

RESOLUTION NUMBER R- 313579

DATE OF FINAL PASSAGE JUN 14 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO SUPPORTING THE PRINCIPLES OF PAY EQUITY IN THE CITY'S WORKFORCE AND REQUESTING INFORMATION AND SUPPORT FROM THE MAYOR, IN ACCORDANCE WITH SAN DIEGO CHARTER SECTION 265(B)(13).

WHEREAS, the City Council (Council) of the City of San Diego (City) supports the principle of equity in the City's workforce, and recognizes that equitable pay is fundamental to ensuring employees maximize their potential and that the actions of local government contribute to the health and well-being of the greater City population; and

WHEREAS, among the City's strategic goals is to create and sustain a resilient and economically prosperous City with opportunity in every community, and that includes ensuring opportunities to serve in the City's workforce; and

WHEREAS, the Council is committed to identifying and remedying any pay disparities among City employees with different gender or racial and ethnic identities; and

WHEREAS, research shows that achieving pay equity helps employers, like the City, recruit top talent, reduce employee turnover, and increase productivity and creativity; and

WHEREAS, according to the demographic profile of the City prepared by Esri and available through the City's Economic Development Department, the City's population is approximately 49.8 percent female, and the population includes people who identify in the following categories by percentages: 31.6 percent Hispanic, 18.4 percent Asian, and 6.4 percent Black, among other categories of race and ethnicity; and

WHEREAS, City Charter (Charter) section 11.1 grants the Council the authority to set public policy; and

WHEREAS, Charter section 130 provides that the Council, in adopting the Salary Ordinance each fiscal year, establishes a schedule of compensation for officers and employees in the Classified Service, with a minimum and maximum pay rate for each classification and that provides “uniform compensation for like service”; and

WHEREAS, California Labor Code section 1197.5 provides that employers, including public employers, must not pay any of their employees at wage rates less than the rates paid to employees of the opposite sex, or employees of another race or ethnicity, for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, except where the employer demonstrates the wage differential is based on a seniority system, merit system, a bona fide factor such as education, training, or experience, or other lawful basis; and

WHEREAS, the Council recognizes that it must establish policies that ensure the City’s hiring and compensation practices comply with the law and work to recruit and retain employees that reflect the City’s diverse population; and

WHEREAS, on July 31, 2017, the Council unanimously approved the City’s Equal Pay Ordinance (EPO), ensuring that the City’s contractors comply with California’s Equal Pay Act; and

WHEREAS, in April 2019, the Office of the City Auditor released a performance audit of City Employee Pay Equity (Audit), which made recommendations to ensure pay equity among City employees; and

WHEREAS, the Auditor recommended, among other things, that the City should conduct periodic pay equity studies at least every three years, and should develop and execute an action

plan to increase gender and racial diversity in the City's work force, especially in high-paying jobs; and

WHEREAS, the Auditor also recommended that the City consider measures to reduce reliance on overtime, which the Auditor found was a significant driver of a gender pay gap that the Auditor identified; and

WHEREAS, the Auditor further recommended the development of additional measures to improve recruiting efforts for high-paying jobs to diverse groups and to increase job flexibility and work-life balance; and

WHEREAS, in January 2021, the City's Performance and Analytics Department (Panda) and Analytica Consulting released the City's first Pay Equity Study (Study), which analyzed pay equity issues in the City's workforce and identified sources of apparent pay gaps among City employees; and

WHEREAS, the Study found no direct evidence of deliberate gender or racial bias in the City; and

WHEREAS, the Study also found that pay gaps identified are primarily the result of disparities between groups caused by underlying societal factors, such as employee occupation, the impact of children on employees, and availability of City employees to work overtime; and

WHEREAS, the Study recommended that the City take targeted, cost-efficient, and simple actions to mitigate any pay gaps; and

WHEREAS, the Council wishes to voice its collective support for pay equity principles within the City's workforce, to ensure compliance with law and to be an employer of choice within the City; and

WHEREAS, the Council also wishes to voice its commitment to equitable compensation practices and outcomes for City employees regardless of gender identity, race, ethnicity, or parenthood; and

WHEREAS, Charter section 265(b)(13) provides that the Mayor must cooperate fully with the Council and the Office of the Independent Budget Analyst, including supplying requested information, and the Council respectfully requests information and support from the Mayor in implementing the policies set forth in the Resolution, which are presented in accordance with the Council's authority under Charter section 11.1; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Council supports the principles of pay equity as set forth by law and supports the recommendations set forth in the Audit and the Study.

BE IT FURTHER RESOLVED, in accordance with the Council's authority under Charter section 11.1, the Council sets the following as policy priorities, as they relate to creating an inclusive City workforce:

1. The Council affirms the City's ongoing commitment to fair, inclusive hiring practices, while fostering a respectful, safe environment that celebrates the diversity of its employees.
2. The Council affirms that all City employees, regardless of race or gender, should receive equal pay for equal work and equal opportunity for upward mobility and career advancement, in accordance with applicable laws.

3. The Council encourages the City's leaders to create an open and transparent culture in which compensation is freely discussed, to bring awareness to any compensation disparities among coworkers, to develop an equitable pay scale or a formal public database of compensation for specific positions, and to minimize any wage gaps among various positions.
4. The Council supports the systematic collection and sharing of data among administrative departments, including the Personnel Department and PandA, and with the Council, to continue analyzing any pay disparities within the City, at least every three years, and to expand future studies to also include employee data, obtained on a voluntary basis, to better determine underlying factors for any pay gaps, to ensure diversity among higher paying positions, and to hold the City accountable for implementing established policies.
5. The Council supports the use of descriptive language in City job bulletins and vacancy postings to minimize occupational sorting, whereby certain employees do not apply for a position because of gender.
6. The Council supports policies to provide outreach and training programs for high paying positions to ensure a diverse pool of applicants and to encourage upward career mobility within the City.
7. The Council encourages the use of demographic information, such as gender and race and ethnicity information, gathered on a voluntary basis and in a manner consistent with applicable laws, from job applicants, interviewees, and new hires, to allow for continued discussions about ensuring pay equity in the City's workforce.

8. The Council encourages all City departments that offer overtime opportunities to use standardized systems to minimize any bias and unfair distribution of hours, and to help identify why women might work less overtime than others.
9. The Council supports policies that help eliminate the “Parenthood Penalty” as defined in the Study, by developing and implementing greater child care access or assistance for City employees, such as by establishing child care centers accessible to employees’ work places or providing other child care assistance.
10. The Council supports the development and implementation of an internal survey of City employees, inquiring about their subjective experience with inclusivity at the City.

BE IT FURTHER RESOLVED, in accordance with Charter section 265(b)(13), the Council requests that the Mayor or appropriate independent department provide the following information, as soon as practicable:

1. A cost assessment and implementation plan for employee benefits that would directly target the work-life balance needs of employees, including mothers and parents of color, by adding part-time arrangements for a larger number of City positions, offering predictable schedules, and expanding other flexible work policies such as position-sharing or telecommuting.
2. An update on implementation of the recommendations presented by the Auditor in the Audit and the recommendations set forth in the Study, both described in this Resolution.

BE IT FURTHER RESOLVED, that the Council supports continued funding, as available and appropriate, to study and work on pay equity issues; and

BE IT FURTHER RESOLVED, that this Council voices its intent to work to establish future City policies, with the goal of making the City a national leader of equitable compensation practices, as a means to inspire local employers and other public agencies to evaluate and eliminate pay gaps based on gender or race and ethnicity.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Joan F. Dawson
Joan F. Dawson
Senior Deputy City Attorney

JFD:jep
May 14, 2021
Or.Dept: Council District 1
Doc. No.: 2662266

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 06/08/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Connie Patterson
Deputy City Clerk

Approved: 6/14/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 08 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 14 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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