

Torrance, California
September 14, 1966

MINUTES OF A REGULARLY ADJOURNED
MEETING OF THE TORRANCE CITY COUNCIL

The Torrance City Council met in a regularly adjourned session for the special purpose of holding a public hearing as to the new Civil Service Ordinance, at 7 p.m., on Tuesday, September 14, 1966.

All councilmen were present, as well as the City Manager, City Attorney, department heads and representatives of the employee groups. Each had been furnished a copy of the two versions of the proposed ordinance (apricot and green) and a contrasting memorandum prepared by the City Manager, as well as a comparison study prepared by the City Attorney.

Mr. Sam Hunegs spoke first and his remarks have been recorded in detail. Any comments during the time he had the floor, not specifically attributed to others, are to be credited to Mr. Hunegs, without undue repetition of his name.

As to the title of the ordinance, the words "PROVIDING A CIVIL SERVICE COMMISSION; AND" have been deleted from the green version approved by the Civil Service Commission and do not appear in the apricot version which was prepared and recommended by the Council Finance Committee. Also Section 2, pages 2 and 3 of the green do not appear in the apricot version. City Attorney Remelmeyer explained there is a portion of the Code which deals with Commissions and there is no reason to duplicate it in this ordinance.

Hunegs: There are two basic philosophies as the Civil Service Commissioner expressed yesterday involved as to whether you want to in the future develop a merit system or whether you want to retain the Civil Service system. It becomes significant if the words "Civil Service Commission" are left out of the title of the Civil Service ordinance that the set-up of the Commission itself and the powers which will come subsequently if this is deleted then, of course, you will have adopted an apricot ordinance and a merit system instead of a civil service system.

Sciarrotta: Then let's add it.

Remelmeyer: It already appears in the Code; to add it would ruin the symmetry of the Code.

Hunegs: I've never seen a civil service ordinance without it.

Isen: Mr. Hunegs may think something may come up in the future which would weaken it. I see his point. Who knows? I'm not agreeing or disagreeing with him, but I see his point here.

Olson: I might throw this in for what it's worth. The committee deleted none of this from there. I think it's an administrative thing, a duplication of effort. I would stipulate as a member of this committee it was not our intention to change anything in the green ordinance as far as the commission and who appoints them and how they are paid and any of that stuff that you have gone over so far. This was just a move on your part to streamline it.

Sciarrotta: That's right. So far, then, we are in agreement.

Isen: I thought we were only going to listen tonight and not say -

Sciarrotta: Well, I want to know because I want to make notes on mine.

Isen: I don't know if we are in agreement - you'd have to poll the council and find out then.

Sciarrotta: It's covered, that's the only thing that -

Isen: You didn't mean agreement then, did you?

Sciarrotta: Well, I meant that it is covered - it isn't a matter that we omitted in any way, shape or form - or was it the intention to eliminate -

Isen: Well, let's not agree or disagree tonight. Let's listen. This is a public hearing.

Hunegs: On page 4 of the green ordinance and page 2 of the apricot ordinance - remember there is a spread of two pages now because that entire section was deleted in the apricot ordinance. Number 5 it reads in the apricot:

"The City Manager, assistant city managers"

and those three words are not in the green ordinance.

Miller: Now, let me get this straight. In the apricot, this is being excluded from civil service: "City manager, assistant city managers, assistants to the city manager".

Hunegs: No, "assistants to the city manager" appears. This involves a matter of philosophy and what the City Council wants - I want to also call your attention on the apricot copy you have an additional number which is 6 and does not appear in the green ordinance.

Olson: Now what you are saying is - you are objecting to the City Attorney being included or are you just pointing out some differences.

Hunegs: I'm pointing out some differences and it's a determination of City Council whether you want it in there or not.

Olson: You have three official job titles in the City Manager's office. You have a city manager; you have an official assistant city manager and then you have official assistants to the city manager. Now, we spelled out all three classifications because there are three. You could read the green one to say that we are leaving Scharfman out; that we were including de Llamas and the other fellow.

Hunegs: Because we believe in a civil service system, we believe assistants to the city manager should be in the classified service, but we do not believe that the assistant city manager should be.

Miller: YOU are objecting to both ordinances, then.

Hunegs: That's correct, but we are pointing up the differences. Now, there's another section right below it, Section 8.2 called Exempt Employees which do not appear in the green ordinance at all. This says that all the benefits which will appear in the final civil service ordinance will apply to the city manager, the assistant city manager, the assistants to the city manager and so forth.

Isen: I think, Mr. Remelmeyer, unless the council asks you directly we are going to have to have another session at the end of the hearings, on another date, to ask you questions. I am trying to keep profuse notes -

Edith Shaffer: I am keeping profuse notes.

Isen: Well, they will have to be transcribed.

Hunegs: Then with regard to the status of present employees, they both agree. On page 2 of the apricot and 4 of the green. Now, then, we are on page 3 of the apricot and page 5 of the green, all three sections agree with each other. Where the sections agree this means that there was no dispute involved. Then page 6 and page 7 of the green ordinance do not appear at all in the apricot ordinance having to do with adoption of rules (reading). So again, you see, this takes on new significance because the rule making powers have been taken away from the commission, the hearing on the rules, the content of the rules, the certification of the rules, their dissemination and section 8.35 on page 7, Employee groups: Employee groups shall register with the Personnel Director the names of their officers and their official address annually. All this has been deleted in the apricot ordinance. So again, you see it all ties together because it means elimination of the Civil Service Commission per se.

Now, then we move on to page 8 of the green; page 4 of the apricot: You will notice under Departmental Regulations, the comparison of the two. Section 8.40 in the green ordinance and section 8.30, Authority to make Regulations. You will notice that there is a distinct difference between the two, if you will read them. The head of a department with the approval of the city manager may draft regulations and amendments thereto for the government of the department, which are not inconsistent with the provisions of this chapter. "The head of a department shall negotiate as to the content and extent with the appropriate employee group covering regulations and amendments thereto for the governing of the department, which are not inconsistent with the civil service rules" and so forth and so on. Now, I can tell you this is happening in the County of Los Angeles right now so if you want a model civil service ordinance or a good modern one, then the green section is the one that you want to adopt.

Isen: You say the City of Los Angeles has something similar to that?

Hunegs: County of Los Angeles - is in the process of working out this kind of thing right now. "When Effective" - now the words in the green ordinance, page 8 and apricot, page 4, section 8.41, you will notice that section, the words in the green ordinance have been deleted in the apricot "and the appropriate employee group".

Now, section 8.42, green and 8.32 in the apricot entitled "Dissemination", the word "office" in the green has been changed to "Officer".

Section 8.43 in the green and 8.33 in the apricot, the words "civil service" on line 4 and on line 5, the final phrase "hereinafter called the commission" are not in the green ordinance. There is no section C in the green ordinance but there is a section C in the apricot. You will notice that the final sentence -

Now, in the green ordinance there is a list on page 9 and on page 5 of the apricot - there is a list of the department heads and in the apricot, there is a section a - those not appointed by the City Manager and an additional list "those appointed by the City Manager".

On page 6 of the apricot and page 10 of the green, the top one 8.50 and 8.60 respectively, Classification Plan, there is some significant differences. Changing Classes, in the green there are two lines and one word.

"Contents of plan" there was no disagreement. "Filing of plan" there was no disagreement.

Page 11 of the green - 7 of the apricot, first three items that appear. First, paragraph B of Section 8.102 in each one, the language has been changed.

No disagreement as far as medical standards are concerned.

Page 8 of the apricot and 12 of the green: 8.104 - no disagreement. 8.105: at the bottom, there is a difference; all personnel matters, item after item, have been taken from the personnel director and the civil service commission and slotted into the City Manager's office.

Page 13 of the green and 9 of the apricot: Section 8.106, no disagreement. Section 8.107, in addition to the class specifications for any class of positions of the city, provided, however, that such requirements shall not be retroactive so as to remove any person from the eligible list or from employment with the city.

Now, Section 8.108 in the apricot right below, does not appear in the green ordinance.

Isen: Are you thinking that it should, or it shouldn't? Do you want it to appear?

Hunegs: No - when we point up differences, we are pointing up differences because they are differences of philosophy.

Isen: Yes, but when you say you do not want it to appear, I assume you are satisfied that you are "agin" it because it appears in the yellow one and not in the green one. Is that right? Or, would you indicate otherwise? Indicate it should be in there, or changed in some degree.

Hunegs: Only two or three items in the apricot ordinance that should be in the green ordinance, and are not.

Now, apricot 10, and green 14 - all these items here are alike.

Then, 11 apricot and 15 green, down to section 8.123, there is a difference. The open and promotional examination has been eliminated which, we submit, is a change in philosophy and not necessarily for the better. We are opposed to its being eliminated. If we are to have a career system, I think we should support it all the way through.

Page 16 green, 12 apricot, the first two sections, 8.124 and 8.125, no disagreement. Or on 8.126 and 8.127, no disagreement.

Page 17 and 13 - no disagreement as to 8.128 or 8.129. At 8.130 regarding passing grades, there is a change. The next section, Tie grades, has been changed, how to break a tie.

Page 18 green and 14 apricot, no disagreement.

Pages 19 and 15, respectively, Veterans Preference. The Vietnam war has been included in the apricot - does not appear in the green.

Isen: Is it your suggestion to include it?

Hunegs: We think the Vietnam war should be included. The amount of preference, Section 8.41 respectively, has been changed from 10% in the green to 5% in the apricot. We think in the light of the Vietnam war that it should remain.

Section 8.142, Wives of veterans - no disagreement. There is a difference in the Proof of Discharge, but it is not significant. The green showed proof of service of 30 days or more, the apricot says 90 days.

Page 20 of the green and 16 of the apricot - first paragraph, Section 8.150, no disagreement.

Section 8.151 of the green, Rules governing Promotional Examinations. The language has been changed.

Section 8.152 in the apricot does not appear in the green ordinance.

Olson: Excuse me, on 8.151, the apricot deletes the section which says "except that no credit will be allowed for veterans preference in a promotional exam". We took that out and you want it back in?

Hunegs: Yes, that no preference will be given on a promotional. Section 8.152, Ordering of Examinations. - does not appear in the green ordinance, paragraphs A and B.

not
8.153, Qualifications for the examinations, is/in the green ordinance nor is 8.154 of the apricot is also not in the green ordinance. You will notice that there is some language there - "no person shall qualify to take such exam unless he meets all the following conditions, etc. (on through the section). It's the word "performance" that we are objecting to because we do not believe that performance reports, particularly in the manner in which they are handled should be a part of it. I'll get into this a little later. Don't want to talk about the overall now.

Isen; Question, Mr. Hunegs. "six months have elapsed following the date on which he has completed his probationary period for the position held on the date of examination" is not in your green ordinance. Do I understand then that you have more or less reversed your position and don't want it in there? Right?

Hunegs: No, I didn't say that. I'm just telling you that it is not.

Isen: Well, I would like to know your feeling on it. Now, a few minutes ago I asked you a question and you agreed that unless you pointed out anything that was left out, that you wanted it left out and I had always thought your position was that you wanted that six months after the date of probationary period for - that they could qualify for the next examination.

Miller: Mayor, may I just say - this confuses me -

Hunegs: No, let me repeat again because I think, Mr. Miller, that there is something unclear here. All the employee groups, police, fire, miscellaneous employees, you know, the association, the union, all met with the Civil Service Commission. Meetings were held month after month, The Assistant City Manager and on rare occasions, the City Manager himself was present and participated in the course of these discussions when this green ordinance was developed. Now, none of us unanimously agreed on all the provisions. By the time we got through hammering this out, this was the development of the green ordinance, The Civil Service Commission did not always agree with us, quite frequently they disagreed. We quite frequently disagreed among ourselves and yet, nevertheless, we arrived at a consensus and achieved the green ordinance. It is our position that it is the green ordinance that ought to be adopted and that we would like to see it adopted. We agree a few sections which have been omitted unintentionally out of the green that should have been included. There are some sections here in the apricot ordinance that should be in there.

Sciarrotta: Well, that's what I want to make clear. When you think it should be, would you please specify so I can mark mine, that you want to have us consider putting it in the green ordinance.

Hunegs: Okay. That one paragraph that the mayor questions should be in there. 8.153, subsection 2, page 16 of the apricot should be in the green.

Miller: I'm not clear on this. This is a conclusion made upon - internally within your group as a compromise among yourselves, the green ordinance - .

Hunegs: No, all the groups.

Miller: That's what I mean - and you are speaking now in what capacity?

Hunegs: I'm talking on behalf of my own organization. I have no reciprocity.

Isen; Well, aren't you criticizing both of them? Aren't you criticizing both the yellow and the green.

Hunegs: I'm trying to find out what you want.

Isen: Yes, but I know you stand for something - and I've heard you long enough here - and the one you are criticizing the canary one, etc., and it's left out completely in the green one - I'm wondering what's happening or is it up to us to pick it up knowing your philosophy and determine whether we like it or we don't like it. The easier way would be to leave it alone, eliminate it entirely - you're just ignoring it completely, Mr. Hunegs - you're saying when I asked you the question there, that anything that doesn't appear in the green one is over in the orange one, we don't want it to appear and, having heard you enough, I think that isn't accurate when we come to section 8.153, particularly with subsection 2 and of course there's nothing wrong with the other, taking the promotional exam, have to be actually in the city's employee, etc. and so forth.

Hunegs: Let me say it a little differently. We believe that that section should be in the green ordinance.

Isen: All right, that's all I'm trying to get so I'm not thrown off the track on your thinking. And indicate, again, from now on, that if there anything left out here that you want it in the green, because otherwise we get down to analyzing all these views and opinions of the various groups it will be very difficult to reach a conclusion.

Hunegs: All right. Now, Section 8.154 does not appear in the green ordinance. We have no objection to it, except we believe that the performance report should not be part of the promotional system.

The marking performance, we strongly object to, 8.155, on page 17 of the apricot and it is not in the green. We feel that if an employee is unsatisfactory, he should be separated from the service.

Marking for Seniority, 8.156 - we prefer the green one. It is more explicit; it is more comprehensive and it does change the formula. There is a difference in the formula between the apricot and the green.

The Completion of Examination, on page 22 of the green and 18 of the apricot, 8.160, does not appear in the apricot ordinance. We submit it should be in there.

The notice of results, Section 8.160 in the apricot does not appear in the green. We feel it should be in.

Section 8.161, Inspection of Papers. We believe that the green ordinance is the better of the two.

Page 23 of the green, page 19 of the apricot, 8.162 of the green is the one we prefer in place of Preservation of Papers in the apricot ordinance.

Section 8.163 in the green "Appeals" is the one we prefer.

Section 8.164 in the apricot does not appear in the green. Review by Commission - I would like to see that in the green.

Beasley: 8.162 has the same wording as 8.164 in the green.

Hunegs: No, it is not.

Olson: No, in the green it says, you can throw them away after thirty days after everybody has received a registered letter and our committee felt that this was better protection for the employee.

Sciarrotta: Then you feel that that should be included in the green.

Hunegs: Yes. Section 8.165. Rejection of examination - in the apricot does not appear in the green and we think it should. Should be in the green. Page 20 of the apricot -

Isen: When we get all through and when you have time, even if it's a matter of cutting with the scissors and so forth, if you would give us one copy of the green, with all the yellow stuff added on it that you approve, that would make it easier too. Follow what I mean?

Hunegs: Yes, but -

Isen: It's a matter of everybody being helpful with it because there's other business - it's a very difficult situation so I would like to see as the next step -

Hunegs: I would be easy for me going through 70 some odd pages to make a mistake too.

Isen; We know it and that's why we say - so you could just take the sections of the yellow here, cut them off and insert them here right down the line with whatever corrections you want.

Hunegs: Best way would be to take the two sections side by side and -

Isen: No, there's some you approve absolutely here and if you want them over in the green, they don't show here and you have to dig them out. Now, if you would just make on master copy it could all be xeroxed.

Hunegs: Fine - be glad to do it. Now on page 20 of the apricot and 24 of the green, first paragraph, 8.170. The last sentence in the apricot does not appear in the green. We also want that deleted.

Isen: You know it would help me too, a further suggestion, if you could tell us both the pages before we look for the section. I go off the track here when I am looking for the section and I don't know the page.

Hunegs: Let's start again - 20 of the apricot, 24 of the green. Section 8.171. The last sentence in the apricot does not appear in the green. We also want that deleted.

Section 8.172, there is no debate about that. Next two paragraphs, 173 and 174 of the apricot - are all right.

Page 21 of the apricot - 25 of the green - are all right. No disagreement. Also page 22 of the apricot - 26 of the green.

The requisition for certification - a difference in the green from the apricot and we prefer the green.

Section 8.181 and 8.182 - no disagreement.

Page 24 apricot and 28 of the green - okay. Also page 25 of apricot and 28 of green. As to 26 of the apricot and 29 of the green, no disagreement about the first section, 8.190.

Appointment of other employees, 8.191, we prefer 8.191 in the green. As to the Rule of Three - 8.192, we prefer the green.

Section 8.193, page 23 of the green, there is no certification of less than three names in the apricot ordinance. We would like to have it in there.

Apricot 27 - 30 of green. No disagreement.

No disagreement on page 28 of the apricot, regarding 8.196 - Page 31 of the green. At page 31, 8.197 has been deleted in the apricot. Think it should be in there. There was considerable discussion about that.

Page 29, apricot, 32 of the green, no disagreement.

Page 30 of apricot - 33 of the green 8.210, refers to police, fire and department heads. We think that the police and firemen should speak with respect to this. There is a difference between the green and the apricot.

As to the next three items on the two pages, there is no disagreement. Nor is there on page 31 of the apricot and 34 of the green. The first two sections, 8.220 and 221 are all right. With respect to the Reserve List, 8.222 we prefer the green. Section 8.223, Appointment, there is a difference and we prefer the green.

Page 32 apricot and 35 of the green - no disagreement.

Page 33 of the apricot - that is not in the green. Page 34 is not in the green. We are opposed to having it in the new civil service ordinance. Should be deleted from both of them on the ground that the entire process is obsolete. Everything on pages 33 and 34.

Page 35 of the apricot - 36 of the green. There is a significant difference in section 8.300 and we prefer the green. The words in "Classified service schedule", it has been agreed with City Council some provisions would be made in the new ordinance for arbitration. We would like that maintained and that under "Standing Achieved" that some language be worked out for arbitration. I might say to you that the City Manager proposed something like this in a proposal he made a number of months ago and we think it would be desirable. We would draft such language if we can agree on it. That is Section 8.301.

Section 8.302 in the apricot ordinance does not appear in the green and it should - re jury duty.

Page 36 of the apricot - 37 of the green. Regarding 8.310, Assignment, considerable amount of additional language after the word "employee" the first word on line four, appears on the apricot ordinance and we are opposed to having it in the civil service ordinance.

8.311 Priority. We prefer the language of the green. No disagreement as to 8.312.

We prefer the apricot 8.313 as to duration. 8.314 we prefer the green.

Page 38 of the apricot - also 38 of the green, Hours of Work, this is police and fire departments - leave it to them.

Then the Airport Department, page 39, does not appear in the green. We have no information about the objection to this. We do not know the reasons and we would hope that you would hold this in abeyance until we can find out what the problem is.

Now, with regard to Section 8.323, the Yard - that would be 8.322 in the green, on page 39. We prefer the green. 8.324 on the apricot and 8.323 on the green - the words "required" and the words "rules or" have been deleted in the apricot and we think it is a toss up - no great difficulty.

Department heads - no disagreement - 8.325 apricot and 8.324 of the green.

Section 8.325, Attendance, page 40, the green and also 40 apricot.

Page 41, green - Overtime Paid. Only change change in the language of the apricot - the words "incash" have been eliminated and it does not make really any difference.

However, in section 8.331 Measurement, page 41 respectively, "(1) if an employee is called out after regular working hours" there has been considerable discussion where it has been two hours - there is very little that is performed under the worst of circumstances but the prevailing tendency in private industry and many public employee areas when people are called out at night, have to dress up and undress again after working for a time and go back on the job, is to pay for four hours. We prefer the green, and there was considerable discussion about this. As to paragraph 3 in that same one (3) the provisions of this section 8.331 shall not apply to members of the police and fire departments, or to shift employees of the Airport Department. We'll have to discuss that with them to see what that objection is, referred to earlier.

Section 8.332, there is a problem connected there because the employees of the airport are included in police and fire. We will have to reserve our comments about the entire page until such time as we can find out the merit of the objection.

On page 42 of the two ordinances, paragraph B, there is a substantial change and we prefer the green. Section C in the green ordinance does not appear and has been deleted from the apricot ordinance.

Section 8.334. Claim for Compensation. A sentence has been inserted. "Failure to do so", etc. does not appear in the green and I submit that I just don't think you can write it off legally anyway and we would object to having it in the civil service ordinance. We prefer the green.

Section 8.335, Rainy days. No disagreement.

Page 43, Good Friday is not in the green - third line "Good Friday from noon to 3 p.m." does not appear in the green ordinance and it should. The last sentence: "City employees assigned to such administrative offices' shall be present for duty on any such holiday, except as otherwise provided in this article" does not appear in the green ordinance and we think it isn't necessary - in fact, it is superfluous language.

Section 8.341. Holidays on weekends. No objection - were agreed on that.

Section 8.342. Holiday pay. There is a difference in the language. We prefer the green for a very obvious reason that it is the practice in private employment.

Page 44, Section 8.343. "One consecutive day's service" does not appear in the green ordinance. We don't believe it belongs there - we prefer the green.

Page 45, 8.350. "With pay" appears in the apricot and not in the green. City Attorney thinks it ought to appear and we have no objections.

Section 8.351, the word "working" has been inserted in the second line. We have no objection. It does not appear in the green ordinance.

Section 8.352, After ten years of service, the word "permanent" in the second line appears on the apricot ordinance and does not appear in the green.

I sen: I would think after ten years of service, he would be permanent

without having to say so.

Hunegs: That would be my point so we prefer to go with the green. The words "year of service" in line 4 has been changed in the apricot to "two years" and we prefer the green.

No disagreement as to 8.353. 8.354 - language is the same, no objection.

Section 8.355 and 8.356, this is where it gets confusing. 8.355 in the green, Computation of Service, and 8.357 in the apricot are one and the same. We prefer to go with the green; think it's broken down a little better. We think 8.355 in the apricot and 8.356 should be in this.

In regard to Sick Leave, 8.360, we prefer the green. Section 8.361, Notification of Sickness, there is some extra language at the end of the paragraph and we prefer the green.

No disagreement with 8.362, or 8.363 on page 48 of the two ordinances. Section 8.364. There was considerable discussion about this and we prefer the green.

There is no disagreement with 8.365, Industrial Accidents, or 370 and 371 on page 49 of the respective ordinances.

Page 50, no disagreement - Page 51, no disagreement, Page 52, no disagreement, Page 53, no disagreement.

Page 54, we prefer the green, as to 8.410. 8.411, we prefer the language in the green ordinance; we prefer the language in 8.413 in the green ordinance and as to 8.414, there is no disagreement. (that is 8.413 in the apricot).

Page 55, no disagreement on the first section 8.420. The word "ordinance" in the green on 8.421 has been changed to Chapter 8. We don't object to that - we think the word "ordinance" perhaps is better.

Section 8.422, no disagreement. Page 56 - no disagreement.

Page 57 of both the apricot and the green - everything is okay till we get to section 8.444 and that does not appear in the green, "Order for temporary employees" does not appear in the green and we still prefer the green. We think 8.443 takes care of it.

Page 58, we prefer the green, 8.445. Section 8.446 does not appear in the green ordinance and we would not like to see it appear in the final draft of the ordinance, for the reasons which have already been expressed to you.

Isen: What does inverse order of seniority mean? Does that mean that the last one that came in will go out first? The newest one.
categories, etc.

Hunegs: This has to do with efficiency/which is obsolete in modern practice. Sorry if I repeat what I have already said.

Now, Section 8.447, some words are left out. We prefer the green.

Section 8.448, there is no disagreement. Section 8.449 no disagreement.

Page 60, no disagreement.

(explanation of word "bumping" by Mr. Hunegs)

Page 59, no disagreement - then on page 61, Petition for reclassification Section 8.460, we prefer the green ordinance.

Section 8.461 in the apricot and 8.462, with all the paragraphs which follow in that section, are not in the green. We would like to hold that up and restudy it.

Sciarrotta: Do you think it should be included in the green ordinance or not?

Hunegs: I think 8.460 has a direct bearing.

Page 62, Removals, no disagreement. Section 8.471, Cause for Removal, does not appear in the green ordinance. We have no objection either way.

Section 8.472, Suspension for cause, page 62 of the green and 64 of the apricot - we prefer the green. No objection to 8.473 in the apricot although it does not appear in the green.

Section 8.474 - the language is changed and we prefer the green.

Section 8.475 does not appear in the green.

Sciarrotta: Any objection?

Hunegs: Well, all these - I think you'll have to remember we don't object to this if we are going to have a Civil Service Commission, but if we are not going to have a Civil Service Commission or we are going to have a paper organization, we are going to have some serious objections to a number of other things in this too. But this is the problem I am confronted with here tonight because unless I understand what your philosophy is, I really can't cite all our objections at this point. We may have some far more serious ones than we do at this present time because if you are not going to have a Civil Service Commission, then of course certain protections that have been provided for the employees become wide open and we would want to take a new look at everything.

On page 63 of the green and 65 of the apricot ordinance, no objection to this page.

Page 64 of the green - 66 of the apricot, no objection. Now we are on page 65 of the green and 67 of the apricot and I question 8.486 of the apricot in the second line which reads "in which event a lawyer member" and we have in the green "in which event the city attorney or one of his assistants". We think the language of the apricot is getting pretty redundant.

Isen: I don't know what a lawyer member is.

Remelmeyer: A classification other than "assistant" Deputy and so on. Almost easier to use the generic expression "a lawyer member".

Isen: Could be an assistant, to an assistant, to an assistant, and still part of your staff.

Hunegs: We don't really care but think it's getting pretty redundant. "Findings of Commission" no disagreement about that. Section 8.488, no disagreement. Then at the bottom, Section 8.489, there is no Section B and we have no objection to this.

Isen: Section 8.488 - is it the theory of the Commission and those you represent and the committee that prepared the canary one that just what it says there, that the commission's findings, conclusions and decisions shall be final? Is it the feeling there should be no appeal anywhere

except to the court? Now this involves any disciplinary procedures, any other decisions? Any firing, is that right?

Beasley: Mr. Hunegs, doesn't that one section establish the Civil Service Commission as a court of final resort?

Hunegs: Not necessarily because we think the apricot ordinance has just left everything up in the air. It has taken certain powers and transferred what normally belongs to the Civil Service Commission, to the City Manager. This really doesn't do anything because the Commission's powers, once you take the rule making powers away, you have relegated it to an advisory board. Now in this particular instance, you are saying that you are giving them the authority, having made a final decision, what final decision, that this is going to be conclusive. That's why I say, it depends upon what your determination of it is going to be and which route you are going to take because there may be a great deal of language here in the apricot ordinance which is seriously objectionable if you are going to adopt the philosophy of having a merit system. So you see, I think you are raising a very good question, Councilman Beasley. I wish I could be more definite in my reply.

Isen: Mr. Remelmeyer, the way it is now and I think it was suggested by one of the other employee groups that there should be an appeal to the council who can diminish punishment, but not increase. Right? - which is the situation which exists now.

Remelmeyer: That situation exists now.

Isen: Yeah, but the thinking in both the green and canary is elimination of that.

Remelmeyer: Right.

Beasley: I think the committee was trying to get away from this?

Isen: Get away from what?

Beasley: Appeal to the council.

Isen: Oh, evidently - they did get away from it.

Hunegs: We have a single paragraph on page 66 of the green and page 68 of the apricot, Section 8.600 regarding political activity which we thought was comprehensive and considerable language was expended on page 58 and 59 of the apricot. We don't have any objection to it if it's desired in there. We thought a simple paragraph saying that employees' political activity shall be in conformity to the provisions of State law would be quite desirable.

Miller: Is there anything alien to the state law in the apricot version?

Hunegs: No. That's what I am saying.

Sciarrotta: It just spells it out so that anybody reading could see. So anybody in civil service can read and see what they can and cannot do, where the other, you'd have to refer to something else.

Hunegs: All right, on page 67 of the green and 70 of the apricot, Section 8.610, no objection.

Section 8.611, Fraud on Civil Service provisions, the final three words in the green ordinance have been modified to "or any regulation adopted hereunder". Again, we have no objection to whichever language you prefer. I think they substantially mean the same thing. Ours, the green, I think is a little clearer.

Section 8.612, there is no disagreement.

Isen: As to 8.605 of the apricot - you haven't expressed any opinion on that. Candidacy for municipal offices, provides an employee must take a leave of absence to run for city offices. Page 69 - it's not in the green.

Hunegs: Oh, no, we have no objection to that. I thought I had made that clear.

Isen: Then 8.605 is non-objectionable.

Hunegs: No, sir. 8.613 on page 68 of the green and 71 of the apricot, and we think that the apricot is the better language here.

Now, on the final page, 72 of the apricot and 69 of the green, there is no disagreement.

Now, gentlemen, in addition to that, we think there is one deficiency we would like to offer to you when you are considering this. We have an additional proposal for an ordinance which would supplement and implement the new civil service ordinance and this is the modern thing. It exists in literally hundreds of political subdivisions now. The Union would like to propose for your consideration -

(distributed copies of proposed ordinance of the city of Torrance to provide collective bargaining for public employees)

Isen: Can we take this along under study - think we ought to refer to the City Attorney first for his reaction regarding legality of various sections.

Hunegs: We know you are not prepared to take any action tonight.

Isen: I think the City Attorney should advise us the legality of the sections - then referred to the Councilmen individually to study and after that, if necessary to go to committee.

Hunegs: I want to only say this: if we're to adopt the philosophy of the apricot ordinance, it is my personal opinion that we can do without the civil service system entirely in the City of Torrance and we would be satisfied to go with that and let's eliminate it for once and for all and forget about the expense connected with it and everything else and we'll just go into a contract which is what we do in private industry and negotiate our terms and conditions of employment because an emasculated civil service system which this would do insofar as we are concerned is undesirable. You just can't go that way. Nevertheless, if we are to have a good civil service commission, in our opinion, there is really no difference and this would augment and serve to implement a good civil service system in the City of Torrance. This type of thing with some modifications will be an actual fact in the County of Los Angeles before very long.

Isen: Thank you, Mr. Hunegs. I have expressed my opinion as to procedure on the proposed ordinance. Does the council agree - or supplement my thinking that the City Attorney first analyze this and indicate to us the legality, section by section, and then to be studied individually and probably thereafter, go to committee? Or do you have other suggestions?

Beasley: Only reason why I said refer to the committee was it refers to the civil service ordinance and the City Attorney is always in session with us.

Isen: Except I think he would be entitled to study it also and here I think we have something very novel.

Sciarrotta: So he would be prepared when he meets with us and I think it is a very good idea. Absolutely.

Isen: If there is no objection.

Beasley: Well, I think he should give a report to the whole council.

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James Hall, Attorney for the employees' group, Torrance City Employees' Association, complimented Mr. Hunegs on an able and thorough analysis which he said there was no reason to repeat. Mr. Hall's presentation had been made in writing and he stated the association he represents is in favor of the green ordinance and emphasized two points: 1. he would like to retain the right to appeal to the City Council to lessen, but not increase any disciplinary action; 2. in the apricot ordinance is mentioned a crime involving moral turpitude; the green implies that is what is meant and Mr. Hall would like to have it spelled out so there would be no misunderstanding, if that is the intent. An employee involved in a crime not involving moral turpitude should not be discharged.

If there are any questions the Council would like to ask, Mr. Hall said a representative of the association is present to answer them. Mr. Hall left the meeting.

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City Manager Ferraro said Mr. Robert White, a Civil Service Commissioner had not received timely notice of the 7 p.m. pre-council meeting on September 13, 1966, and had some statements to make.

Mr. White said if he had spoken at the Tuesday session, he would have done so wholeheartedly in support of the position of the Civil Service Commission. However, in answer to a question brought up earlier in this meeting, Mr. White advised Councilman Miller that a number of items in the apricot ordinance were developed after the green ordinance had been worked out such as veterans' preference for the Vietnam conflict. The green ordinance represents the results of what might be called labor relations contract negotiation between the Commission and every employee group and individual who wished to appear. The green is a composite and a compromise on the part of the employees, the Commission, administration, etc., and represents the better of the two proposed ordinances.

The apricot ordinance, Mr. White said, is not a civil service program but a merit system which would emasculate the duties and functions of the Civil Service Commission.

Mr. White spoke further, in support of the proposed ordinance which would provide for collective bargaining for the city employees, as presented by Mr. Hunegs. He urged that it be seriously considered and said that such a program would solve many of the problems which have beset the Council, Commission, and Administration. The County of Los Angeles is now working on such a program and Mr. White thought it would be eminently suitable for Torrance to fulfill its role of All America City by being the first city to adopt collective bargaining.

Ray Saukkola announced he is present as a representative of the Board of Directors of the Torrance City Employees' Association, but had no comments at this stage of the presentations, except to acknowledge that the apricot ordinance is more or less Management oriented.

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Al Salcido of the Fire Fighters' Association said they have studied both ordinances and also favor the green.

Mayor Isen asked him where in either ordinance the matter of open or promotional examinations as to Fire Chief appear. He was told it appears at page 15 of the green and 11 of the apricot.

Mr. Hunegs made an additional comment, that as to page 38 of the apricot ordinance, Section 8.320, et seq through 8.331 on page 41, that any reference to the Airport Department employees tying to Police or Fire, be deleted.

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Sgt. Wooldridge of the Police Department distributed copies of a report to the councilmen and expressed complete opposition to the original apricot version. He said his group had made fifty deletions and additions to that copy and if they were accepted completely, the members would be satisfied. There are vast differences between the thoughts of the employees' group represented by Mr. Hunegs and the police officers. Sgt. Wooldridge did not think he could generalize on them but if the copy as changed, distributed here tonight, can be accepted in its entirety, the police officers would agree. If there are any amendments to their amendments, they would support the green copy.

Mayor Isen said a page by page, comparative study will have to be put together; there is a great problem in correlating these copies. Councilman Olson believed a great deal of apparent disagreement is merely a matter of semantics. Mayor Isen asked that the various versions be arranged side by side, in color, so it will not be necessary to thumb through pages and pages of material as to each. City Atty Remelmeyer said something will be worked out along that line.

City Manager Ferraro said there are changes he would also like to make; the apricot version is not necessarily completely acceptable to Management. Only two employee groups have submitted their findings in writing and he asked that all do so. For the purpose of comparison, it seems the green ordinance is the one which could best be used as a basic document.

City Manager Ferraro stated it would not be amiss for department heads to speak before the Council if they feel strongly on any of these provisions.

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Chief Koenig of the Police Department referred to Sgt. Wooldridge's presentation as a member of the Joint Committee of Administration and the Police Officers' Association and said he has no great areas of disagreement. In principle, he agrees with the green copy, but, he said, the green version has been superseded in effect by the Council Committee's apricot copy. Mayor Isen reminded him nothing has been superseded, nor adopted; the whole thing is still in the study stage, and needs a five out of seven vote to adopt.

The theory under which the Police Department worked was that they were to prepare a recommendation as to the apricot version. The proposed ordinances, however, were written for an 8 to 5 o'clock operation and cannot apply to the Police Department which works a seven day, twenty-four hour operation. The pertinent sections are pointed out in the Police Department's memorandum delivered to the Council.

Chief Koenig had a couple of problem areas and particularly stressed the one on which he has had definite and considerable disagreement with the Personnel Director - Section 8.195, page 27 of the apricot version dealing with the nepotism section. He said in the Police field the feeling is that police officers' sons and other relatives make the best policemen as they are steeped in the Police philosophy from childhood. Also, he believes it is illegal to discriminate against otherwise well qualified candidates. The Civil Code prohibits discrimination because of ancestry and certainly ancestry means father and son relationship. Any problems on this question should be handled at administration level and not by legislation.

Personnel Director Donovan acknowledged that he is unalterably opposed to relatives in the same department.

Some of the other language, Chief Koenig said, is impossible to apply to the Police Department - one deals with holidays. It may be necessary to have a new section which would deal with such matters in the Police and Fire Departments.

City Attorney Remelmeyer suggested the basic document for comparison be considered to be the apricot, rather than the green, because it is a better job of draftsmanship. Also from a practical standpoint, the Legal Department has the stencils for the apricot. Mayor Isen said the two can be used in conjunction with the others - nothing is going to be lost.

Ray Saukkola said the employees' association had spent considerable money to have their attorney analyze the green ordinance and he hoped the green would be considered as the basis, for any comments. Mayor Isen repeated there can be a cut and paste job in color, with arguments on all and any additional presentations from groups which they feel necessary. It may be necessary to vote, section by section.

Councilman Beasley proposed that the next step be a meeting of the Council Committee to consider the areas of complete agreement and those of disagreement.

Councilman Sciarrotta moved that all arguments be presented in writing by all the groups and referred to the Council Civil Service Committee for study as outlined herein. Councilman Olson seconded and there was no objection.

Police Officer Flaherty asked that the Council direct each employee group to work with either the green or the apricot version, but Mayor Isen said it is not now in the various associations' hands; they will be called if found necessary.

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This was the termination of the section of this meeting having to do with the Civil Service Ordinance. Another matter had been given to the councilmen on the subject of:

ARGUMENTS FOR AND AGAINST THE CITY MEASURE ON NOVEMBER 8 ELECTION.

City Clerk Coil recommended that the Council designate someone to prepare and file written arguments both for and against the amendment which is to appear on the ballot. The deadline is September 23rd. Mayor Isen suggested possibly Mrs. Donald Hauser on the "No" argument. Councilman Lyman suggested each group bring their argument to Council next week. The resolution will have to be adopted on September 20th.

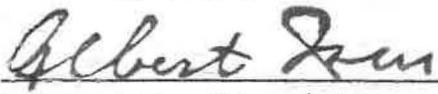
The meeting was adjourned at 10 p.m.

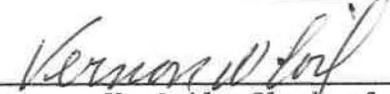
Edith Shaffer
Minute Secretary

16.

Council Minutes
Sept. 14, 1966

APPROVED:


Mayor of the City of Torrance


Vernon W. Coil, Clerk of the
City of Torrance, California