IN ORGANIZATIONS

- 404.1 Where an application form is otherwise in compliance with the FEP law, it may be approved without the requirement that a request for "professional societies" be followed by the phrase "excluding any the names or character of which indicate the race, religious creed, color, national origin or ancestry of its members." (CM-43, May 1962)
- 404.2 An applicant may be asked if he is or has been a member of any organization designated under Federal Executive Order 10450 (commonly referred to as the Attorney General's list of subversive organizations). (CM-40, March 1962)

405 - RELATIVE OF APPLICANT

- 405.1 An employer may ask the relationship of an individual listed as a party to notify in case of emergency only after actual employment of the applicant. (CM-19, August 1960)

406 - NAMES

- 406.1 It is not the intent of the FEPC to exclude information on maiden names when that information is required for the purpose of checking references. (CM-24, December 1960)
- 406.2 The name of an employment agency may not be such that it tends to indicate that only certain racial, religious or ethnic groups are serviced by it. (CM-12, April 1960)

400 -- PRE-EMPLOYMENT INQUIRIES AND
EXEMPTIONS (cont'd.)

407 - PHOTOGRAPHS

- 407.1 Photographs may not be required on teacher application
 forms. (CM-60, November 1963)
- 407.2 A photograph may be required at the point of actual
 hire. (CM-22, October 1960)

500 -- PUBLICITY

500 - ENDEAVORS AT CONCILIATION

- 500.1 There will be no disclosure at any time of what has transpired in the course of endeavors at conciliation. (CM-47, October 1962)
- 500.2 Endeavors at conciliation include those efforts of persuasion and negotiation, during conference or other communication between a Commissioner or his representative and a respondent party, in which proposals, suggestions, offers, counter-offers, and the like are made by either or both participants in seeking a mutually acceptable basis for resolving the case. (CM-36, November 1961)
- 500.3 Not included in the statutory meaning of such endeavors are:
- a. Information as to the facts of the case obtained through interrogation, conference, or other investigative methods;
 - b. The mutually accepted final terms of conciliation. (CM-36, November 1961)

501 - DISCLOSURE OF CASE INFORMATION

- 501.1 Except for endeavors at conciliation, information on cases which have reached final disposition may be disclosed, and the agency will respond to inquiries concerning such cases.
- 501.2 The assigned Commissioner and the Division Chief have authority to issue any publicity they feel ought to be issued on any complaint case or Section 1421 investigation (except regarding endeavors at conciliation), and on any affirmative action.
- 501.3 Any information which may properly be divulged to a complainant may also be divulged to his designated representative. (CM-68, July 1964)

502 - PUBLICITY ON AFFIRMATIVE ACTIONS

- 502.1 Where an affirmative action is already in the public arena, FEPC will make periodic public reports on its progress, e.g., at the time of reaching agreement on procedure, at specific reporting periods and at closure of the action. (CM-68, July 1964)
- 502.2 When an affirmative action is not yet in the public arena, the Commission considers it highly desirable to have public reporting and will seek to gain the cooperation of the parties involved to provide for such reporting. The assigned Commissioner may exercise discretion in determining when not to publicize a particular affirmative action. (CM-68, July 1964)
- 502.3 When FEPC is engaged in public reporting concerning an affirmative action with an employer, union, or other organization or agency, the principles which will govern disclosure of information secured during such undertakings include the following:
- (a) There will be no disclosure of unevaluated data.
 - (b) Periodic public reports will be issued as provided in Section 502.1.
 - (c) Information supplementing that set forth in FEPC reports may be disclosed, upon inquiry or otherwise, when such information, in the judgment of the assigned Commissioner, is considered reasonably necessary to better understanding and appraisal of the findings and conclusions of such reports. (CM-69, August 1964)

503 - PRESS, RADIO AND TV RELATIONS

- 503.1 State staff is responsible for the handling of all inquiries by news media, organizations and individuals except as delegated. (CM-36, November 1961)
- 503.2 News releases will be prepared and issued only by the State office. (CM-36, November 1961)

(Rev. Aug. 1964)

- 503.3 The Division Chief (and others of staff designated by him) has authority to respond to news media inquiries, or to initiate publicity, concerning the Commission's activities, policies and programs. Where the question involves a matter on which policy has not been decided, response to an inquiry will so indicate.

504 - PUBLICITY ON ACCUSATIONS, PUBLIC HEARINGS, ETC.

- 504.1 When an accusation has been issued, and a public hearing scheduled, there will be a news release; duly authorized staff will be responsive to news media inquiries; and there may be other dissemination of information concerning the case. (CM-36, November 1961)
- 504.2 Unless the assigned Commissioner directs otherwise, publicity should be issued at the time of accusation. (CM-60, November 1963)
- 504.3 At the time a temporary restraining order is filed, there will be no automatic release of a statement to the press. (CM-60, November 1963)
- 504.4 If news media inquire about temporary restraining orders that are filed, FEPC will respond to their inquiries, and then, if required, issue a release to the weekly press. (CM-60, November 1963)

505 - EXCHANGE OF INFORMATION

- 505.1 Case information may be exchanged with other Fair Employment Practice Commissions and with the President's Committee on Equal Employment Opportunity. (CM-36, November 1961)

600 -- COMMISSION MEETINGS

600 - SCHEDULING

- 600.1 Meetings should be held on a four-week schedule. (CM-24, December 1960)
- 600.2 Every other meeting in each locality will be a three-day meeting. (CM-54, May 1963)
- 600.3 Commission will hold at least two meetings a year in localities other than Los Angeles and San Francisco. (CM-50, January 1963)

601 - QUORUM

- 601.1 A quorum of four Commissioners will be required to conduct business. (CM-62, January 1964)

602 - AGENDA

- 602.1 Copies of the agenda shall be sent in sufficient time so that they will be in each Commissioner's hands at least 48 hours prior to the meeting. (CM-63, February 1964)
- 602.2 The agenda may be amended at the Commission meeting. (CM-63, February 1964)
- 602.3 Review of the progress of Section 1421 investigations and Affirmative Actions are to be placed on the agenda each month. (CM-60, November 1963)
- 602.4 The agenda should be arranged so that Commission meetings will be open to the public except for items that must be heard in executive session. (CM-44, July 1962)
- 602.5 Executive session items should come on the first afternoon of Commission meeting, if at all possible. (CM-44, July 1962)
- 602.6 Staff reports should be scheduled at a given time so that State staff members are not needlessly kept away from work requiring their attention. (CM-51, February 1963)

603 - VOTING

- 603.1 A Commissioner may not vote by proxy. (CM-35, October 1961)
- 603.2 A Commissioner may vote by mail on a motion debated while he was absent. (CM-35, October 1961)
- 603.3 Where there is a clear division of opinion, the question normally should not be settled without all Commissioners being present. (CM-35, October 1961)
- 603.4 In order to make sure that policy matters receive full and adequate consideration by members of the Commission, such proposals will be presented or formulated at one meeting of the Commission for action at the next regular consecutive meeting.
- In cases where prompt action is required or sufficient pre-notification has been made of the proposed policy, this policy may be suspended by an affirmative vote of five (5) Commissioners. (CM-69, August 1964)

604 - MINUTES

- 604.1 Assistant Chief is to assist with the preparation of the minutes. (CM-52, March 1962)
- 604.2 Minutes are to be as brief as possible, but should accurately reflect enough of the discussion to be meaningful. (CM-58, September 1963)

605 - PHONE CALLS AND MESSAGES DURING MEETING

- 605.1 Commissioners and staff will not initiate phone calls during Commission meetings. (CM-56, July 1963)
- 605.2 Messages will be taken and delivered, but callers will be informed that the Commission is in session and that calls will be returned, if possible, during the lunch break or after the close of the day's session. (CM-56, July 1963)