



**Equal Employment  
Opportunity Committee  
Regular Meeting Minutes  
1:30 PM – 3:30 PM  
Thursday – November 9, 2017  
City Council Chambers - 809 Center Street**

**Call to Order**

Vice-Chair Chirman called the meeting to order at 1:35 p.m.

**Roll Call**

Present: Vice-Chair Chirman, Members Adams, Frawley, Hedden-Jones, Simmons, Spickler

Staff: Principal HR Analyst McMullen and Administrative Assistant II Whinnery

Absent: Chair Sawyer, Members Donovan and Herrick

**Statements of Disqualification - None**

**Oral Communications – No action may be taken**

**Announcements - No action may be taken**

**Approval of Minutes**

1. Minutes of the September 14, 2017 Regular meeting

• Motion to approve as submitted

- Those *present* at the meeting of September 14, 2017 may vote to approve the Minutes, including changes: Ashlyn Adams, Amy Chirman, Katherine Donovan, Jim Frawley, Tremain Hedden-Jones, Dara Herrick, Heather Sawyer, Valerie Simmons, and Adam Spickler.
- Those *not present* at the meeting of September 14, 2017 may also vote to approve the Minutes, but only to the extent they are verifying their absence is properly recorded: NONE.

Action Member Simmons moved, seconded by Member Hedden-Jones to approve the Minutes of the September 14, 2017 Regular meeting. The MOTION carried unanimously.

**General Business**

2. Review DRAFT 2017 EEO Committee Annual Report; Provide Direction to Staff

• Vice-Chair Chirman; All

- Goal #2 Ad-Hoc Subcommittee; Members Frawley, Herrick, and Adams
- Ad-hoc committee made edits to goal #2, suggesting that goal to be restated as ‘raising awareness of Equal Employment Opportunity issues’ instead of raising awareness about the committee.
- Objectives underneath Goal #2 were modified to reflect the change.
- Member Hedden-Jones clarified that the newly modified objectives for Goal #2 would replace the previously written objectives from previous years.

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- Staff member McMullen to edit final draft to reflect changes as submitted by the ad-hoc committee if approved.
- Staff member McMullen pointed out one of the actions on page 2 under Goal #2 “update Vendor Contract as needed to reflect changes to the policies.” He passed out the terms and conditions for vendor contracts. There are two links in the paragraph to the Council Anti-discrimination Policy and the City’s Anti-discrimination statement.
- Member Hedden-Jones asked how we ensure that all City departments use the same Vendor Contract form. Not all contracts need to go through the Purchasing department. i.e. equipment vs. instructor/contractor vendors.
- Vice-Chair Chirman suggested that there is a general understanding that departments work with Purchasing on contracts.
- Member Frawley suggested a couple of EEOC members go to different departments and explain the need for the language to be in the contracts.
- Vice-Chair Chirman wondered if there would be a simpler way – perhaps a message to Department Heads with a request that they deploy it down the chain of command. Staff McMullen volunteered to send out a notice to Department Heads as well as discuss with Purchasing Manager how to proceed.
- Member Spickler asked for clarification on Purchase Order limits and guidelines and recommended putting out a template that included the change regarding the terms and conditions including the updated anti-discrimination language.
- Vice-chair Chirman remembered a message from Purchasing [“Did You Know”] to remind departments about contract procedures. Perhaps something similar could be used in this case.
- The template has been updated. We may need to be sure that everyone is using it.
- Member Spickler reminded us that whenever we discuss pay equity that we also move toward including racial and ethnic concerns as well as gender concerns regarding pay equity. Specifically within the Actions from Goal #3.
- Staff Member McMullen requested that all other edits be submitted to him before Thanksgiving break.
- Member Spickler brought up that the letter submitted from Mayor Chase to the Office of Legislative Counsel and copied to Senator Monning and Assemblymember Stone needs to be followed up on. Perhaps we ask Mayor Chase to forward to Senator Monning and Assemblymember Stone and ask for their assistance.
- Vice-Chair Chirman suggested we also submit the letter to the legislator who sponsored the legislation in the first place.
- Member Spickler commented that they are under no obligation to respond to us since we are not part of their constituency.
- Staff Member McMullen asked the question to other cities via the League of CA Cities and has not heard anything back.
- Vice-Chair Chirman: The office of the legislator who wrote this would be happy to see that a community is trying to address the matter and we might get more leverage and support somehow. We may not get a response, but we might be pleasantly surprised. The legislator is Senator Annabeth Jackson.
- Staff Member McMullen to draft a letter for Mayor Chase to sign addressed to Senator Monning and Assemblymember Stone, to be copied to the Office of Legislative Counsel and the office of Senator Annabeth Jackson.

Action: Member Frawley moved to approve the substance of the 2017 Annual Report from the EEOC and distribute accordingly. Seconded by Ashlyn Adams. Motion passed unanimously.

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**3. Establishing a “Respectful Workplace Month.”**

- Vice-Chair Chirman; All
  - Staff Member McMullen mentioned that October is Anti-Bullying month – perhaps we can prepare for next year.
  - Member Hedden-Jones wondered if there are organizations we can pull resources from in order to do more for bullying in the future.
  - Planning for activities or speakers would need to be subcommittee work.
  - Plan to put it on the agenda for February meeting.
  - Ad-hoc subcommittee to start planning in March for the 6-months before October launch.

**Information Items – No action may be taken**

**4. Legal Update**

- Staff liaison Joe McMullen
  - *A Legal Update was not prepared for this meeting.*

**3. Summary of Discrimination Complaints and Outcomes**

- Staff liaison Joe McMullen
  - 2017 Harassment/Discrimination Complaint Log
    - Staff McMullen advised the members that the first complaint of the year was completed on 5/31/17, shortly after the last meeting.
    - Staff McMullen verbally informed the members of the second complaint of 2017 and will update the log. The Investigator found multiple violations of City policy by multiple people. The HR Director and Staff McMullen are considering measures to address the violations ranging from termination to written reprimands to training. Staff McMullen will keep the committee posted.
    - Member Spickler mentioned a recent news story about employee sexual harassment prevention training outcomes and attitudes. This was to underscore the importance of such training from the employer AND employee perspective.
    - Vice-Chair Chirman asked how the City communicates the seriousness of violations given the private nature of infractions. How can the Committee help with this?
    - Staff McMullen responded that employees knowing it’s possible to lose your job if these policies are violated makes it clear enough to most employees how serious it can be; the only other method of communication has been word of mouth by those who knew the employee who was terminated.
    - Member Spickler noted that so much focus is being put on employers to have programs to respond to the bad actors, but there is very little training available about being a good bystander (supporting women or the targeted demographic). It might be something to consider a program in order to portray the City as open and supportive to a healthy culture for women.
    - Vice-Chair Chirman expressed support of such a program or statement and requested that it be inclusive of all genders and other targeted groups.
    - Staff McMullen brought up the Committee for the Prevention of Violence Against Women (CPVAW) and wondered if they might again sponsor self-defense training for women or have other resources.
    - Member Simmons asked about the nature of the City’s Sexual Harassment training.
    - Member Hedden-Jones responded with a brief description of the contents and timing.
    - Discussion followed detailing that the initial Sexual Harassment training for all employees is an in-person 3-hour class and that two-year refreshers for supervisors are online for 2 hours.

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- Member Frawley spoke in favor of taking this time to frame some supportive educational messages that would demonstrate the City's zero-tolerance toward harassment as well as the City's interest in building a safe environment that is clear in its intention.
- Member Simmons shared that it's fairly common for victims to not want to share, but that other people know. So the question becomes can we train the others HOW to share in a helpful way. Perhaps that could be put in the Sexual Harassment training.
- Staff McMullen specified that our current model is that all new employees get the in-person 3-hour Sexual Harassment training, but after that, there is no other mandatory training for non-supervisory employees. Supervisors get a 2-hour online refresher every two years as required by the State. Staff McMullen is researching a new provider of this online training module. This module does contain a new portion on prevention of abusive conduct per state law.
- Staff McMullen also noted that in some ways this information also falls under Cultural Diversity training because it would cover all the various ways people are harassed and discriminated against. He also highlighted the Mental Health First Aid training that produced a new kind of awareness or empathy that has not been the subject of training before.
- Vice-Chair Chirman asked if the City has an ombudsman. In other organizations staff can go to the ombudsman and that's the path that allows for no retaliation for reporting these difficult situations.
- Staff McMullen responded that what's difficult to prevent is the timing between the reporting of the event and the removal of the employee who is violating policy. So the reporter could end up working in an uncomfortable situation and then end up having to report retaliation. As it stands, the responsibility lies with the reporter to continue to report. Usually that is extremely difficult.
- Vice-Chair Chirman wondered whether the Sexual Harassment training could happen more frequently.
- Staff McMullen said that it has been discussed in the HR department and that the Committee could certainly recommend more frequent training in this area.
- Member Hedden-Jones suggested that instead of making more frequent training a requirement, perhaps we could start by encouraging staff to take the Harassment training again.
- Staff McMullen reminded the Committee that the policy is sent out annually with a review of the Sexual Harassment and other policies including the new Respectful Workplace policy. The hope is that all employees review it or have it reviewed in meetings.
- Staff McMullen also noted that again these measures and messages sound punitive toward violations rather than supportive of appropriate behavior. He asked for any suggestions of course topics as the 2018 Training Calendar is being formed.
- Yesterday there was a brown bag lunch with youth from the Diversity Center who shared their personal stories at Loudon Nelson in conjunction with the start of painting the new Diversity Youth Mural.
- Vice-Chair Chirman indicated willingness to discuss future opportunities for training in this area. She noted that the Library has used several different methods to distribute mandatory trainings including an open-source platform.
- Member Spickler recommended starting with a simple survey of staff regarding experiences with Sexual Harassment.
- Member Frawley discussed a speaker that visits the fire houses in conjunction with Cabrillo College.
- Staff McMullen mentioned the topic of unconscious bias as a future training as it is a huge issue in terms of hiring. He encouraged all to take some time to examine unconscious biases.

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- Member Frawley discussed the normalization of deviance. This training demonstrated how deviation from procedure can creep up slowly and each shortcut may be small but deviates in part from the original procedure. Over time, the practices can become unsafe or without precautions due to the normalization of the deviations from standard practice.
- Member Adams encouraged the committee to include temporary workers in this kind of training as well.
- Member Frawley shared some of the training that the Beach Lifeguards go through regarding the Fire Department's zero tolerance for harassment in this employment arena.

#### 4. Training Update

- *A Training Update was not prepared for this meeting.*
  - Staff McMullen discussed the Mental Health First Aid Training that was referred to HR by the Mayor through County resources. Subsequently, the Library has offered the training as they have two certified trainers in Mental Health First Aid.

#### 5. Diversity Center Youth Mural at Loudon Nelson Community Center (LNCC)

- Ashlyn Adams, Katherine Donovan, and Joe McMullen
  - Staff McMullen detailed the meeting regarding the youth mural and the Diversity Center lunch that the Committee co-sponsored at LNCC. The youth shared their stories regarding gender identity and the state of the local LGBTQ community.
  - After the presentation, the group in attendance reviewed the mural in progress on the wall outside.
  - Staff McMullen shared that the Annual Report had one more update he needed to make incorporating the event into the report.
  - Member Spickler recommended a future program coming up in November: Breaking the Binary. The topic might help answer questions that people have regarding gender identity.
  - Vice-Chair Chirman mentioned that Santa Cruz is a leader across the country and diversity and acceptance are some areas in which we lead. We had a member of our community who led the charge on non-binary identity on drivers' licenses and the ability to have that identity changed. The Vice-Chair recognized Sara Kelly Keenan for her work in moving humanity forward in the normalcy of diversity and the acceptance of it.

#### 6. Poster Promoting Respectful Workplace Conduct Policy

- Chair Sawyer; All
  - Member Spickler created a poster and submitted it to the Committee; he requested feedback and/or edits to the content or aesthetic.
  - Vice-Chair Chirman asked that the headline title be bolder.

## Subcommittee/Advisory Body Oral Reports

#### 7. Salary Demographics Subcommittee Update

- Chirman, Hedden-Jones, Simmons, Spickler; Staff McMullen
  - Staff McMullen said that there was not much to report since the last meeting.
  - Member Spickler asked for feedback from the subcommittee on the bullet points for section 4.1 of the draft report.
  - Staff McMullen detailed edits that he had already made on the report including adding a line of significant note in the 4<sup>th</sup> bullet regarding AB 168.
  - In the last meeting the subcommittee backed away from trying to analyze the ethnicity because of the complexity of trying to do it in our model. Ethnicity to stay in the policy, but analysis is back to just gender for now.

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- Vice-Chair Chirman inquired about the salary negotiation bullet and Staff McMullen responded by making a note in the training notes.
- Member Spickler commended Member Simmons' suggestion of examining applicant pools and what happens to folks in our pool in terms of who gets hired.
- Staff McMullen appreciated the additional request for reporting of diversity in our applicants and new employees.
- Staff McMullen distributed a handout about the new legislation AB 168 along with the email from the HR Director to hiring managers regarding asking for salary information and that we have to stop doing that as it is now prohibited by State law. The prohibition in using prior salary as the only criteria in setting future salary remains.
- Member Simmons requested a copy of AB 168.
- Member Hedden-Jones asked whether applicants who do offer prior salary information voluntarily have to show proof of their information.
- Vice-Chair Chirman asked about whether unconscious bias would play a part in restricting or inflating salary offers.
- Member Frawley suggested that even if it did play a part, it would be hard to prove. He also reiterated that the best response is to educate people on the existence of unconscious bias and train on awareness of it in themselves.
- Staff McMullen mentioned that there are online tests to take in order to reveal unconscious bias if individuals are interested.
- Vice-Chair Chirman suggested that if we research the robustness of some tests, that some might be appropriate to use as future training tools, provided we vetted the product carefully.
- Staff McMullen has reached out to a potential vendor who trains workplace investigators to be aware and/or eliminate their own unconscious bias. Perhaps the salary demographics project is a place where this issue intersects with the Committee's activities.

**Items Initiated by Members for Future Agendas**

Member Adams commented on the creation of the Facebook page for the Committee as per the last meeting.

- Vice-Chair Chirman asked if the page was live and Member Adams confirmed that it is as of this morning: @EEOSantaCruz – all members examined the new page.
- Staff McMullen commended Member Adams for putting the page together.
- Vice-Chair Chirman confirmed that Member Adams would be Admin and content provider for the page for now. Member Adams agreed.
- Staff McMullen asked if Member Adams would like ideas for content from the rest of the committee.
- Member Adams was happy to accept ideas from the rest of the committee and also planned to pull content off of the City website as well.
- Member Spickler asked if the City has a Public Information Officer. Member Frawley detailed the history of the PIO duties as assigned to different City staff. Currently there are three Community Relations Specialist positions within different departments (PD, PW, and WT/CM).
- Vice-Chair Chirman introduced the topic of content for the page – members discussed putting content on the page regarding the Diversity Center mural and the new Respectful Workplace poster.

**Adjournment**

- Vice-Chair Chirman adjourned the meeting at 3:00 p.m.

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**Additional Information**

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