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Title: REQUIRING RACIALLY DIVERSE INTERVIEW PANELS IN SELECTION PROCESSES FOR REGULAR APPOINTMENTS INVOLVING SUPERVISOR POSITIONS AND ABOVE (B)

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2/19/2015	1	City Commission	Approved, as shown above	Pass

REQUIRING RACIALLY DIVERSE INTERVIEW PANELS IN SELECTION PROCESSES FOR REGULAR APPOINTMENTS INVOLVING SUPERVISOR POSITIONS AND ABOVE (B)

The City Commission (1) hear a presentation by the City Attorney's Office; and (2) take no action to revise the current human resources policy as it relates to the use of diverse interview panels in selection processes (Human Resources Policy E-1, Employment).

At the March 6, 2014 City Commission Meeting, the Equal Opportunity Director presented recommendations as part of his Annual Hiring Report for FY13 (Legistar Item # 130625). One of his recommendations to the City Commission was to "[e]stablish racially diverse panels for all interviews for supervisor position and above." At this same meeting, the City Commission requested the Charter Officers to provide written comments on the Equal Opportunity Director's recommendations.

At the March 11, 2014 Equal Opportunity Committee Meeting, the Equal Opportunity Director presented a new recommendation with regard to diverse interview panels. To alleviate the concern of making appointments to interview panels based on race, instead of recommending racially diverse interview panels, the Equal Opportunity Director recommended that he or a member of the Equal Opportunity staff be placed on the interview panels.

The Equal Opportunity Director's recommendations, as well as the Charter Officers' memoranda commenting on these recommendations, came before the City Commission again on April 17, 2014. With regard to diverse interview panels, the City Attorney, General Manager, City Manager, and Clerk supported advising the City's hiring managers that, when inviting qualified persons to serve on an interview panel, they are fully encouraged to have diverse representation on the panels. However, the City Attorney's Office advised that it is not legally defensible for the City to make assignments (e.g., you are assigned to serve on this hiring panel) based on race, gender or some other protected characteristic. After discussion, the City Commission approved the establishment of diverse panels for supervisory positions and above, but it did not require the interview panels to be racially diverse.

On November 6, 2014, the City Commission approved revisions to Human Resources Policy E-1, Employment. In relevant part, the revisions provided: "When interview panels are used during selection processes for regular appointments involving supervisor positions and above, diverse interview panels shall be utilized."

At its meeting on January 15, 2015, the City Commission requested the City Attorney and Equal Opportunity Director to again place the matter of requiring racially diverse interview panels in selection processes for regular appointments involving supervisor positions and above on a City Commission meeting agenda for February. Since this matter was previously considered by the City Commission, it requested the Charter Officers to provide the City Commission their memoranda commenting on the Equal Opportunity Director's Recommendations as part of his Annual Hiring Report for FY13 (Legistar Item # 130625), specifically as it relates to requiring racially diverse interview panels.

Accordingly, these memoranda are attached as backup to the agenda item, and the matter of racially diverse interview panels is before the City Commission for consideration. Because it is not legally defensible for the City to make assignments (e.g., you are assigned to serve on this hiring panel) based on race, gender or some other protected characteristic, the City Attorney's Office recommends that the City Commission maintain its current human resources policy as it relates to diverse interview panels and take no action to require "racially" diverse interview panels.