

ORDINANCE NO. 12665  
(New Series)

MAY 29 1979

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 17 (RULE XVI), SECTIONS 23.1701, 23.1702, 23.1703 AND 23.1704, RELATING TO DISCRIMINATION COMPLAINTS.

WHEREAS, it has been the long-standing policy of The City of San Diego to provide equal employment opportunity; and

WHEREAS, there exists a considerable body of state and federal law to protect an individual's rights in employment; and

WHEREAS, it is the desire of The City of San Diego to provide a process wherein the City would have the ability to redress any alleged violation of fair employment laws, thereby not requiring an employee to resort to the courts or state and federal enforcement agencies; and

WHEREAS, the Civil Service Commission has recommended such a program which will provide an aggrieved employee all of the protections which would be available through state and federal agencies, but will be administered by the City; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding Division 17 (Rule XVI), Sections 23.1701, 23.1702, 23.1703 and 23.1704 to read as follows:

DIVISION 17

DISCRIMINATION COMPLAINTS

SEC. 23.1701 POLICY  
[Rule XVI, Section 1 of the Rules of  
the Civil Service Commission]

It shall be an unlawful employment practice for an appointing authority to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, or physical or mental handicap.

SEC. 23.1702 INVESTIGATIONS  
[Rule XVI, Section 2 of the Rules of  
the Civil Service Commission]

The Personnel Director shall investigate all complaints of discrimination because of race, color, religion, sex, national origin, age, or physical or mental handicap filed by an employee, former employee, or applicant for City employment concerning an employment practice of the City.

(a) The complainant must submit written charges to the Personnel Director within thirty (30) days of the alleged discriminatory act unless there are circumstances which justify late submission.

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(b) A complainant shall not be discriminated or retaliated against because of initiation of a complaint under this rule.

(c) The Personnel Director shall conduct a complete investigation of the complaint and present findings and recommendations to the Civil Service Commission.

SEC. 23.1703 HEARING  
[Rule XVI, Section 3 of the Rules of  
the Civil Service Commission]

The Commission shall fix a time and place for a hearing of the complaint.

(a) The complainant may withdraw the complaint in writing before the hearing or orally at the hearing.

(b) The complainant and the appointing authority can produce witnesses and testimony and may be represented by counsel.

(c) The Commission shall have the power to subpoena and require the attendance of witnesses and the production of pertinent documents, and to administer oaths.

(d) The proceedings shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the matter

through oral testimony and records presented at the hearing, which is best calculated to ascertain the substantial rights of the parties.

SEC. 23.1704 FINDINGS AND DECISIONS  
[Rule XVI, Section 4 of the Rules of  
the Civil Service Commission]

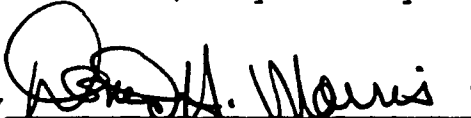
The Commission can accept, dismiss, or modify the findings and recommendations of the Personnel Director. The Commission shall report its findings and decisions to the appointing authority responsible for the employment practice. Thereupon, said appointing authority shall make such final disposition of the matter as may be determined by the Commission. The Commission may, at its discretion:

- (1) order reinstatement of an employee who has been terminated;
- (2) order an appointing authority to hire an applicant for employment;
- (3) order payment of wages that have been lost or some portion thereof;
- (4) order retroactive seniority credits;
- (5) order placement of the complainant at the top of an eligibility list;
- (6) direct an appointing authority to correct any discriminatory employment practice; or
- (7) order any other remedies it deems appropriate.

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Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
\_\_\_\_\_  
David H. Morris  
Deputy City Attorney

DHM:rc:301  
3/30/79  
Or. Dept.: Personnel

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Passed and adopted by the Council of The City of San Diego on MAY 29 1979,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Rita Andrews, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 15 1979

, and on

MAY 29 1979

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Rita Andrews, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	<u>12665</u> Adopted <u>MAY 29 1979</u>

ATFORN:MECH

City of San Diego  
12th floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101

Attn: Rita Andrews

CERTIFICATE OF PUBLICATION

No. \_\_\_\_\_

IN THE MATTER OF

DISCRIMINATION COMPLAINTS

I Patricia M. Spaulding, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

CITY ATTORNEY DIGEST  
ORDINANCE NO. 12665  
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

June 12, 1979

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13th day of June, 1979.

*Patricia M. Spaulding*  
\_\_\_\_\_  
(Signature)

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**CITY ATTORNEY DIGEST  
ORDINANCE NO. 12665**  
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This ordinance would establish a procedure whereby the Civil Service Commission would have the ability to adjudicate and resolve alleged violations of state and federal fair employment laws.  
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced on May 15, 1979.  
Passed and adopted by the Council of The City of San Diego on May 23, 1979.  
AUTHENTICATED BY:  
PETE WILSON,  
Mayor of The City of San Diego, California.  
CHARLES G. ANDELNOUR,  
City Clerk of The City of San Diego, California.  
(SEAL)  
By RITA ANDREWS, Deputy,  
Published June 12, 1979. 68-0127