



**Equal Employment
Opportunity Committee
Regular Meeting Minutes
1:30 PM – 3:30 PM
Thursday – May 11, 2017
City Council Chambers - 809 Center Street**

Call to Order

Katherine Donovan called the meeting to order at 1:34 p.m.

Roll Call

Present: Chair Donovan, Vice-Chair Simmons, Members Sawyer, Herrick, Chirman, Spickler, Villaseñor, and Frawley

Absent: Member Warren

Staff: Principal HR Analyst McMullen and Administrative Assistant II Whinnery

Statements of Disqualification - None

Oral Communications – No action may be taken - None

Announcements - No action may be taken

Staff liaison McMullen introduced Melody Whinnery, the new AAI in Human Resources.

Staff liaison McMullen also noted that three committee members' terms end at the end of June this year.

Member Warren is at the end of her second term this year. This would be her last meeting. She is not eligible for re-appointment. She has suggested another employee to take her place as a City Manager appointment. McMullen will confirm with that individual and forward their name to the CM's office for consideration.

Member Villaseñor's term also ends June 30th; he is the SEIU appointee. He has decided not to seek a second term. Staff liaison McMullen checked with SEIU, and they have also come up with a name of someone from the Library to take Arturo's place on the committee.

Member Spickler is moving outside the City limits and would become ineligible because of the residency and voter requirements for non-employee members. The Council has a policy allowing an exception in certain cases. Staff liaison McMullen has drafted a letter to be presented to Council on May 23rd to request that this exception be made in Member Spickler's case, so that he can serve a second term.

Member Spickler expressed gratitude for the efforts on his behalf and his willingness to be available for the Council meeting if it was necessary. Member Chirman noted the importance of retaining Member Spickler in order to retain his knowledge both on the committee and on the sub-committee.

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Approval of Minutes

1. Minutes of the February 9, 2017 Regular meeting

- Motion to approve as submitted
 - Those *present* at the meeting of February 9, 2017 may vote to approve the Minutes, including changes: Amy Chirman, Heather Sawyer, Valerie Simmons, Adam Spickler, Arturo Villaseñor, Jim Frawley, and Filipina Warren.
 - Those *not present* at the meeting of February 9, 2017 may also vote to approve the Minutes, but only to the extent they are verifying their absence is properly recorded: Katherine Donovan, Dara Herrick.

Action Member Frawley moved, seconded by Member Simmons, to approve the Minutes of the February 9, 2017 Regular meeting. The MOTION carried unanimously.

General Business

1. NO ITEMS OF GENERAL BUSINESS

Information Items – No action may be taken

1. Legal Update

- Staff liaison Joe McMullen
 - *Rizo v Yovino – 9th U.S. Circuit Court of Appeals Decision - April 27, 2017*
Summary: Salary history is okay to use to justify a difference in pay between men and women. The article seemed very timely, especially since if this case had been filed under the current laws of California it would have had a different outcome. This case sets different circuit courts of appeal at the Federal level at odds with each other over this and so will likely lead to a Supreme Court decision about this.

2. Summary of Discrimination Complaints and Outcomes

- Staff liaison Joe McMullen
 - 2017 Complaint Log – no complaints yet in 2017 (see below).
 - Member Chirman had a clarifying question – Does this mean there were absolutely no complaints or that there were complaints but they were resolved in such a manner that we would not to hear about them?
 - Staff liaison McMullen responded that all complaints are logged if they meet the criteria in the Discrimination policy. The outcome (if it was found to be “No Violation” or “unsubstantiated” in some way) would be noted in the log.
 - Further clarification is that there were no complaints as of the day the log was prepared to send to the committee prior to this meeting. There has been a complaint received in the past week that will be presented at the September meeting. It is currently being investigated.

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3. Training Update

- HR Training & Development Manager Janice Lum
 - Training opportunities correspond closely with the Respectful Workplace policy recently implemented.
 - Harassment and Discrimination policy training will be incorporating the new policy information when training the summer temporary employees.
 - Organizational Health and Employee Development – four-prong approach: Succession Planning, Career Development, Employee Engagement, Workplace Wellness.
 - The results of the Employee Engagement survey will be used to get started on creating a more positive workplace culture.
 - Themes from the survey were: Opportunities to perform well, opportunities for professional growth and development, leadership recognition, pride in the workplace.
 - HR will be taking the results to a new Employee Focus Group: ODEG (Organizational Development Employee Group). The group will discuss questions sparked by the survey in order to create an action plan to help the City move to a higher level of employee engagement.
 - Priorities will be to work on some of our weaker areas: leadership, recognition, and pride in the workplace.

4. Update on City compliance with AB 1732-Single User Restrooms

- Staff liaison McMullen stated that as of March 1st all single user restrooms were supposed to be marked as all gender restrooms. Use of a circle and triangle label on the doors was chosen for the City. According to Facilities, all signs have been installed except for two at the Corp yard which are under renovation. This includes both public restrooms and those intended just for employees at all City facilities including Libraries.
- Still to come is a sign next to the doors reading “All Gender.”

Subcommittee/Advisory Body Oral Reports

1. Salary Demographics Ad Hoc Subcommittee Update

- Chirman, Simmons, Spickler, and Warren; Staff McMullen
- Following the April 4, 2017 presentation by Member Frawley of the EEO Committee’s 2016 Annual Report to the City Council, Council approved a motion to send a letter to the State Legislature asking for clarification of the term “substantially similar” in the new California Equal Pay Act. A final draft of the letter was sent to the City Manager’s office last Tuesday - they will have the Mayor sign it and send it on behalf of the committee and notify staff liaison McMullen when that process is complete.
- Member Spickler clarified that while we are sending the letter to the State Legislative Council to ask for clarity, we are also copying local representatives who would benefit from the FYI. Staff McMullen confirmed that the local representatives were included.
- Discussion that we are hopeful to receive a response, but if not, that we would follow up with the local representatives and request their feedback.
- Staff McMullen noted that the most recent subcommittee meeting was held earlier this week. A new report had been requested from IT showing how long an employee had worked in their current classification in order to better compare. Still working on a reporting

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method, and moving forward to continue analyzing each classification, at least by gender. We have a model to add race. Working the formulas for the reports takes a long time.

- HR Analyst Lori Fukuda attended the recent subcommittee meeting to share a report she created from the applicant tracking system. Member Simmons has emphasized the importance of looking at the applicant pool and analyzing what happens to that pool during the application process. Point of hire and setting salary is not the only point or even the first point where discrimination can happen. We are looking into this and attempting to connect the two. There is no easy way to do this as the two systems (applicant tracking and employee database) are not connected.
- Member Simmons asked Staff McMullen prior to today's meeting if we could look at a snapshot of our pool of applicants over the course of the last year and compare it with a snapshot of our current employee population. Also, Member Simmons recommended that we also compare the diversity of our applicants to the diversity of our City population and/or the diversity of the County.

2. Respectful Workplace Conduct Policy Standing Subcommittee Update

- Donovan, Sawyer, Spickler, and Warren; Staff McMullen
- The first reading of the updated Non-Discrimination ordinance (creating the foundation for the new Respectful Workplace Conduct policy) was April 4th. There was a question about a piece of information from the staff report. It was to be corrected for the 2nd reading and final adoption which occurred on April 25th - . Congratulations to all for getting it passed.

Items Initiated by Members for Future Agendas

Staff McMullen mentioned that with the conclusion of the Respectful Workplace conduct efforts that perhaps a review of goals and objectives for future initiatives would be in order or if subcommittees wish to take a break for the summer. Next meeting will be September and new goals will be decided then. Member Spickler indicated preference to take a break for the summer on subcommittee activity and Member Frawley concurred.

Chair Donovan encouraged everyone to review the current goals and objectives to think about for updating at the next meeting. Staff McMullen will put them on the agenda for the September meeting.

Adjournment

At 1:59 pm Member Donovan adjourned the meeting to the next regularly scheduled meeting on September 14, 2017 at 1:30pm in Council Chambers.

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