

THE MERIT SYSTEM
IN THE LOS ANGELES UNIFIED SCHOOL DISTRICT
A HISTORY
1933-1986

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PROLOGUE

The goal of the merit system is expressed succinctly in a motto: "Only the fittest shall serve." The attainment of that goal is dependent on the absence of certain factors from employment processes and on the presence of others. Patronage, favoritism, discrimination, and caprice are inimical to the identification and selection of the fittest and must be excluded. On the other hand, unless competitive salaries, attractive fringe benefits, and other positive conditions of employment are present, no system of personnel administration can attract the fittest to apply for or to remain in employment.

It has been my purpose to trace the history of the merit system and the Personnel Commission with special emphasis on efforts to exclude non-merit influences and to develop and preserve conditions that lead to the recruitment and retention of good personnel. All historical exposition is selective. Another person would have written about some events that are omitted from the following narration, and could have left out some materials that I chose to include. But then, another person didn't write it.

Walter E. Harvey
May, 1986

CHAPTER ONE

THE ROAD TO THE MERIT SYSTEM¹

Like many other merit systems in the United States, the merit system in the Los Angeles Unified School District had its roots in the excesses of political patronage. In the depths of the Great Depression, school district jobs were extremely attractive, and the power to award jobs was a tremendous political asset. 1933 was an election year for the Board of Education. Four candidates, who were known during and after their campaign as the "Four Horsemen" promised jobs to many people in exchange for their political support. At the same time, they wrote an "open letter" to District employees that contained the following promise:

"We wish to assure you that if we are elected to membership on the Board of Education, we intend to give you a fair and just treatment. We expect to make only such changes as we find necessary in order to secure honest and efficient service. We do not believe in the 'spoils system.'" We are opposed to all forms of political coercion in the schools; we have not promised jobs or promotions to anyone."²

Messrs. Hauck, Henry, McDill, and Mertz, (the "Four Horsemen") were successful in the election. An account of subsequent events, probably written in 1938, reads:

"Immediately upon their installation in office, there were wholesale dismissals among non-certificated employees, chiefly among the custodians ••• Estimates on the number dismissed vary from five hundred to eighteen hundred. A recall movement to rid the Board of incumbents in disrepute was started but failed. Additional employees were dismissed and it was claimed••• (that) ••• hidden causes were tied up with their activities in connection with the recall ••• certain high salaried jobs were seemingly being sought for "spoils" distribution."³

In 1967, Dr. Schuyler Joyner, retired Deputy Superintendent and former Business Manager, recalled 1933 events in the following words:

"••• When these Board Members took office, they began to make good in their (campaign) promises. We had some 700 people fired out of the Business Division in 1933. The halls were filled and the sidewalks were filled. They had to have traffic policemen to control all the people who were there demanding jobs that had been promised to them. For days, strangers wandered through the offices... I came a year after that and the employees by that time had decided that they needed and would work toward obtaining a merit system."

During the same period as the events described above, the Board commissioned a study of the administrative organization of the District, including personnel

¹ Author's Note: Much of Chapter One was taken from an unpublished "History of the Personnel Commission-Los Angeles City School District" by Helen Sparks, who wrote of the 1933-36 period during 1938 and 1939 when she was able to discuss events with people who were active during those years. Ms. Sparks was employed by the Commission in 1936 as a Junior Clerk. In 1937, she was promoted to Junior Research Assistant and later to Research and Files Technician, from which she retired in 1957.

² Quoted in H. Sparks, Third Draft, *History of the Personnel Commission*, 12/30/39, p. 2.

³ Sparks, *op cit.*, p.2

management functions. They employed Drs. Willard S. Ford and Osman R. Hull, Professors of Education at the University of Southern California, to co-direct the study. Their report, in March 1934, described the current status of non-certificated personnel administration as follows:

The responsibility for the management of non-certificated personnel is distributed among the four major departments, each of which is responsible for the selection, placement, and dismissal of its own non-certificated staff."⁴

The Board implemented Ford-Hull recommendations to centralize personnel administration for both certificated and classified personnel in a new "Personnel Section" (later the Personnel Division) and to establish a peculiar form of "civil service commission" for non-certificated personnel matters. The new "civil service commission" was peculiar in that it was composed *ex officio* of three certificated administrators. (In response to the Board's call for input on the proposal, only one organization, the Classroom Teachers' Federation, complained about that feature of the plan).

Another interesting feature is that the motion to establish the "civil service commission" was made by Board Member Hauck, one of the "Four Horsemen," who paraphrased the Ford-Hull report when he stated in his motion that its purpose was to protect the Board and the administrative staff from political pressure. (There was considerable suspicion that its real purpose was to provide protections for the political appointees of 1933.*⁵)

The motion also stated the desirability of providing a statutory foundation for the "civil service system" by amendment of the City Charter. Later, the County Counsel's office advised the Board that the City Charter was the wrong statute and that State legislation would be necessary if a statutory foundation was desired.

It soon became apparent that the role and authority of the "civil service commission" was unclear and that other parties felt free to take or recommend personnel management actions that appeared to be the business of the commission. At some point, apparently lost in history, a group of District employees began to work on a legislative proposal. These employees were not a covert group, for their product was presented to the Board for endorsement in January 1935. Dr. Hull, one of the directors of the 1934 survey that launched the concept of a "civil service system" for non-certificated employees, was involved in coordinating amendments of the draft bill and in presenting it to the Board. On January 28, 1935, the Board approved the "Civil Service Bill" for presentation to the State Legislature. The vote was four to three, with "Horseman" Hauck joining the majority and the other three "Horsemen" voting to oppose.

The legislation, Assembly Bill 999, was an enabling statute. Its enactment, effective September 15, 1935, did not make the merit system operative in any school district; implementation required a vote by the governing board. Because of its stated interest in a statutory basis for the "civil service system" and its vote in favor of the

⁴ *Survey of the L.A. City School Districts*, 1934, p. 266

⁵ One of those 1933 appointees was Business Manager John Scouller. For further discussion of the "protection" afforded him and others by the "civil service system", see below.

legislation in January 1935, it was expected that the Board would speedily adopt the statutory merit system. This expectation was probably strengthened by the 1935 election defeat of Board Member Henry, who was one of the three "Horsemen" who had voted against the "Civil Service Bill".

Despite that expectation, action was delayed for several months. Some of the period of delay was related to an effort to get rid of undesirable employees before they achieved the protections afforded by AB 999. On August 12, 1935, the Board directed the Superintendent "to conduct a survey ••• for the purpose of determining which employees (if any) lack the proper qualifications for permanent status under the proposed civil service act, and to make recommendations for dismissal or transfer of such employees in the interests of economy and efficiency." (Minutes of the Board, 8/12/35)

The District employed Dr. Paul Fisher to conduct the investigation; he reported to a committee chaired by Dr. Ford (by then Chief Deputy Superintendent) and composed of high-level managers, including Assistant Superintendent Travers (Personnel), Director of Research Webb, and Business Manager Scouller. The Committee presented its report on January 9, 1936 and was promptly accused by a Board member of "suppressing" some of Dr. Fisher's recommendations. Dr. Ford's response was that the Committee had found insufficient bases for some of Dr. Fisher's recommendations, and, therefore, omitted them from its report. The Board demanded and got the additional recommendations for dismissal.

The matter was put over to January 13. Board Minutes do not indicate the number of employees on Dr. Fisher's list; however, it appears that more than 200 were to be fired because of criminal records and that many more were to be fired or demoted because of poor efficiency ratings (by Dr. Fisher). Under the Board's civil service rules, these dismissals would have been subject to prescribed due process and appeal to the "civil service commission" • (Incidentally, Travers and Webb were ex officio members of that commission.) To avoid this complication, the Board simply suspended its civil service rules for two weeks. Then it was the turn of the committee itself -- the same people who had recommended dismissal or demotion of hundreds of employees without appeal and on flimsy evidence. Board Member Clark moved that the Business Manager be dismissed and that the Board request the immediate resignations of Dr. Ford, Mr. Travers, and Mr. Webb. (In the ensuing discussion, both the Business Manager and Mr. Travers accused Mrs. Clark of exacting vengeance for their refusal to employ her son.) Attempts by other Board Members to require evidence and hearings failed by the same four-to-three vote by which the motion was passed.

The Business Manager was fired on the spot. Dr. Ford, Mr. Travers, and Mr. Webb kept their jobs; in fact, both Travers and Webb were promoted in later years. They did, of course, have the protections of contracts and tenure, neither of which applied to the Business Manager and neither of which could have been abrogated by the Board without due process.

During Board discussions of the episode described above, there was an effort to attach the adoption of the provisions of AB 999 to the motion to suspend the civil service regulations. That effort failed (four to three, as usual), and the complaint was made that AB 999 was imperfect because its provisions included division heads.

One may conjecture that the former Business Manager did not concur in that objection.

It was not until June 8 that the Board, at last, adopted the statutory merit system, and, even then, not without opposition. The Board Minutes of that date indicate that approval was brought about only by the threat of a proposed constitutional amendment on the November ballot. The Board had been advised that, if it adopted the provisions of AB 999, the provisions of the new ballot measure would not apply to the Los Angeles City School Districts. Since the "civil service system" prescribed by the ballot measure was, in their eyes, worse than the provisions of AB 999, two Board Members switched, and the following resolution (presented by Mr. Hauck) was adopted on a five-to-two vote:

"WHEREAS, The Legislature of the State of California has seen fit to pass permissive legislation providing for the establishment of a merit system applied to non-certificated employees in certain school districts; and

"WHEREAS, The members of the Los Angeles City Board of Education have from time to time expressed their desire to give the non-certificated employees of the Los Angeles City School Districts the protection of such a merit system, and

"WHEREAS, the non-certificated employees of the Los Angeles City School Districts have petitioned the Los Angeles City Board of Education to adopt the system provided by statute, therefore be it

"RESOLVED, that the merit system for non-certificated employees provided in Article IV, sections 5.792 to 5.799b inclusive, of the School Code of the State of California, be adopted by the Los Angeles City School District, the Los Angeles City High School District and the Los Angeles City Junior College District, effective June 15, 1936."

Out of the excesses of 1933 and 1936, the merit system was born. It came into existence because those events demonstrated the need for statutory protections from politically or personally motivated dismissals. Job and career security based upon merit was the goal; it was provided by removing certain powers from the elected Board of Education and vesting those powers in an appointed Commission that was to be independent of the Board. Independence was provided by selecting appointing officers at the State level and by assuring that the Board had no authority over the budget of the Commission. The new Act made the Commission's authority supreme in several areas of personnel administration, although the intent of the writers of AB 999 to provide almost global authority over personnel administration was later eroded by County Counsel interpretations of the language of the law.

The almost unfettered power of the Board over employment in the classified service had been curbed in law; it remained to be seen whether it would be curbed in fact. The stage was set for conflict or cooperation between the Board of Education and the Personnel Commission.

CHAPTER TWO THE FIRST YEAR

The statutory merit system was adopted, effective June 15, 1936; however, it could not be implemented until Commissioners and staff had been appointed and organized. Action on Commissioner Appointments proceeded rapidly, and all three were sworn in on July 20, 1936.

Benjamin F. Bledsoe, attorney and former federal judge, was appointed by the L.A. County Superintendent of Schools (who, thereafter, had no part in the appointment of Commissioners).

C. J. Haggerty, Secretary of the Los Angeles Building and Construction Trades Council, was appointed by the State Superintendent of Public Instruction.

Dr. John M. Pfiffner, USC Professor of Public Administration, was appointed by the Executive Officer of the State Personnel Board.

The first acts of the Commission were steps taken to get things started, such as

- a. adopting a budget (later revised at least twice),
- b. appointing a special committee to conduct an examination for Personnel Director,
- c. appointing Mr. Travers, Assistant Superintendent of the Personnel Section and former member of the erstwhile "civil service commission", as its "Acting Secretary",
- d. adopting wholesale the existing personnel rules of the Board that were "not in conflict with the (newly adopted) law",
- e. certifying the validity of existing eligibility lists for 43 classes,
- f. Adopting a "basic salary schedule", which was the same as that in existence?

The original budget provided for a Personnel Director, a Classification Technician, a Secretary, and two Typist-Clerks.

While the Commission immediately began to deal with classification and salary matters, it had to defer action on a number of requests for study until it had a staff. With the appointment of the Classification Technician (in provisional status) in October 1936, action on some studies commenced. His first assignment involved a large number of clerical classes -- a restudy of recommendations approved by the Commission in August and rejected by the Board at that time. New recommendations were approved in November; however, their effective date was July 1, 1937, in order to avoid impact on the budget of the current fiscal year.

Effective December 1, 1936, John Steven was appointed as Personnel Director. Mr. Steven was a practicing attorney. who had held several high-level positions in public personnel administration, including Chief Examiner of the State of New York and Secretary and Chief Examiner (personnel director) for the County of Los

Angeles. He had been one of the primary authors of the legislation that provided for our merit system.

The first Commission directive to Mr. Steven was to "prepare a schedule of proceedings in the event of ••• disciplinary action"; however, Mr. Steven's attention was diverted by a large number of requests for classification study. On January 8, 1937, he recommended and the Commission authorized a "general reclassification study" of the Classified Service. At that same meeting, the Commission established a new schedule of salary ranges, which later became known as the "Master Salary Schedule"; the new ranges were to be used in the allocation of classes as the result of the "general reclassification survey".

The existing salary plan had three types of monthly salary ranges, each with six steps. In Schedule A, the difference between steps was \$5; in Schedule B, \$10; in Schedule C, \$15. The sixth step was ten percent higher than the fifth and was a "longevity" increment, attained after 14 years of service.

The new salary schedule was composed of an integrated series of ranges, each of which encompassed about 25 percent, i.e., the top step was the first step multiplied by 1.25. Each range had five steps; the intervals between steps averaged about 5.7 percent. The intervals between successive ranges were also about 5.7 percent. Therefore, the second step of a range was the same as the first step of the next higher range. There was "-no provision for a longevity step; however, the Commission recommended that an employee who would lose a longevity step because of this change continue to receive it during 1937-38 only.

The Board augmented the Commission's budget in order to conduct the classification survey, and the Commission hired an Assistant Classification Technician, a Junior Research Assistant, and four Working Fellows, who were seniors or graduate students from local universities employed half time (at \$50 a month). The Assistant Classification Technician was appointed from the eligibility list for Classification Technician, which list was declared "most appropriate" for the new class.

The Personnel Commission Minutes of 1936-37 are replete with interesting items, such as instructing the Director to prepare a work schedule for Chauffeurs, who were working a good deal of overtime. The Commission began to deal with the problem of "professional experts", approving some assignments and losing an argument to the County Counsel in regard to the temporary employment of real estate appraisers. The question of how to handle the Director's responsibility for audit of personnel assignments came up and was passed back to the Director to solve. One of the more important issues involved legislation that established criteria for requiring certification qualifications; eventually, that legislation was endorsed by the Personnel Commission, which could not have foreseen the problems created in later years by the statute's failure to provide for decision-making authority and appeals.

As noted above, the Commission adopted as its own all Board rules that were not in conflict with the law. Throughout the year, new rules or amendments of rules were promulgated. Some are worthy of note:

- a. amendment of the reemployment (after layoff) rule to extend recall rights from one to three years;

- b. establishment of a rule that required termination of temporary (provisional) employees within 15 calendar days after establishment of an eligibility list;
- c. establishment of a rule that, for the first time, provided for appeals of examinations;
- d. establishment of a peculiar order of precedence in certification-- peculiar in that it gave first preference to "Division layoff lists", followed by "Promotion lists", "General layoff lists", "Open lists", and "Application lists";
- e. establishment of a "temporary" rule on compensation for overtime (equal time off, provided that emergency overtime of not more than eight hours in any week could be compensated in cash at straight time);
- f. establishment of a rule prohibiting nepotism;
- g. Establishment of a rule on layoff retention and bumping rights, based on a combination of seniority and service ratings.

The miscellaneous acts or concerns taken up by the Commission continued to touch upon matters of major import. For example» in response to a complaint alleging threats of reprisals» the Commission issued a ringing statement that assured employees that their jobs would not be jeopardized by a decision to join an employee organization. It requested and received a County Counsel opinion that held that the Commission had no authority in regard to student body and cafeteria employees. It discussed the possibility of annual adjustment of salaries based upon the cost of living. It endorsed a local ballot measure that provided for a retirement system for District employees. And» among many less significant matters» it observed a demonstration of II anthropometric instruments used in tests for strength.

While these and many more matters were being addressed» the staff was developing recommendations on its "general reclassification survey". The results began to come before the Commission in tentative form in May with the total presented in a "public hearing" on June 4, 1937. After some amendments» the report submitted to the Board on June 14 provided for the abolishment of 243 classes the establishment of 172 new classes and the retention of 99 classes. The Board did not immediately concur» and a few additional changes were made increasing the number of new classes by two and the number of "retained classes by two.

In addition the report presented salary recommendations that were at least in part the result of the staff's first survey of prevailing wages. Working Fellows visited 179 firms and collected salary information on 1413 employees in 170 different "Occupations." (That is an average of about eight for each "benchmark", if one may interpret "occupations" to mean "benchmarks".) Private industry data was augmented by salary data from 80 governmental jurisdictions» labor unions "employment agencies", and others. How these data were treated statistically is not clear.

In making salary recommendations, the Commission faced a peculiar problem. In 1929, the Board had imposed an across-the-board salary cut of ten percent and had placed all higher-level non-certificated classes on flat monthly rates. Between 1929 and 1936, the Board had restored part of the ten-percent reduction for all classes

except the 17 highest in the non-certificated service. The Commission's recommendations included restoration to 1929 salary levels for all classes, which meant increases of about three percent for most and ten percent for the top 17, plus additional increases in some cases. In addition, these top 17 classes were to be placed on salary ranges. The result, in most cases, would have been an immediate salary increase of about ten percent, with step advances available in future years. For example, the recommendation relative to the Personnel Director's salary (which showed the largest potential increase) would have moved it from \$311 a month to the salary range of \$360 to \$450 a month. The Director would have been placed on the first step, with advances at one-year intervals. The Board balked, claiming budget problems, but also seeking increases in salary recommendations for some classes.*⁶ Action was deferred until after July 1, and the Commission rescinded that effective date, leaving the recommendations intact, but not implemented pending further action.

The conflict between the authority of the Commission and the authority of the Board had begun over issues of classification and salary. The basis for conflict was established in the Merit System Act -- a conflict that would recur despite the conscientious efforts of many to understand and accommodate the concerns of lithe other side". A County Counsel opinion (9/30/36) that clearly supported the Commission's power to classify and limited the Board's power relative to salaries had little apparent effect on the actions and attitudes of the Board and the top administration of the District. The Commission made several accommodations in the interest of persuasion and cooperation, such as agreeing that requests for classification and salary study were to be routed through the Superintendent's Advisory Council, as were the Commission's reports to the Board. When the Board adopted its tentative budget for 1937-38, it provided for salary adjustments, totally ignoring the Personnel Commission's classification actions and salary recommendations. The Commission's reaction was to seek meetings in order to achieve common understanding of the law, the bases of its recommendations, and the Board's concerns. As the next Chapter relates, the issues of the day were resolved through compromise; the larger issues remained.

The Commission met 68 times during 1936-37, at all hours of the day and evening. The Director and his very small staff completed in less than five months a massive undertaking involving the classification of about 4,000 positions and a community salary survey -- and the results received the enthusiastic endorsement of employee representatives and management. During that same period, the Commission began to lay the foundation of policies, rules, and attitudes that have governed the merit system from that time forward. The effort and the accomplishment were impressive. Neither, however, was completed; that was just the first year.

⁶ For example, the Board objected to the salary increases for the top 17 classes (19 employees) at a cost of about \$7,500 a year, but requested an increase for custodial classes that cost about \$100,000 a year.

CHAPTER THREE SETTLING IN (The Second Year)

The new classification and salary plan continued to be the chief item of concern for the Personnel Commission during July and August, 1937. Meetings were held with the Board and with the Superintendent in efforts to reach agreement. Some changes were made at the Board's request, e.g., custodial salaries were increased by one range (c. 5.7 percent), and the original salary recommendations for the top 17 classes in the non-certificated service were revised. Also, the Board did not fully restore the ten-percent salary reduction of 1929; actual salaries paid were three percent less than those cited as the official salaries. However, the Commission stood fast on its "allocation rule" (which determined the step to which an employee would be allocated on the newly applicable salary range), finding that the proposed change would be inequitable and result in insignificant savings. At last, agreement was reached, and the classification/salary recommendations were adopted, effective September 1, 1937. The Districts had a classification plan and a salary schedule. Amendments retroactive to September 1 continued to be made by the Commission at several meetings in September; however, the foundation and framework were established.

While classification and salary actions continued to require attention throughout the year, emphasis shifted to policies and rules. One of the first actions of the Commission in 1936 was to adopt as its own the rules of the Board on classified personnel matters, insofar as those rules were "not in conflict with" the Merit System Act. Several rules were established or amended during 1936-37; however, many subjects were not addressed. For example, the first orders given to new Personnel Director Steven, just before he took office on December 1, 1936, were to prepare a "schedule of proceedings" for disciplinary actions. The Commission was responsible for determining causes for disciplinary action, prescribing procedures, and adjudicating appeals. By adopting existing Board rules, procedural matters were taken care of, and the Commission had begun to hear appeals shortly after its formation. It was not until March 11, 1938 that the Commission rescinded existing rules and adopted its own rule on suspension, demotion, and dismissal.

Various features of rules adopted in 1937-38 deserve comment:

The promotion rule required that one weighted part of each promotional examination consist of a combination of seniority and service ratings (which were designed to be converted into letter grades).

Ratios were set between Senior Secretary and Secretary Positions and between Senior Playground Director and Playground Director Positions. (Seniors could comprise not more than 40 percent of the total number of positions.)

A rule providing for reinstatement after resignation was approved, but was revised, at the Board's request, to reduce the period of eligibility from three years to one.

The maximum age of employment was set at 65; however, the mandatory retirement age was to be gradually reduced to 65, with that figure applicable in 1943.⁷

A rule on step advancement was established and was amended almost immediately to enable the Board to deny step advancement in case of lack of funds. The rule provided a uniform date of advancement (September 1) and required that a 12-month employee have 200 days of paid service during the preceding fiscal year in order to qualify. A division head could withhold step advancement if the employee's service rating was below "C".

After months of effort, a rule on overtime was adopted, but was rescinded and replaced after the Board expressed concerns about costs of paying "straight time" in cash. The final version of the rule required advance approval of overtime by the Board, except in extreme emergencies, and enabled straight-time compensation in cash or time off.

The new rule on leaves of absence provided that failure to return to duty "shall be considered equivalent to a resignation",

A rule on vacations was established after a lengthy controversy over granting vacation to ten-month employees. (They did not win that benefit at that time.)

It was the Commission's practice to give tentative approval to a proposed rule and to refer it to the Superintendent's Advisory Council. In 1937-38, this Council disapproved many proposed rules, and its concerns were given great weight by the Commission. Also, as noted above, some rules (e.g., step advancement and vacation) were changed because of Board concerns about costs. The Commission and staff were working rapidly, but demonstrated willingness to compromise on several issues.

Among the myriad other events that are reflected in the Minutes of Commission meetings in 1937-38 are:

Authorization of the first annual report for 1936-37.*⁸

Commencement of the practice of holding separate (special) meetings to hear appeals,

Negative reaction to a Board proposal of a two-year residency requirement for employment.

Receipt of a report from the Director that noted that a certificated employee could not compete as a promotional candidate in a classified examination.

⁷ The new retirement system required 15 years of service in order to qualify for a retirement allowance. The Commission was informed that more than 240 classified employees would have to retire without benefits if the 65-years limit were imposed immediately.

⁸ It was not produced. A biennial report was published after the close of 1937-38.

Resignation of Judge Benjamin Bledsoe from the Commission and appointment of his replacement, Ralph E. Chadwick, at the same meeting, December 13, 1937.

For the first time, referral to the County Counsel of the question of whether certain positions required certification qualifications. **⁹

Authorization of a leave of absence for Mr. Steven to work on a project for the Civil Service Assembly (forerunner of the Public Personnel Association, which became part of the International Personnel Management Association several years ago). ***¹⁰

Appointment of Dr. Doncaster G. Humrn as substitute Personnel Director. (Dr. Humm was a certificated administrator at the time.)

Authorization of the first printing of the merit system law and rules of the Personnel Commission.

Presentation of an informative report to the Board comparing District salaries for 57 classes with those paid by the City, the County, San Francisco, and the school districts of Chicago, Detroit, and New York. (Our salaries were below average in almost all cases.)

Notation with pleasure that the Compton City Schools had become the third district to adopt the merit system. *¹¹

Change in terminology from "non-certificated" to "classified", Commencement of an investigation into complaints of low wage rates for craft employees. **¹²

By the time 1937-38 came to a close, the pace had begun to slow. The classification and salary plans were in effect and were being maintained. Of the rules originally adopted by the Commission as a stopgap measure during the transition to the merit system, many had been replaced by new rules, which were about to be printed and distributed for the first time. There were several meetings during the final months of 1937-38, but the agendas consisted of routine matters.

As noted above, the Commission had authorized the preparation of an annual report for 1936-37, but no such report was prepared. In August 1938, the Commission transmitted to the Board a biennial report on its first two years. While that report summarizes the activities noted in both Chapter "and this Chapter, it is appropriate to note some of its contents here, for some relate to problems that have not been completely washed away by time.

In the "Introduction", there is a comment in praise of the "universal" nature of the merit system: "The Board I s Secretary, the Business

⁹ The County Counsel did not have a chance to respond. The new specifications for the class were "written to" the language of the law, and the issue was closed.

¹⁰ Mr. Steven left in February, returned briefly in June, and went on leave again. He did not serve 200 days that year, and, therefore, did not qualify for step advancement.

¹¹ The second was Hawthorne City Schools.

¹² "In the discussion ... it was brought out that many of the craft classifications ... are considerably below the union daily wage rate ... Mr. Steven pointed out ... the Commission had taken into consideration the fact that our painters are employed on an annual basis and have privileges which painters in industry do not enjoy." (P.C. Minutes, 6/15/38)

Manager, and the Controller are as much a part of the competitive classified service as is a Junior Clerk. Career service is a very concrete term ••••”

Two and one-third pages are devoted to the separation of responsibilities for administration of the merit system between the Personnel Commission and Personnel Division. The Commission made it clear that it did not agree with the County Counsel on this subject, but "No interpretation which might alter the effect of opinions already rendered has been asked for •••• " and "It was the apparent success of the experiment thus far which made the Commission decide that no attempt should be made at the recent session of the legislature to correct the ambiguity of law which gave rise to the County Counsel's opinion."

An egalitarian philosophy was expressed as follows: "••• There is no place for privileged or exempt groups. If competitive examination procedures are proper for one class of positions, they are proper for all. If vacations with pay are good for executives, they are not to be withheld from the skilled tradesmen or unskilled workers. Sick leave privileges given to one should be given to all who need them.

Appointment procedures must enable every employee to reach the top if he is willing to make the necessary preparation. Discrimination is not to be exercised by reason of sex; race or marital status Employee organization drew the following comment:"

Employee organization for social, recreational, educational and vocational purposes is to be encouraged. To the extent that public agencies are in a position to deal on the basis of collective bargaining, employees should be encouraged to seek representation in the formulation of personnel policies ••••”

In the data included in the report, it is noted that the Director (through his staff) audited 554 "assignments" in 1936-37 and 787 in 1937-38. All were appointments; apparently, no audit was made of other transactions.

The Commission heard eight appeals of dismissals during the first two years, sustaining seven and reaching a mutually acceptable compromise in the other.

Considerable attention is given in the biennial report to costs. The Commission spent about 85 percent of its budgets during those two years• Comparisons were made with other public agencies on the ~ capita costs of classified personnel administration (including expenditures by the Personnel Division).

The biennial report of 1936-38 rather clearly takes pride in accomplishment and declares, without equivocation, the guiding principles on which the Personnel Commission had founded the merit system and guided it through its first two years. In the Los Angeles City Schools, it had, indeed, settled in.

CHAPTER FOUR MOBILIZATION AND WAR

The main purpose of this Chapter is to describe the effects of mobilization and war on the Classified Service as those effects are reflected in the records of the Personnel Commission. Reports and minutes are often dry of reasons for and influences on actions recommended and taken usually, they do not even hint at the emotions of participants in history. One can speculate on causes and influences by trying to project one's imagination into the time and place of events. To describe the time and place thoroughly is beyond the scope of this work; however, in brief:

The Los Angeles/Long Beach area was one of the major centers for the production of aircraft and ships. Its harbors were distribution points for the Pacific, and its railroads carried heavy traffic in materials of or related to war. People flocked in for jobs. Demands for housing, training, transportation, goods, services, and recreation accelerated and, for a long time, exceeded the capacity of a society whose main efforts were directed to dealing with foreign enemies.

No suggestion is made that this Chapter attempts to discuss all these problems. Emphasis is placed on those items in Personnel Commission records that seem most clearly to have been caused by mobilization and war. Some of those effects were ephemeral curiosities; others are still with us 40 years later.

Pre-war Years

Some preparations for war had begun long before December 7, 1941. There were few indications of change in the Personnel Commission meeting minutes of 1938 and 1939, but they appeared with increasing frequency in 1940 and 1941.

In 1938, the Junior Reserve Office Training Program was started in Los Angeles high schools. The Commission was concerned about the legality of Army noncommissioned officers as Junior Military Clerks. (Assurances were obtained from the County Counsel's Office and from the Army Judge Advocate's office.) Dr. Harold Barden, the Classification Technician, was granted leave for seven days for duty in the U.S. Naval Reserve. In 1939, he was granted leave for two weeks. The Commission ordered a survey of "leading civil service jurisdictions" to "ascertain practices ••• during the last world war involving ••• employee status for those on military leave."

Despite the limited nature of the Commission's involvement in preparation for war, the biennial report covering 1938-39 and 1939-40 closes with the following statement:

"Democracy is on guard. On its frontiers stands an army of administrative employees, federal, state, city, school district. Their importance is not less than that of the armed forces. A merit system of schools is one of the new defenses for the civilian army. In the Los Angeles City School District this new system is continuing and, we trust, shall continue to play its part honorably and well."

Whatever the validity of the thought or quality of its expression, the metaphor indicates that, by the summer of 1940, the expectation of war was prominent in the minds of the Commission and its staff.

In 1940, the Legislature enacted Section 395 of the Military and Veterans Code, which provided, among other rights, paid leave for reservists and National Guard members who were called to duty for 30 days or less. Work had begun on a rule before the enactment of law; the biennial report for 1940-42 notes that, "fortunately", the new law and draft rule were compatible.

The Director's report of September 18, 1940, which presented the new rule, opens with the following paragraph:

"Because many employees would be called upon or will volunteer for service in the armed forces of the United States in connection with the program of national defense, and because it is desirable that employees who render this service be assured protection in their employment rights, the following policy relating to military leave of absence during a period officially proclaimed a limited or war emergency, is recommended for adoption of the Personnel Commission and the Los Angeles City Board of Education:••• "

Certain features of the rule required amendment later. For example, paid leave was granted only in case of temporary military duty of 30 days or less, and military leave was granted for service in the Army, Navy, Marines, "and other armed forces". (There was no United States Air Force at that time; the Army Air Corps was its predecessor.) Also, the rule anticipated that positions vacated by military leave would be filled by substitute assignments. These and other provisions would be changed later.

Just before adoption of the military leave rule, Dr. Barden was granted a six months leave to respond to orders" that assigned him to active duty as a Lieutenant Commander and an instructor in electrical engineering at Annapolis. (He returned in 1946 as a Captain after serving as a submarine commander in the Pacific.)

The terms "National Defense" and "National Defense Training Program" began to appear in the minutes of Personnel Commission meetings in September 1940 with the amendment of a rule that prohibited the addition of working time to the assignment of a part-time employee if the added time would increase the assignment to more than five hours a day. (Said employee could be assigned more hours if successful in a competitive examination.) The rule amendment exempted too" keepers "employed on the National Defense Program", a year later, special classes were set up with titles such as.

"General Clerk (National Defense)" for use in the "National Defense Vocational Education Program-Wilmington Area". (Wilmington was a shipbuilding area; the District's program provided training in welding, among other skills.) After the War began, all references to "National Defense" were changed to "War Production", apparently by federal fiat.

In March 1941, the Commission supported State legislation that provided paid military leave for 30 days for reserve officers called to active duty, regardless of the length of the period of active duty. In June, the military leave rule was amended, with its title changed from "Leaves of Absence for Service in the Armed Forces of the

United States" to "Military and National Defense Leave. National defense leave provisions were new; they permitted leave for civilian service for a federal agency or in defense-related industry if a federal agency submitted a written request for an employee based on his special skills. Twelve employees were granted such leave during 1941-42; 52, during 1942-43; and 25, during 1943-44. These relatively small numbers do not mean that war industries had relatively slight effect on District staff; many employees left for more lucrative and patriotic war-industry jobs without the benefit of a "national defense leave", (When the term "national defense" went out of vogue, this type of leave became known as civilian war emergency leave.)

As shown above, some limited preparations were being made for the special problems of personnel administration during war. Most had to do only with the release of employees whose services were required by the war effort. Nothing in the minutes of Commission meetings indicates realization of or preparation for the serious drain of labor resources of the District when these releases actually came to pass. There are indications in the minutes of increasing concern, usually expressed by employee representatives, over inflation and the need for salary increases. Wage and price controls had not yet been imposed, and the District, its employees, and the Personnel Commission were just getting acquainted with the phenomenon of major inflation, as well as shortages of qualified people in the labor market.

The War Years

The minutes of the Personnel Commission meeting on December 1a, 1941, include no reference to the events of the preceding Sunday. Shortly thereafter, rule changes related to the war began to appear with great frequency.

On January 6, 1942, Rule 22.803, Leaves of Absence, was amended to provide leaves to "accompany a spouse who has been called to military duty". Also on January 6, 1942, a new rule was adopted in order to provide step advancement, illness leave, and vacation benefits, for "long-term substitutes" for employees on military leave.

On February 16, a new rule was adopted, "for the duration of the War Emergency", requiring all new employees to take an oath of allegiance to the United States and to disclaim allegiance to any foreign power or subversive movement. On March 4, the military leave rule was amended by addition of the following paragraph:

"Persons accepted by federal authorities as conscientious objectors under Executive Order No. 8606 are eligible to military leave during any period of encampment and ninety (90) days thereafter.

On April 22, the military leave rule was amended to state that, because employees on military leave earn seniority, it is permissible to hire replacements in regular status, rather than as substitutes.

On June 17, the Commission adopted a rule requiring evidence of citizenship prior to appointment.

Shortly after the War began, President Roosevelt issued a now infamous executive order that brought about the removal from California coastal areas of persons of

Japanese descent, regardless of citizenship. The effect of this evacuation on the District was the removal of about 30 classified employees from their jobs. Amid the anti-Japanese hysteria of that period, few champions arose to defend their civil rights.

On January 30, 1942, the Commission held a special meeting to consider the adequacy of the rules and procedures for the Classified Service with relation to War Emergency problems. 11 At that meeting, recent activities in other civil service jurisdictions with respect to employees and eligibles descended from enemy aliens were reviewed in the light of constitutional and statutory provision concerning the treatment, privileges and immunities of citizens," The Personnel Director's reports of that date indicate his commitment to assuring that the rights of these Japanese-American employees were to be preserved to the extent possible.

On March 18, the Commission adopted a rule that enabled "evacuee leave that were to be renewable annually for the duration plus 90 days. The Board did not concur; instead, it granted leave until June 30, 1942. The Commission pressed further, and leaves were extended until the end of 1942. The matter was, at last, resolved when Mr. Steven received a letter from the office of the Commanding General, Western Defense Command, that requested that the Board's intent to dismiss employees of Japanese descent not be carried out "lest such action be construed as discriminatory and later become the basis for retaliatory or vindictive counter measures by the Japanese Government."¹³

Mr. Steven's personal notes, dated July 8, 1942, read as follows:

"The School Board grants military leave and civilian leave Evacuee leave would clearly fall somewhere between these two categories. To refuse to grant such leave would mean refusal to grant equal protection of the law.

"Forcible evacuation from one's place of work is not a cause of dismissal. It has been alleged that the contrary is true since the evacuees abandoned their position. The Board has elaborate rules which provide not only for leave, but often for leave with pay, for others who without fault on their part are compelled by constituted authority or by act of God to absent themselves from their work. It would seem that leave without pay is the least that can be offered to the helpless victims of a military situation. To accuse such persons of abandoning their positions requires that one abandon even the appearance of intellectual integrity

"One Board critic of our rule says in substance that since the federal government has found sufficient reason to suspect their loyalty we are justified in terminating the reemployment rights of evacuees.

"The government has never impugned the loyalty of evacuees as such. It has pleaded inability to distinguish between loyalty and disloyalty among those descended from enemy alien stock in the time at its disposal. It has pleaded the possibility of race riots unless segregation was made.

¹³ The facts of evacuation and incarceration do not seem to have impressed the Army as "discriminatory".

"The presidential order made no distinction between persons of Japanese, German, Italian, or even Finnish origin. The army began with those of Japanese origin. It has not said where it will end.

"An American born of Japanese parents is no more a Jap than an American born of German parents is a Hun. Both words are descriptive of our enemies, not of fellow citizens in a free land wherein birth means citizenship, regardless of race, and means, moreover, freedom and equality of the law.

"The dual citizenship argument is illogical when we attempt to apply it to all Americans of Japanese descent and ignore the equally preposterous claims of Hitler and Mussolini regarding Americans of German and Italian origins.

"Concentration of persons of Japanese descent was a matter of military expediency, not of principle. When such a person was needed in the federal service at San Pedro it was not found to be impracticable to exempt him and his family from the general order. Physical arrangements could be made for concentration camps on the West coast and these have gone forward. But in Hawaii, where the exposure is many times greater, the physical task of attempting to intern 165,000 individuals in a region of limited population has prevented any move in that direction. Surely no one will seriously claim that disloyalty was more prevalent here than Hawaii.

"In proposing and arguing for the Commission rule no attempt is made to tell other persons what their personal attitude shall be in the matter of race relationships. Neither is any attempt being made to be generous, thoughtful or kindly toward any group because of misfortunes which they are suffering. The sole purpose of the Commission rule is to carry on in a legal and orderly manner a system of personnel administration which is believed to be in the interest of the schools and of the citizens of this community and this country."

The initial spate of rule changes in the early months of the War dealt with concerns about loyalty, about persons leaving the District against their volition, and about the problem of getting replacements that were, apparently, not willing to work for the District without fringe benefits. During that period, there was increasing demand from employee representatives for cost-of-living adjustments because of the high rate of inflation. (On April 29, 1942, the Personnel Commission denied jurisdiction and referred COLA requests to the Board of Education.) In May and June, Commission cooperated, with misgivings, with Lockheed Aircraft's attempt to recruit school-year employees for summer jobs at its plant. (The misgivings were over the "risk of losing some of our best workers permanently".)

Recruitment was becoming more difficult, as more and more classified employees left the District. 214 employees were granted leaves for war-related reasons between July 1, 1940 and June 30, 1942; of these, 178 entered military service. How many resigned to take other jobs is unknown. The pace of examinations accelerated; for example, examinations for 14 classes were authorized at the meeting of January 6, 1942. In March, the Commission referred to the County Counsel's office a

proposal to establish "continuous filing for examinations. (The County Counsel's response was negative because the law did not provide for adding names to or merging eligibility lists) In July, the Commission heard a report from the Supervisor of Recruitment about the establishment of "cooperative testing laboratories" that would issue certificates of proficiency in skills required by clerical and craft classifications; these certificates were to be accepted "in lieu of practical tests" by federal, State, City, County, and District hiring authorities.

Attention to salaries, the cost of living, and the District budget continued, despite the Commission's inexplicable denial of jurisdiction. In August, the Director reported that, in comparison with averages for the period of 1935-39, current food prices were up 30 percent, with 11 items up 11 percent. The report noted that these figures are higher than the national average and that the Board's response to COLA requests was to add \$8 a month to lower salary rates, provided that they were not to exceed \$140 a month. (Mr. Steven noted that the State had provided an across-the-board COLA of \$15 a month.) That \$8 COLA was not sufficient; in November, a second COLA of \$10 was added to all basic salary rates. (A base salary of \$132 became \$150, as did all rates of \$133 through \$140 a month.)

At a joint meeting with the Personnel Commission on September 24, 1942, the Board requested the Commission to change the rule on overtime to provide cash compensation at time and one-half. This action was the direct result of vacancy and turnover data that was discussed at that meeting. Separation statistics for 1941-42 showed an increase of 46 percent over those of the previous year. The number of examinations given between 1936 and 1941 was fairly consistent at about 50 each fiscal year. In 1941-42, 66 examinations were given; in 1942-43, 128; in 1943-44, 108.

Many other actions were taken to relieve or to accommodate the shortage of labor. Employees on civilian leave for war emergency were granted seniority accrual in order that their replacements could be hired in regular status without jeopardizing their right of return. A rule limiting relief assignments to 90 days was suspended "for the duration". The rule that prohibited assigning additional hours to a part-time employee (thus increasing assigned time above 5/8) was likewise suspended. The work week rule was amended to permit six-day weeks for employees in the War Production Training Program. Legislation was sponsored that would enable continuous examination procedures and would extend the limit on a provisional assignment. The Commission urged the Board to take advantage of new legislation that permitted employment of "friendly or neutral aliens". (However, the "privilege" of employment was limited to temporary status, and no alien was to be employed for more than one year unless he had filed for citizenship.) Certain holidays were cancelled by the Legislature, and the vacation rule was amended to limit the use of vacation to ten days a year, with the carry-over to accumulate until after the war. The staff of the Commission even considered recommending an extra salary step for all fifth-step incumbents who would agree to stay in their positions until July 1944.¹⁴ It is no wonder that the Foreword to the Commission's biennial report for 1942-44 states:

¹⁴ Memo, Brainard to Steven, 4/22/43.

"... Our work has been carried on in an area of critical labor shortage. Many positions, especially those in the unskilled and custodian classes, have remained unfilled for months. In some cases the lack of manpower has been offset by improved methods and greater efficiency.... In still other cases the question has been met by relaxation of standards both in the man and in his performance...."

The same report notes that the shortage of labor brought about a reduction in the number of permissive leaves and that assignments in two or more classes were being made, without requiring overtime pay. "Duration appointments" were eschewed in favor of regular assignments because of the negative aspects of recruiting for jobs "for the duration". Some discriminatory barriers to employment were broken down; the comment in the biennial report of 1942-44 closes: "The elimination of unjustified and race and age barriers seems to be one of the few constructive things which have come out of the war situation." The report notes industrial competition for even student labor "at wages far beyond what the schools could reasonably pay", with some industries bringing machines and materials to the schools. The biennial report closes with a rueful complaint about an opportunity lost:

"The class called Indoor Manual Worker was set up to attract persons too frail to do ordinary manual work and unequipped for white collar positions. The mending of books and the inspection of motion picture film are tasks typical of what indoor manual workers are hired to perform. It is believed that in these and similar fields a serious turnover problem has been solved by getting persons who appreciate the opportunities offered and who have the patience to stay with repetitive tasks which might become boring to the kind of person who ordinarily finds a place on other eligibility lists.

"The Commission felt that much might also be done by way of recruiting the so-called industrially handicapped for the performance of specialized tasks. At the suggestion of the Commission a committee was set up by the Superintendent of Schools to study this matter. It was found that the local aviation industry had made remarkable strides in adjusting persons with great varieties of handicaps to specialized positions. Results were so satisfactory in the employment of these workers including the halt the deaf and the blind that the demand soon exceeded the supply. Thus, while the schools are trying to make up their mind about the matter the supply has practically disappeared from the market. After the war however both the industrially and the war-injured person will be applying for positions in public service and personnel agencies will need to have a wise and humane policy with respect to their employment."

Reactions to shortages of labor and other resources continued. The overtime rule was amended in relation to summer employment of bus drivers who were transporting "war production employees" to their jobs in defense plants. Preliminary employment procedures (health examinations, fingerprints) for temporary employees were suspended "for the duration plus days". Again the overtime rule was amended. This time to increase the maximum permissible overtime from 20 to 30 hours a week. The "Probst" performance evaluation plan was suspended and a shorter.

"Wartime Performance Report" was adopted "for the duration plus 90 days". However, the end of the war was glimmering on the distant horizon. In July 1943 the Personnel Director was instructed "to look into the matter of post war personnel planning" and to recommend the nature and scope of planning which a special committee could pursue. Particular problems with the rights of returning veterans drew attention in 1943 and more intensively in 1944. In October 1944 the Personnel Commission joined the Los Angeles Chamber of Commerce and other local agencies in inviting the Civil Service Assembly of the United States and Canada to meet in Los Angeles "at the time of the proposed Victory Conclave". Further study was made of the rights of returning veterans, and special amendments were made to permit leave of absence while the veteran used education benefits under the IIG.I. Bill" (Servicemen's Readjustment Act of 1944) and to provide for belated reclassification of the veterans to a higher class if others in that class had been reclassified during his absence.

As the end of the War drew near and during the following year, the Commission undid some of its special "war emergency" actions, such as abolishing the special classifications that were used in the War Production Training Program, and took some new actions related to the transition to peacetime, such as establishing the new class of Psychological Examiner for positions in the Veterans' Education Counseling Office at Los Angeles City College.

The War was over, and the world had changed dramatically. Los Angeles and Southern California were to enter a long period of growth. The G. I. Bill enabled an unprecedented demand for secondary and higher education. The beginning or reunion of families created housing needs and caused expansion into the San Fernando Valley and elsewhere. School construction and school population burgeoned. The end of the War was the beginning of a new era.

CHAPTER FIVE THE POST-WAR YEARS (1945-50)

When the Merit System was adopted in 1936, the Classified Service included about 3,800 employees. That figure rose to slightly more than 4,100 at the beginning of World War II and dwindled back to the 1936 level during the War. In 1945, however, there was a 35-percent increase, not related to Districts growth, but to the "blanketing-in" of cafeteria employees and financial managers.

Prior to September 1945, food-service personnel were employees of student bodies or of the Los Angeles City Schools Cafeteria Association, Inc. Financial Managers were employed by their respective student bodies. Personnel Director John Steven had requested a County Counsel opinion in 1937 as to whether cafeteria employees should be part of the Classified Service. In 1939, when a group of cafeteria employees requested assistance, he again asked for County Counsel advice. At both times, the answer was that the Districts were not the employer and that; therefore, cafeteria personnel could not be part of the Classified Service.

In 1940, the Board considered assuming direct responsibility for the cafeterias, but dropped the matter because the County Counsel advised that the employees could not be "blanketed-in" (without examination) to the Classified Service and could not be brought into the Districts Retirement System with retroactive service credit. By 1945, the law had been amended, and the Board officially assumed responsibility both for cafeterias and for supervision of student body funds.

More than 1,300 employees were added to the Classified Service in 1945. In each of the next several years, the growth of the Service reflected the growth of the Districts. By 1949-50, the number of regular classified positions was up to 7,832, an increase of almost 110 percent in five years.

The Districts were not alone in post-war expansion, and the combination of economic forces produced a high rate of inflation in costs and salaries. The Personnel Commission had been gradually developing the "prevailing rate policy" for some time, the policy that a classified position should be paid the prevailing community rate for positions with the same duties and responsibilities. This policy did not spring full-blown on anyone's consciousness and certainly did not receive instant and unanimous acceptance. During a joint meeting with the Board in 1944, Dr. Pfiffner suggested that, in determining classified salaries, "some consideration should be given to the joint salary survey".¹⁵ In a memorandum to the Personnel Director on September 9, 1945, Helen Sparks, Junior Research Assistant, complained that "the Commission office is faced with a head-on collision between the theory that salary determination shall be based upon comparable positions outside the schools ••• (the so-called •community rate') and the theory that similar rates shall be paid for comparable positions at (sic) different classes within the system••• **¹⁶

¹⁵ During that period, the Board continued the practice of granting cost-of-living adjustments in the form of flat dollar amounts, without regard to prevailing wages for any occupation.

¹⁶ The problem identified by Ms. Sparks has never been completely resolved; even today when collective bargaining has replaced reliance on labor market rates, the issue is not dead. It lives on, for example, in the argument over the comparable worth theory between advocates of paying prevailing rates and advocates of

1945, the Joint Salary Survey (JSS) was conducted in November and December to ascertain wages and salaries as of December 1. Salary recommendations were presented in February, with an effective date of March 1, 1946. During a joint meeting of the Commission and Board in February, Lloyd Mashburn, Chairman of the Commission, noted the fact that salaries cited in the JSS were in effect on December 1 and that "current nation-wide changes in salaries, wages, and price levels might call for additional recommendations in connection with the forthcoming budget.

Mr. Mashburn was a master of understatement! On April 25, the Commission sent to the Committee of the Whole a report resulting from a spring rechecks of JSS data; it showed an average increase of 9.37 percent in wages and salaries between December 1 and April 1. An additional increase of two schedules (c. 11.5 percent) was granted to most classified employees on July 1, 1946. That, too, was insufficient to keep pace, and, in July, the Commission recommended an across-the-board increase of one schedule or 5.74 percent. All these recommendations were approved by the Board of Education.

The experience of 1946 may have been unique in the size of salary inflation, the availability of funds to increase salaries, and the willingness of the Board to spend those funds on salaries. While salary inflation continued during 1947, salary increases were not so readily forthcoming. In fact, the Board limited increases to one schedule during July and August and implemented additional increases as recommended on October 1 retroactive to September 1.

Without pause, salary pressures continued, with particular emphasis on architectural and engineering classes. New position\$ had been created because of the school-building boom, and the District was in competition with the housing industry for designers and construction personnel. This problem led to the introduction of accelerated hiring rates a new feature that provided for hiring above the first step of the salary range. Initially, accelerated rates were limited to bond-fund classes, i.e., those positions that were paid from the proceeds of the sale of construction bonds.*¹⁷

By the time salary recommendations were presented for 1948-49, the Commission had concluded that the annual JSS could not keep pace with the rate of salary inflation; again, the Commission recommended an across-the-board increase of one schedule (5.74 percent) in addition to its basic recommendations.

Eventually, the Board approved the Commission's recommendations, but not without questions. Over the Commission's objection, it changed the beginning of the "salary year" from July 1 to September 1. Also, it hired a consultant to review salary recommendations for certain classes. The consultant' findings were passed along to the Commission where they were rejected because the consultant "took for comparison positions in the South and Middle West where rates of pay for civil-service positions are lower than in the North and West." (Note that the concept of

determining salaries on the basis of paying evaluations and comparisons of different job families within the same company or governmental agency.

¹⁷ The new rule provisions required that a new employee hired above the first step had to stay at that step for as long as it would have taken him to advance if he had been hired at first step. For example, if hired at third step, the employee would stay at that step three years before advancing to fourth step.

prevailing rates, private industry and in the local labor market had not yet matured even in the minds of the Commissioners and their staff.)

The troubles over salary matters in 1947 and 1948 pale in comparison to those of 1949 and 1950. Faced with the loss of an anticipated increase of \$4,000,000 in State basic aid and a tentative budget that called for a 30-cent increase (for each \$1000 in assessed valuation) in the property tax, the Board eliminated pay raises for all employees in 1949. Even then, the budget was up almost \$13,000,000 over the 1948-49 budgets, and the tax rate was up 25 cents.

In this situation, the Commission urged adoption of its recommendations, with the understanding that the Board could then reduce all salaries by a fixed percent, thus applying the reduction in a manner that was evenhanded. (This method would have resulted in a pay plan similar to that in effect from 1929 to 1937 in which actual pay was less than official pay rates.) The Board rejected the Commission's recommendation, and then suggested granting raises to selected classes. On September 14, 1949, the Commission informed the President of the Board that it would not accept piecemeal implementation of salary recommendations because that approach would disturb the relationship between classes.

By midyear, some money had become available for salary increases – probably unexpended funds budgeted for positions that were not filled. Consideration of increases at that time revealed problems because the Cafeteria Fund did not include enough money to provide wage increases for food-service employees and because the Board wanted to freeze the salaries of executive/administrative personnel, a common and, in the long run, extremely harmful approach to budget problems. The Commission cooperated by separating its salary recommendations into three reports, thus enabling the Board to approve salary increases for one group of classes without granting increases to the others.*¹⁸ Still the Board did not act. In March, Superintendent Stoddard suggested further separation of the Commission's recommendations in order to deny increases to the highest-paid classified executives, whose salaries were too close to that of Associate Superintendent. The Commission refused, stating in a letter to the President of the Board:

"We believe... that it is not possible to depart from policies established by the Personnel Commission over a period of fourteen years that positions in the classified service should be adjusted, as closely as possible, to the compensation for comparable positions in the community and that comparison with pay for positions in the certificated service should not be a matter of primary consideration We believe that departure from this principle would ultimately result in a disintegration of the classified service" (Letter from Wm. B. Miller to J. Paul Elliott, 4/25/50.)

The letter quoted above was accompanied by a table that showed the ratio between the salaries of superintendents and top business officials in 13 large, urban school districts across the nation; needless to say, this data supported a salary

¹⁸ The County Counsel's office had advised the Board that it could not adjust or selectively approve the Commission's salary recommendations because that action would disturb the relationship between classes. Therefore, as long as all the recommended increases were in a single report, the Board was faced with an all-or-nothing choice.

increase for the Business Manager and Architect, as the position was then called. In addition, attachments included a summary of a salary-trend survey of executive positions in major utilities and a few other large firms. This may have been the first time that a survey was made by the Commission staff of percent of salary movement, rather than of actual salary rates. This survey was the forerunner of the Executive/Administrative Salary Trend Survey, which the Commission later adopted as its method of determining salary recommendations for high-level classes.

During 1949-50, there were frequent newspaper stories about the Districts' financial and related business. Enrollment increases totaling 20,601 were encountered in September 1949. School construction continued at a frantic pace, with reduction of half-day sessions a high-priority goal. In February 1950, Superintendent Stoddard stated that the Cafeteria Fund was in the red more than \$53,000 and pled for increased patronage while pledging that general tax revenues would not be used to subsidize school lunches.*¹⁹ In May, Superintendent Stoddard announced that the Districts would not ask for an increase in the tax ceiling for 1950-51 and that employees' salary requests would be denied. The tentative budget provided for the opening in 1950-51 of 22 new elementary schools, one junior high school, and two junior colleges, but no salary increases.

In the meantime, the Commission's 1949 recommendations were still pending and a new set of recommendations were prepared as a result of the 1950 JSS. In the midst of this situation, John Steven took leave because of an illness that proved terminal. He was replaced by the temporary assignment of Robert Fisher, a certificated personnel specialist, who was supposed to be a "caretaker" Director, rather than a potential contender for the position. When Mr. Steven advised the Commission that he was unlikely to recover, an examination for Personnel Director was commenced, and Mr. Fisher was given a regular appointment in October, 1950, after Mr. Stevens' death.

In June, the Commission merged its salary recommendations of 1949 and 1950, thus mixing food-service classes with others in a single report, but solving one problem by recommending flat annual rates of \$15,000 for the Business Manager and Architect and \$13,000 for the Controller. (This action kept the higher salary rate below that of Associate Superintendent.) Despite the announcement that salaries would not be raised, the Commission continued its efforts. In July, it ordered the new Director to resubmit salary recommendations in two reports, again splitting cafeteria classes from the remainder and recommending an effective date of January 1, 1951 for their increases. In addition, executive/administrative salary recommendations were reduced to those recommended in 1949. Despite all previous protestations of lack of funds, the September 1 salary increases were implemented.

In fact, by September 1, the school tax rate had actually been reduced by ten cents. The entire outcry had proven unnecessary. The great issues of the later 1940's are described above. Among the many other matters of particular interest are:

¹⁹ That pledge was not kept. The 1950-51 General Fund budget included \$475,000 for food services.

Classified employee organizations were very active in relation to the Personnel Commission. At a meeting on salary concerns in June 1946, the following organizations were represented:

- Supervising Custodians
- California School Employees Association
- IBEW, Local 11
- Local 99, AFSCME (later affiliated with the Service Employees International Union)
- Carpenters
- Operating Engineers
- Culinary Workers, Local 734
- C. I. O.
- Teamsters, Local 420
- Financial Managers
- Administrative Classified Service Association
- Federated Municipal Crafts
- Secretarial Association

Overtime rates were calculated on the basis of a standard month of 21 working days or 168 hours; i.e., a monthly rate was divided by 168, and the dividend was multiplied by 1.5 to yield the hourly overtime rate. In contrast, hourly rates for part-time employees varied with the number of working days (not counting holidays) in each month. (This method of calculating part-time rates continued until the adoption of the 160-hour pay period in 1960.)

The first of several efforts was made to achieve coordination among JSS participants in the interpretation of survey data, i.e., in the allocation of equivalent classes in the City, County, and School District to the same salary schedule.^{*20} (The salary problems of the District in 1949 and 1950 put an end, temporarily, to that effort.)

In 1947, Rule 591 was amended to provide that, at the pleasure of the division head, the incumbent of a position reclassified upward could remain in the position, without salary increase, until he qualified for promotion. This provision was declared illegal by the County Counsel's staff and was rescinded two weeks after its adoption.

In 1948, Rule 591 was again amended (after more than two years of staff effort) to delete the following sentence: "A reclassified or reallocated employee shall be accorded no change in salary if his former rate appears in the new schedule." Thereafter, when a class was reallocated, incumbents got the benefit of the increase; in cases of reclassification, promotes salaries were increased.

After a hearing of an appeal of dismissal, the Commission suggested that the Business Division employ a full-time Personnel Assistant for employee counseling and in-service training; then the Commission reduced the dismissal to a ten-day suspension and ordered

²⁰ Both the City and County had adopted the Commission's Master Schedule; therefore, identical salary ranges were available in all three agencies.

reinstatement with 70 percent of back pay for the rest of the appellant's "lost time".

The vaunted breakdown of sex barriers in employment that appeared during World War II appears to have had brief life. In 1949, the Commission split the class of Custodian into (Female) and (Male) counterparts* and attempted to reserve some of the jobs for women by prescribing a 2:1 ratio, males to females. The Business Division objected to the ratio, and the County Counsel staff advised that the Commission did not have authority to prescribe a ratio. It was rescinded.

Along with expansion and inflation, the late 1940's were the time of scandal. The first erupted in 1948 when the Board decided to terminate the position of Chief Assistant Superintendent and demote the incumbent, Louis B. Travers.**²¹ This was the second time for Mr. Travers to be the target of the Board, and this time the Board won. An ad-hoc committee of the Board made an investigation of allegations of tampering with certificated and classified examinations and found both Travers and Paul Webb**²², Assistant Superintendent (Personnel), guilty. Both were demoted. Travers was assigned to a new position of planning coordinator for the junior colleges, receiving his former salary until his contract expired. Travers' sole defender on the Board was Maynard J. Toll, former Personnel Commissioner, who was convinced that Travers had been railroaded.

The scandal of 1948 was nothing to the one that broke in 1950 with an investigation by the Personnel Commission of tampering with two examinations for Telephone Operator. In this case, the accused were not employees of the Personnel Division, but two supervisors in the Telephone Unit who had tricked an Examiner into revealing the items in written tests, then gave them to provisional employees. The Commission decertified the lists and withdrew certification of two persons who had been appointed from the eligibility list, thus effectively firing them. In addition, it suggested that the Board take disciplinary action against the two supervisors and six other Operators who had been appointed from an earlier examination. When the Board failed to act, the Commission referred the matter to the County Grand Jury.

The scandal that began with cheating in examinations expanded in 1951 to a much broader scope. That story is part of Chapter Six.

The dominant characteristics of the immediate post-War period were growth and inflation. The effects of both phenomena on the Districts were profound; both in the short-run problems associated with budgets and salaries and in the long-run changes in residential areas, demographics, school services. The establishment of new junior colleges had begun, and the variety of jobs in the Classified Service was increasing because of the differences in support and auxiliary services required by

²¹ The basis was the Labor Code, which prohibited an employer from requiring a female employee to lift heavy objects. Much later, those provisions were declared unconstitutional.

²² Travers was the original Assistant Superintendent of the Personnel Division in 1934 and had served as the Commission's executive secretary in 1936 prior to the appointment of a Personnel Director. Both Travers and Webb had been members of the Districts' civil service commission in 1934 and 1935, and both had been asked to resign by the Board in January 1936 for allegedly "suppressing" recommendations to dismiss certain classified employees.

college programs. The "settlement" of the San Fernando Valley and other less populated areas was to continue for several years. Regardless of how serious they seemed at the time, in retrospect, the difficulties of this period might be described as growing pains.

CHAPTER SIX SCANDAL AND REACTION (1951-55)

The "Telephone Case" began with an investigation of an examination in October 1950 and exploded into what the Los Angeles Times referred to as "the story of the year" in 1951. As noted in Chapter Five, the Board of Education had failed to act on Commission findings that two supervisors and several Telephone Operators had participated in tampering with an examination. After waiting for 25 days, the Commission referred the matter to the County Grand Jury, an action that drew the ire of the Board.

In January 1951, the Grand Jury issued a report that supported the Commission's findings, expressed concern over the Board's failure to act and over the Board's complaint that the Grand Jury was meddling in its affairs, and recommended that the 1951 Grand Jury expand the scope of its inquiry to a number of other allegations that might have some bearing on the Board's attitude.

The Commission was interested in expanding the scope of inquiry. In late January, Chairman William B. Miller addressed the Grand Jury to request investigation of the "underlying conditions" that had given rise to several cited problems. Among those conditions, according to Mr. Miller, was the "looseness or vagueness of the civil service provisions of the State Education Code", which, he alleged, prevented the Commission from carrying out the intentions of the authors of the statute. The second condition he cited was the practice of Board members of injecting themselves individually into administrative matters "probably because a taste of power begets a thirst for power".

Almost simultaneously, the Board, at last, took action on the Commission's findings. It concluded that there was insufficient evidence to fire the several employees involved. (Two had been terminated as the result of the Commission's action that invalidated the eligibility list of September 1950 for Telephone Operator; several other Operators had been appointed from an earlier examination and could be dismissed only by action of the Board.)

The incoming Grand Jury did expand its investigation, taking testimony from Elementary Principal Ione Swan about allegations she had made in a number of statements to the press. Ms. Swan's involvement started with the death of a child at her school in a fall from a playground apparatus to the asphalt beneath. (It was the second death of that type in the District within a few months.) Ms. Swan was a continuing media sensation, complaining about the Board's lack of action on playground safety, about tainted meat and unsanitary conditions in the Business Division meat shop, and about conflict of interest by Board members relative to purchasing, insurance, and busing contracts. The Board commanded her to appear before it; she refused. The Board demoted her to teacher; she refused to report, and her school community staged protests. Unrelated charges, such as encouraging union membership, were brought against her. She was dismissed, appealed to the court, and lost her case. For several months, Ione Swan was the darling of both local and national media, and, even though she was dismissed, her activities contributed to the termination of four Board members.

An audit of District insurance contracts commenced in February. As a result, the President of the Board was removed from office, and charges against another Board member were dropped after she was defeated in a bid for reelection and resigned a few weeks before the end of her term.

Coincidentally, a third Board member resigned to run for the City Council; he was not involved in the scandal. Eventually, two other Board members were removed from office as a result of the Grand Jury investigation, and two others left for other reasons, completing a 100-percent turnover on the Board of Education between June 1951 and February 1952.

In August 1951, the Board (with two new members) reversed its January decision and dismissed two supervisors and six Operators from the Telephone Unit. Some of the Operators appealed and were reinstated (without back pay) by the Commission because they had "concealed" during the investigation.

The Commission considered using a hearing officer for these appeals, but was advised by the County Counsel IS staff that it could not delegate its authority to conduct hearings. That problem led to the introduction of enabling legislation in 1953²³ and the employment of the first hearing officer under contract with the State Division of Administrative Procedure.^{**24} For many years thereafter, the Commission continued to hear most appeals itself, only occasionally employing a hearing officer.

Among the Grand Jury recommendations was a thorough overhaul of the Education Code to establish a high standard of integrity to eliminate fields of friction between the commission and the board.^{***25} The Commission's response was to sponsor legislation that would have, among other things, transferred recruitment and selection activities to the Personnel Commission. The Board countered by seeking amendments that would have given it the power to appoint Commissioners and to approve the Commission's budget. In 1953, the bill went through, without the Board's amendments, but, also, without the transfer to the Personnel Commission of authority over selection.

Throughout the scandal of 1951, the Board was under attack from the press on many issues, including the budget. In January 1951, the Commission recommended an across-the-board increase of one schedule (5.74 percent), effective in February; the Board did not approve. The tentative budget for 1951-52 provided an increase of about \$9,000,000 over the 1950-51 budgets and evoked substantial opposition from concerned citizens and the press. By the time the final budget was approved, cuts totaling \$15,000,000 had been made and, at \$102 million, it was less than that of the preceding year.

In June, the Commission combined its January recommendations with those resulting from the Joint Salary Survey (JSS), which, by then, had been changed to the spring of each year. The Commission urged the Board to make salary adjustments effective on July 1, rather than September 1, but the Board stayed with September 1 as the beginning of the "salary year" for both certificated and classified

²³ At that time, the Legislature was in session every second year.

²⁴ Unfortunately, the Hearing Officer was injured between the first and second days of the hearing, and it took more than nine months to conclude the hearing and render a decision.

²⁵ Quoted by Ernest Brashear, "Daily News", 5/14/51, p. 42.

employees. The Commission reiterated its recommendation of a July 1 effective date in 1952 and 1953, and the change was approved by the Board in November 1953, for implementation in 1954.*²⁶

The apparent good will that followed the departure of the Board Members of 1950-51 masked a shift in the nature of problems, as contrasted with the absence of conflict. It was discovered that administrative positions could, with relative ease, be removed from the Classified Service. For example, after the retirement of W. T. Toolan, the Superintendent assigned the responsibilities of the classified "Supervisor of Recruitment" (similar to Chief Personnel Examiner) to a certificated employee; the Commission formally protested, and the Superintendent desisted. This "victory" was merely the precursor of a long series of defeats as the administration learned how to write statements of duties that satisfied the requirements of the law.

In 1953, the Board submitted legislation that, if approved, would require credentials for certain types of positions. When the Commission expressed concern over existing classified positions, the County Counsel's staff gave assurance that the existing positions would remain in the Classified Service. Immediately after the new law became effective, one of those positions was closed (and the class was abolished) because its duties had been "incorporated into a certificated supervisory position".

Also in 1953, the Board replaced a classified position by changing the duties of a certificated position and reclassifying it from "Supervisor, Group III" to "Director (Food Services Branch)". In 1946, when the Food Services Branch was part of the Business Division, the County Counsel's staff had advised that the Director position should be in the Classified Service because its primary responsibility was the administration of school cafeterias. By 1953, the Food Services Branch was part of the Auxiliary Services Division, and the County Counsel's staff changed its opinion on the grounds that the position's primary responsibility had shifted to "administering and supervising menus and diet."^{*27}

The battleground had shifted, and the Commission had few weapons. There was no avenue of appeal, and it was doubtful that the Commission had standing to sue. The Commission had no authority to investigate and, therefore, no means of challenging the validity of duties -statements that were "written to the law", rather than factually depicting assigned duties and responsibilities. For many years, disputes followed the futile course of referral to the County Counsel's staff, which, not being a finder of fact had to accept what it was told as true.

The most significant issues of the early Fifties are described above; other items of note are mentioned briefly below:

In 1951, the rule on step advancement was amended to delete the requirement that the employee's most recent performance evaluation be "above the point set by the Personnel Division as 'unsatisfactory'."

²⁶ The issue was not dead, however, for, in May 1954, the Commission again addressed the Board on this matter, in opposition to a resolution pending before the Board that would have restored the September 1 date. The resolution lost.

²⁷ The quotation is from Education Code Section 12142 (m), as it existed in 1953. In this case and in many others over the years, the County Counsel's staff had to accept at face value the statements of duties that were prepared by the administration.

Thereafter, step advancement became a function solely of time, rather than quality, of service.

Also in 1951, the rule on step advancement was changed to provide for advancement on the individual employee's anniversary date (first of the month), rather than on September 1 for all.

In 1955, the step advancement rule was again amended, this time on the basis of a report by a relatively new Personnel Analyst, Larry C. White. Thereafter, advancement from first to second step occurred after six months of service, rather than one year.

The initiation of a 160-hour pay period occurred in 1952, but was limited to cafeteria employees only. This change standardized hourly rates of pay for the numerous part-time employees involved.*²⁸

In 1952, employee representatives lobbied the Commission for longevity recognition in the form of additional salary steps. The Commission did not concur. In 1954, employees requested that the District pay part of the employee's contributions to the retirement system after 25 years of service; that proposal was denied by the District Retirement Board.

Annual reports were not published during the period covered by this Chapter; in fact, none was published between 1944 and 1956, although a draft of a report for 1951-52 was prepared. As of June 30, 1952, the Classified Service included more than 8,400 employees in 489 classes. Children's Center employees continued to be excluded.

There was continued concern over differences among JSS participants in the application of Survey results. In March 1953, the Board adopted a resolution that stated the principles it would follow in the "adoption of wage schedules based upon the salary survey". This resolution, which was undoubtedly prepared by the Commission staff, did far more than the Board apparently thought; it was a commitment to the concept of paying prevailing community rates.*²⁹

Building trades representatives at last won their battle for flat rates, rather than salary schedules, and the use of construction industry rates, rather than the JSS, which included maintenance rates. The County of Los Angeles broke ranks in 1955, and the Commission followed, adopting the County plan for use in salary recommendations for 1956-57. Craft rates were then determined by deducting 11 percent from the rates set in contracts between the * The last paragraph stated: "Finally, it is the responsibility of this body to adopt salary rates which will assure employees 'like pay for like work' and which will not place any unnecessary burden upon the tax rolls nor exert pressure either upward or downward upon wages in the Community." Associated General Contractors and the unions that composed the Building and Construction Trades Council. (The 11-percent deduction was to offset differences in fringe benefits.)

²⁸ See Chapter Five for information on how part-time rates were calculated.

²⁹ The last paragraph stated: "Finally, it is the responsibility of this body to adopt salary rates which will assure employees 'like pay for like work' and which will not place any unnecessary burden upon the tax rolls nor exert pressure either upward or downward upon wages in the Community."

In 1951 the rule on reclassification of incumbents was amended to delete the requirement that the incumbent have "satisfactory performance records." In 1953 the Commission denied a Personnel Division proposal to delete the requirement that the incumbent have served five years in position. In 1955 the provisions of the Commission's rule were incorporated into the law thus relieving concerns that reclassification of an incumbent was an extralegal act.³⁰ the law and rule then provided that:

- 1) If all positions in a class were reclassified upward all incumbents who had permanency in the class could be reclassified without examination; and
- 2) If not all positions were reclassified, an incumbent could be reclassified with his position if he had five years of service in the position and if he passed an examination for the higher class regardless of rank on the list.

In the summer of 1955 the Commission authorized accelerated hiring rates for entry-level clerical classes and directed the staff to make a fall recheck of community rates for all benchmark jobs. The fall recheck which was done in cooperation with the State Personnel Board's annual survey was the forerunner of midyear salary surveys that became a recurrent event in later years.

The only change in Commission membership during this period occurred on December 1 1951 when Lloyd Mashburn resigned to become a member of the California Labor Commission. (Later he served as Undersecretary of Labor in the Eisenhower administration.) Mr. Mashburn's replacement was Leo A. Viet also an official of the Los Angeles Building and Construction Trades Council. Mr. Viet went on to serve almost 17 years until his death in 1968.

1955 closed with the Commission and the Merit System on a much more secure footing than they were in 1950 and 1951. Not all problems had been solved but those encountered after 1951 seemed less intense and more susceptible of cooperative resolution. The scandals of 1950 and 1951 appear to have increased the prestige of the Merit System and the informal authority of the Personnel Commission.

³⁰ At that time, the Education Code was interpreted as restrictive; i.e., one could take only those actions that were expressly authorized or necessarily implied in the statutes.

CHAPTER SEVEN PEACE AND PROGRESS (1956-60)

In a period of continuing salary inflation the Commission's commitment to the prevailing wage concept inevitably came into conflict with the Board's responsibility to the electorate to contain expenditures and with the Board's need for salary cost information at the time of budget preparation. The primary source of funds for public education was the property tax and there was a ceiling on the rate that could be levied on behalf of a school district from time to time. Los Angeles voters had approved raising that ceiling but a number of special-interest groups maintained pressure on the Board to hold costs (and salaries) to the minimum.

Problems of inflation and "salary lag" had been encountered repeatedly since World War II. "Salary lag" is the difference between current community rates at any time of the year and the wages in existence. Which were set on the preceding July 1 based on community rates in effect on the preceding March 1 given the best intent? The Board had great difficulty in addressing this problem in its framework of an annual budget that determined the property tax rate.

Recognizing this problem in 1956, The Commission considered and rejected the possibility of augmenting recommendations based on the Joint Salary Survey by means of wage trend projections. The annual report of 1955-56 comments as follows:

"Wage trend projection was investigated as (a) means of reducing the time lag between significant rises in prevailing wage levels and a corresponding adjustment in the District's salary structure.... The staff made extensive tests of the accuracy of prediction of standard statistical methods

While the results showed that valid predictions could have been made in a majority of instances in the past few years. The degree of accuracy attained was not up to the standard required for sound wage administration. (Also); it would be necessary to assume that the general trend of rising wages will continue without substantial change. The hazards involved in making this assumption remain the most serious objection to the application of wage trend data in predicting future wage levels.

Having rejected wage-trend projection. The Commission based salary recommendations for 1956-57 on JSS data and suggested that the Board establish a reserve of \$600,000 to fund midyear increases. At a joint meeting on May 31, 1956, the Board decided not to budget a reserve and informally agreed with the Commission's suggestion that midyear increases could be financed from unexpended salary balances (i.e. money budgeted for unfilled positions).

The Commission proceeded with a midyear salary survey and the development of salary recommendations. In December. A joint meeting with the Board led to the preparation of a statement of policy on midyear adjustments that called for a survey only "in periods of rapid. Substantial and widespread increases in the community" as indicated by specified sources of data. After minor amendments had been

negotiated. The Board concurred in that policy. Nevertheless. Midyear salary adjustments for 1956-57 did not take effect until April 1, 1957.

With the policy firmly established, it then became unnecessary to make midyear salary adjustments for the remainder of the Fifties. Ironically. After the Commission had determined that a fall survey would be unnecessary in 1960. The Board requested one -- and the Commission declined, saying that. If the policy required change, a meeting should be held.

Salary policy relative to building trades classes changed, also. Conversion from salary ranges to hourly rates took place in 1956 with the implementation of the new "AGC-II%" formula. The new rates were based on labor contracts negotiated by craft unions and the Associated General Contractors. Negotiations with some crafts were scheduled each year at a time when results could not be achieved in time for salary recommendations that were to go into effect on July "1. In 1958, salary recommendations for building trades classes were deferred until July, with an effective date of August 1. This new schedule became standard practice thereafter.

Another matter important to the building trades simmered throughout the later Fifties. In 1955, the Personnel Commission had sponsored legislation to enable a school district to establish apprenticeships. Although the statute became law in 1956, apprenticeships did not commence until 1961. Because of the peculiarities of apprenticeships, the employees were exempted by law from the Classified Service, although the Commission had certain responsibilities relative to their positions.

Also in 1955, the Commission sponsored legislation that enabled "dual certification", i.e., the procedure of merging open and promotional lists for the purpose of certifying eligibles. The new statute went into effect in 1956; however, because employee organizations viewed this procedure with suspicion, if not downright hostility, it was applied sparingly for many years.

In 1955-56, the Personnel Director chaired a committee that developed plans for an employee suggestion plan. On February 3, 1958, the suggestion plan began operation. It was hailed in the Commission's annual report as the first for any school district in the country. Among the noteworthy events or items of information of this period are the following:

In 1957, classified employees became members of the State Employees' Retirement System (now known as the Public Employees' Retirement System). Certificated employees remained in the Districts-Retirement System.

Because the State Employees-Retirement System required that all employees have a uniform pay period, cafeteria personnel were restored to the calendar-month payroll in 1958.

The Commission's annual report for 1957-58 noted that plans were being made for an electronic data processing system and commented that changes in organization, procedures, and rules, classifications, and data resources were anticipated. Also, the report noted that the data processing "system may take several years to become completely operative.

The first target of the new electronic data processing system was payroll administration. That system required pay periods with a uniform number of hours; therefore, in May 1960, all employees were placed on a new payroll schedule, with 28-day (160-hour) pay periods.

Between 1956 and 1960, the Classified Service grew from 8,202 to 11,060 employees, an increase of about 35 percent. During the same period, the number of classifications went up about 14 percent, from 540 to 616.

Disciplinary actions and appeals did not present a heavy workload. Of 52 formal disciplinary actions in 1955-56, only two were appealed. In 1957-58, there were 43 actions and four appeals, and, in 1959-60, there were 55 actions and six appeals.

The participants in the JSS conducted a fringe benefit survey of 98 large firms in 1958. The data did not produce any action, or even recommendation, relative to the Classified Service. However, in 1960, the Property Owners' Tax Association complained that the Board paid its employees too much because their fringe benefits exceeded those of employees in the private sector. The concept of "total compensation", which was already recognized in building-trades wage policy, was to be evaluated during the following year.

The membership of the Commission was unchanged during this five-year period; however, the technical staff experienced both turnover and growth. Two of the original 1936 staff, Harold Barden and Helen Sparks, retired in 1957. Between 1956 and 1960, the technical staff grew from nine to 13 employees, and only three of the 1956 group remained in 1960.

The later Fifties are marked by the absence of serious conflict or crisis and by cooperation in dealing with growth and change. The outlook for the Classified Service and the Merit System was positive, indeed.

CHAPTER EIGHT CONFLICT RESUMED (1961-65)

As noted in the previous chapter, a study was to be made in 1961 of the "total compensation" approach to salary setting. In that approach, one considers the value of fringe benefits in making comparisons with community rates. That practice was in limited use relative to building trades salaries;³¹ if it were extended to others, direct salary costs would be reduced, for, at that time, fringe benefits in public agencies exceeded those in private firms, except at the management level. Active interest in "total compensation" comparisons waned in early 1961 when the Budget and Finance Committee failed to respond to communications from the Commission about a proposed joint study. Other matters soon diverted attention.

In 1961, Town Hall³² published a report on a study of the Joint Salary Survey, giving it high marks for design, methodology, and objectivity. However, the Town Hall report did present several recommendations, the most important of which was a revision of the Master Salary Schedule in order to enable more precise allocations of classes based on JSS data. The proposed revision would retain the existing ranges and rates, but insert new ranges at the midpoints of intervals between them ^{***33}

The staff and two Commissioners were less than enthusiastic, and some employee organizations strongly opposed the change. In 1962, the Commission withheld action, waiting to see what the City and County would do. When neither agency made a change, the Commission retained the old Master Salary Schedule. A year later, the County and the School Districts adopted the revised Master Salary Schedule.

With only 2.8 percent between successive ranges, policy on midyear salary adjustments was affected. Under existing policy, a salary increase was recommended if the majority of survey indices* were at or above the halfway point between salary ranges. If applied to the new Master Salary Schedule, that policy would have caused midyear increases for most classes. After a joint meeting with the Budget and Finance Committee in April 1964, the Commission revised its policy on midyear salary adjustments; the new policy required that all four survey indices be at least one full salary range above the current schedule in order for the key class (and related classes) to get a midyear adjustment.

The Master Salary Schedule was revised in 1961, also, when the Board and organizations joined in asking the Commission to approve rounding up all pay period rates to the next higher whole dollar. The announced purpose was to compensate cafeteria personnel for part of annual earnings lost because of the 1960 change from the calendar-month to the school month payroll cycle. The Commission found that the proposed change was inadequate to recompense cafeteria personnel and

³¹ Building trades wages were set by deducting eleven percent from the rates set in contracts between unions and the Associated General Contractors. The deduction was supposed to offset the value of fringe benefits.

³² Commissioner William B. Miller was Executive Secretary of Town Hall, a prestigious civic organization.

³³ Those intervals were about 5.7 percent; however, they were commonly referred to as "about five and one-half percent". The new ranges were therefore, "about 2.75 percent" apart.

inappropriate for other employees. While the Commission did not endorse rounding up, it left the matter to the discretion of the Board, which approved the change. ^{*34}

The recurrent problem with the effective date of annual salary adjustments was complicated by the change to a special school-month payroll calendar, because July 1 seldom falls at the beginning of a pay period and because salary adjustments at other than the beginning of a pay period place burdens on time reporting. Budget problems in 1961 and 1962 led to deferral of effective dates for other reasons; however, the Commission's policy was to recommend salary adjustments at the beginning of the pay period that included July 1 or on July 1.

Another continuing problem was compensation for executive and administrative classes. The Commission attempted to maintain reasonable differentials between the salaries of successive levels of management, a policy that requires top salaries to rise at the same rate as those at lower levels. Meanwhile, the Board failed to keep pace with salary adjustments for high level certificated classes. In an effort to resolve the problem, in 1961, the Budget and Finance Committee asked the Commission and the Personnel Division to develop a formula for the annual adjustment of both certificated and classified management salaries. The result was a modification of the Executive/Administrative Salary Trend Survey to include some top-level jobs in school districts. In addition, the Commission removed 21 classes from the Master Salary Schedule, placing them on a new "E" (for executive) schedule that included three-step salary ranges. The rates on those ranges were to be changed each year by the exact percentage rate of movement shown by the Trend Survey. Despite these accommodations, the Board requested separation of 1961 salary recommendations for these 21 classes^{*35}; the Commission refused.

The problem was the relationship between salaries of classified and certificated managers, the highest of which is the Superintendent of Schools. In 1961-62, the Superintendent's salary was not increased; in 1962-63, a new Superintendent began at a reduced salary. Obviously, problems of salary compression are exacerbated when the salary of the top job is depressed. Each year, salary adjustments of classified management became a problem. In 1964, the Commission abandoned the "EII" schedule and restored classified management classes to the Master Salary Schedule, thus preventing the Board from acting on their salary adjustments separately from those for other classes. The accommodations made in 1961 in the hope of cooperation had failed.

In 1965, the Los Angeles City and County School Employees' Union successfully sponsored legislation that established in the Education Code the requirement that the Los Angeles Districts pay "prevailing wages" to classified employees. The language of the new Code section was peculiar in that it required the Districts to follow the same practice as the City if the City had a prevailing wage provision in its Charter. Thereafter, until the advent of collective bargaining in the later Seventies, the Personnel Commission had total authority over the determination of salaries for classified personnel, for the Commission determined the prevailing rates and the salary relationships between classes, and, according to case law, the Board could

³⁴ Those indices were first and third quartiles (which were compared to the first and fifth steps of a range), median, and weighed average (which were compared to the third step of the range).

³⁵ The increase recommended was only 4.0 percent. All but the Business Manager received the raise.

not defer the effective date of annual salary adjustments. The almost annual anxiety over whether, when, and how much disappeared as it became clear that, no matter what financial conditions existed, classified salary recommendations were, in effect, mandatory adjustments.

Aside from salary policies, the single most important issue of the early Sixties was the often successful effort to place higher level jobs in the Certificated Service by means of requiring administrative credentials. The law limited that practice to positions with "primary responsibility" in specified areas. However, the language of the law was, of necessity, less than precise, and it was easy to describe a position in words that satisfied the law, as contrasted with objectively depicting assigned duties. This technique enabled the Board and the administration to make selections of personnel without concern for eligibility lists. Also, it led to disputes with the Personnel Commission and staff that were routinely referred to the County Counsel's staff for resolution. The following case history will demonstrate some of the reasons for the frustration of the Commission, its staff, and employee representatives in regard to this issue.

On December 28, 1960, the Board abolished the classified position of Deputy Budget Director and established two certificated positions, Administrative Coordinator (Budget) and Legislation and Special Projects Coordinator. (The latter was to be the Districts' lobbyist in Sacramento.) The Commission requested an informal County Counsel opinion on whether the law permitted the requirement of credentials for these positions.

On January 30, 1961, the Assistant County Counsel replied in a 23-page memorandum. The opinion found that the Administrative Coordinator (Budget) position was certificated because (in the words of the law) its primary responsibility was to supervise the preparation of budgets of funds for educational purposes.³⁶ The Legislation and Special Projects Coordinator position also was certificated, in this case because this non supervisory position had, as its "primary responsibility", the supervision of the interpretation and evaluation of information from an educational standpoint.

In 1963, the California School Employee's Association (CSEA) sponsored AB 404, which was enacted in 1965, after a prolonged and bitter battle. That Bill prohibited requiring a credential for business manager positions and deleted credential requirements for positions involved in budgeting; planning educational housing, supplies, and equipment; and interpreting and evaluating school-related information. As a result, the Administrative Coordinator (Budget) position was eventually restored to the classified service. However, when the question was raised in 1967 regarding lobbyist positions, a new basis was found for the requirement of credentials; since that time, they have been engaged in "coordinating educational research".

³⁶ This opinion is especially notable because of the rationale that because the sole purpose of a school district is education, all funds are expended "for educational purposes:.

The Commission and its staff actively supported AB 404. Despite the fact that the Board took no position on the Bill, its lobbyist actively opposed it. Staff relations with the administration were damaged over this issue and continued to suffer after its passage when the Commission staff blocked administration efforts to require for the schoolhouse planner class certain courses available only to graduate students in colleges of education.

Amid the strife described above, the work of the Commission went on, and many other events took place. A few of the more notable features of the period are summarized below:

The classified service grew from 11,493 employees in 1961 to 13,653 employees in 1965.

Disciplinary actions and appeals continued at a low rate. For example, in 1963-64, there were 46 actions and three appeals. In 1964-65, there were 40 actions and nine appeals.

The failure of a bond election in 1962 was the first time since World War II that the electorate had not approved school construction bonds. It resulted in the first significant layoff of classified employees in the history of the merit system. While rules on seniority and reemployment existed, they required considerable study, interpretation, and amendment in order to deal with unforeseen circumstances.

Concern grew over delays in getting prompt hearing officer services from the State. The Commission experimented with the employment of others as hearing officers, but heard most appeals itself.

In 1962, the Commission addressed the Board on the need for coordination with the City and County relative to salary policies. In a prophetic comment, the Commission said: Our fear is that independent action by individual jurisdictions can only result in a return to the situation of confusion and pressure- group influence which existed prior to achievement of the cooperation and coordination referred to above. An alternative possibility is that a process of collective bargaining, already considered at several sessions of the State Legislature, might be substituted for the objective bases for wage recommendations. It is the view of the Personnel Commission that such a change would be counter to the interests of employees as well as to the interests other parties concerned.

In 1963, the concept of the "shortened range" came into existence for application in cases where the inter-quartile range of data from the JSS or other survey had a span of less than 25 percent. In general, the third quartile figure was matched to the fifth step of a salary range, and then steps at the bottom of the range were deleted until the hiring rate and the first quartile of survey data were reasonably close.

In 1962, the Topanga Elementary School District was annexed to the Los Angeles Unified School District. The small group of Topanga employees was "blanketed in" to appropriate classes in the Classified Service, with status as permanent employees.

In 1963, by means of a change in law, about 300 "child care employees" became part of the Classified Service. In addition to those employed in the children's centers, some worked in central offices in positions established in the Child Care Fund.

In 1965 and 1966, the Joint Salary Survey was conducted in cooperation with a survey made at the same time of year by the State Personnel Board and U. S. Bureau of Labor Statistics. In 1964, a Head Custodian filed suit against the Commission for refusing to reclassify him with his position. As a third party to the issue, the Board planned to intervene with the argument that the Commission's power to reclassify usurped the Board's power to appoint and promote employees. Eventually, the suit was closed for failure to prosecute, but it did result in clarification of the rule.

The "longevity" issue was revisited. In 1965, a staff report on community practice led employee representatives to switch their goal from salary increases to improved vacation benefits for long term employees.

During this period, a study revealed that some student employees, especially at the colleges, were performing duties far above the level at which they were paid. After a County Counsel opinion affirmed the Commission's authority over classification of positions, the Commission abolished the classes of Student Worker and Student Assistant and advised the administration that students, like others, should be paid according to the work assigned to them, rather than their academic status.

In 1965, the Commission sponsored legislation that enabled the placement of partially handicapped employees in higher-paid positions, provided that no salary increase was granted until the employee achieved promotion through regular competitive procedures. Commissioner William B. Miller died in 1963, after about 19 years of service. He was replaced by Ward S. Keller.

The major issue of the early Sixties was not resolved by the passage of AB 404 in 1965. Despite dire predictions, the District did not fall apart because non credentialed persons began to assume certain responsibilities. That fact did not deter the administration from pursuing the of credentials for other kinds of positions. Eventually, the heat generated by this issue dissipated as other problems came to the fore.

CHAPTER NINE THE PACE OF CHANGE (1966-70)

All living organisms change; so do organizations. It is not the fact, but the pace or frequency of change that is notable. In the later Sixties, several forces interacted to produce profound changes in the Classified Service and the manner of its administration.

The first of these changes had little effect on the Districts; instead, it was a signal of things to come. In 1965, the Legislature enacted a statute, known as the Winton Act that provided for the formal recognition of school employee organizations and required that governing boards "meet and confer" with their representatives. (Increasingly militant employee organizations were in competition for the large body of mostly nonunion public employees in school districts and at other levels of government.) The Winton Act fell far short of formal collective bargaining and was, therefore, unsatisfactory to unions, whose representatives referred to it as the "collective begging" bill. The Winton Act was a harbinger, rather than a realization, of change. It probably served to delay the enactment of a real collective bargaining statute.

The second change was the beginning of federally funded programs that combined assistance to education with economic assistance for the disadvantaged. They did so by requiring that some kinds of positions be filled only by residents of the target area and only by members of low-income families. These requirements were inconsistent with the merit system law, which contemplates equal opportunity and "selection of the fittest". The first program with these employment requirements appeared in 1964; because of incompatibility with the merit system law, "parent education helpers" had to be employed by the "Neighborhood Adult Participation Programs", rather than the Districts. However, it was apparent that that expediency would not be available in relation to larger programs in development. In 1966, the Personnel Commission approved a staff-proposed item of legislation that would have exempted federally funded positions from the Classified Service. Because of opposition by Districts administrators, that idea was replaced by a bill (enacted in 1967) that provided a new form of non regular status, called "restricted", for employees in specially funded positions for which the funding agency prescribed employment requirements of residency or low income. Effective September 1, 1967, the Commission established Rule 518, which provides for the special conditions and procedures of "restricted" employment. Simultaneously, the classes of Education Aide I, II, and III were established for positions funded by the Elementary and Secondary Education Act. From the beginning of about 50 positions in 1967-68, the number of Education Aides grew to more than 1,100 in 1969-70. Classroom aides later became the largest group of classified employees in the District.

Like many other changes, the third grew out of financial problems. Both the Unified District and the Junior College District were financed primarily by State funds and local property taxes. For each District, there was a ceiling on the rate that could be levied on property for general purpose taxes. Tax rates were at or close to those ceilings, and costs continued to grow faster than income. However, there were, in addition, certain special-purpose taxes that could be added to the general-purpose

tax;³⁷ in 1966, the State Legislature provided a tax-override option for merit system school districts to raise funds for the costs of personnel commission budgets. That override began to be used in 1966 for the 1966-67 budgets. During 1967, an extremely large backlog of examinations created pressures, and, by 1968, the Los Angeles City and County School Employee's Union, Local 99, had recommended that the Board transfer the Classified Personnel Branch³⁸ to the Personnel Commission for direct administration. While many words were expended on other potential benefits of the transfer, the real reason was that it shifted about a million dollars in costs from the general purpose tax to the tax override, thus freeing a million dollars worth of taxing power for other expenditures. The transfer took place on March 9, 1969; simultaneously, ten new positions were added to the staff of the Classified Personnel Branch. At that time, there was a backlog³⁹ of 61 examinations; by June 1970, the backlog was down to nine.

In 1967, the fourth major change of the period was introduced in the form of Senate Bill 128, which provided for the separation of the Junior College District from the Unified School District. The proposed separation caused a great deal of concern about employee options, rights, and status, and Commission meetings provided a forum for discussions that included junior college administrators and employee representatives. SB 128 was enacted with an effective date of July 1, 1969, thus providing a period of preparation. The Commission assisted by establishing more than 200 classes, mostly duplicates of existing classes with the word "College" added to the titles. Current employees had the right to choose their employer district, but new hires in the "College" classes were employees of the Junior College District.

By law, the Junior College District (later the Community College District) automatically had the merit system for its classified personnel. In February and March 1969, respectively, Harold Jaeger and Winston Crouch were appointed to the new Personnel Commission. Thereafter, the Junior College District Commission and the Unified District Commission met in joint sessions, with the College Commission voting on many matters affecting that District, even though it did not officially exist as a separate entity until July 1.

The fifth major event was also financial in nature, and it reflected a change in the public's attitude toward taxation for the support of public education. Ballot measures to raise the ceiling on general-purpose taxes or to sell bonds for construction required a two-thirds majority. Despite that fact, since World War II, several such measures had been approved.

A bond measure had failed in 1962, and its failure caused some layoffs. However, in 1969, both bond and tax-ceiling propositions failed, and, in 1970, a second effort to raise the tax ceiling was again defeated.

Several hundred classified positions were eliminated in 1969, and many employees took reductions in class or working time, but, partly because the Junior College District provided jobs for some, only about 50 employees were actually

³⁷ Another tax override related to employee health and welfare programs. Out of that optional tax came the District medical-hospital and other insurance programs, most of which were created to compensate for the inability to provide adequate pay increases for certificated personnel.

³⁸ Later known as the Classified Employment Branch.

³⁹ "Backlog" refers to an examination requested, but not yet started.

terminated. The 1970 scene was much worse, as about 1,700^{*40} classified positions were eliminated. For weeks, the Classified Personnel Branch poured most of its resources into determining seniority rights, effecting placements, finding job opportunities elsewhere, and counseling departing employees. The effect of the layoff on the Classified Service was severe, and the damage to the District's image as a place of secure employment was both profound and long lasting.

In the Sixties, many public agencies were seeking methods of reconciling affirmative action concepts with the basic goal of the merit system, selection of the fittest as demonstrated by competitive examination. The Commission began by eliminating the requirement of high school graduation from the entrance qualifications of all classes -- a 1968 move vigorously opposed by District administrators. In 1969, the Commission assumed responsibility for the administration of the Classified Personnel Branch and, with it, responsibility for improved recruitment of minorities, development of valid examinations that are as free as possible of ethnic and cultural bias, improved training of raters in examinations, and other matters designed to provide minorities with real equality of opportunity. Because of the tax override, additional resources could be and were devoted to these goals.

Prior to this period, the Commission had enjoyed a long stretch of stability in membership. That period came to an end in 1968, when all three Commissioners died in the space of about five months. They were replaced by John Crowley, Dr. Lloyd Bailer, and Or. Emery Olson. Or. Bailer resigned in December 1969 and was replaced by Harold Jaeger.^{*41}

Following is a potpourri of facts and comments about some of the more interesting features of this period:

At the end of 1965-66, there were 13,870 classified employees in 695 classes. Prior to the 1970 layoffs, there were 15,332 classified employees in 725 classes. Almost all of the growth is attributable to the addition of about 300 child care employees and more than 1,100 classroom aides in federally funded programs. Clearly, the boom of the Fifties had expired.

Coincidental with and probably related to the advent of specially funded programs, there was a sharp rise in the number of disciplinary actions, from 56 in 1965-66 to 114 in 1968-69 and 126 in the following year. Many were related to attendance or abandonment of position, a phenomenon partly explained by the fact that most of the new positions were part-time, school year assignments.

Despite the jump in numbers of actions, only three employees appealed in 1968-69, and only five in 1969-70. Despite the small number of appeals, the Commission ceased hearing appeals itself. The promptness of the State in providing hearing officer services continued to be of concern. In 1969, the Commission considered employing a hearing officer, in contrast with contracting for services, but dropped the idea.

⁴⁰ That was more than ten percent of the Classified Service and represented a much higher percentage of the General Fund classified positions.

⁴¹ Mr. Jaeger was an original member of the Junior College District Personnel Commission and continued to serve on that Commission until December 1970, when his term expired.

In 1967, the experimental coordination of the Joint Salary Survey with that of the State Personnel Board and U.S. Bureau of Labor Statistics came to an end. All (then four) JSS participants approved the termination of the arrangement.

In 1968, Commission policy on midyear salary adjustments was liberalized. (See Chapter Eight for a description of the policy that was approved in 1964.) Thereafter, in order for a salary increase to be recommended for a key class and related classes, all four statistical indices of survey data had to be at least half way to the next higher salary range. In addition, midyear adjustments were to reflect changes in building trade wages that went into effect between August 1 and January 1 each year.

At long last, longevity came in for reward, but not without a final struggle. In 1966, the Personnel and Schools Committee approved a plan that provided an additional week of vacation each year after the first 20. The Commission pointed out that the recent fringe benefits survey indicated that community practice supported 1120 days after 20 years", but did not support the Districts' practice of granting new employees 15 days of vacation a year. The matter was referred back to the Board and, eventually, to the Budget and Finance Committee, where it languished without decision for about one and one-half years. After agreement was reached, the Commission developed two options for decision by the Board^{**42}, which approved a new vacation plan that provided ten days of vacation during each of the first four years of employment; 15 days, during years five through 15; and one additional day each year for years 16 through 20.

In 1967, the Commission sponsored a bill that reduced the time-in-position requirement for reclassification of an incumbent from five years to three. This legislation also introduced the concept of "gradual accretion" of higher level duties as the basis for reclassification of an incumbent.

In 1967, the California School Boards Association sponsored legislation that would have required that a personnel commission budget be subject to the approval of the governing board.^{**43} The Board of Education supported the Commission in opposing the bill, and it was defeated.

A bill passed in 1969 required that a classified employee be compensated for performing duties inconsistent with classification. As a result, the Commission established Rule 581, which provides for a differential for the incumbent of a reclassified position when the effective date of reclassification must be deferred to allow time for an examination. Later, the County Counsel's staff advised that the new law applied only to temporary out-of-class duties, but Rule 581 was retained as a matter of equity.

In 1968, the form used for annual performance evaluations was revised to ask the opinions of the incumbent and supervisor on whether the position was properly classified. The staff began an annual follow-up on all negative answers.

⁴² By law, the Board decided how much vacation to grant, and the Commission provided a procedural rule. At that time, the law did not require a school district to provide vacations for employees.

⁴³ Many school districts were having new experiences of dealing with the merit system. As a result of 1965 legislation, classified employees could "vote in" the merit system and did so in more than 80 districts in addition to the 14 pre-1965 merit-system districts.

After the failure of a school-bonds measure in the 1969 spring election, the staff of the Architecture and Engineering Branch was cut from 81 to 64. (There had also been a reduction in 1962.) In the hope of preserving jobs, an employee organization filed suit and obtained a preliminary injunction that prohibited contracting for architectural and engineering services. The District countered by getting legislation passed that specifically enabled contracting for such work. In the fall, the court approved a compromise and amended the injunction to prohibit further reduction of the staff and to require that the Personnel Commission give advance approval to proposed contracts. Until the issue expired a few years later, the Commission had a new duty, assigned by the court, probably because the Commission was a neutral party that was trusted by the employee organization.

Again in 1970, salary policy relative to building trades classes was amended, this time in relation to the value of fringe benefits. The "formula" provided a deduction of 11 percent from journeyman wage rates in union contracts in order to offset the value of fringe benefits. However, some craft unions had been negotiating improvements in their benefits and felt that, for them, 11 percent was too great a deduction. In the new "formula", the benefits in each union contract were compared with those of the District, and the deduction, if any, was determined for each craft individually.

In 1969, Local 99 distributed a leaflet that advised employees to request paid personal necessity leave if faced with a picket line that they would not cross to report for work. The Superintendent announced that personal necessity leave would not be allowed for that purpose. Local 99 asked the Commission to support its stand; instead, the Commission supported the Superintendent.

The portent of the picket-line issue was almost realized in 1970 when the largest teacher organization called a strike.^{*44} In competition for funding of jobs in the 197071 budget, Local 99 followed suit in a strike that fizzled out after a few days with little public attention.^{** 45}

The Sixties ended with the District in severe financial trouble and with relations with certificated employees in disarray. In contrast, it was during this period that the Personnel Commission achieved a scope of authority over classified personnel administration that was probably unforeseen by the founders of the merit system. Not only had the Commission assumed direct responsibility for selection and assignment of personnel, but also, right or wrong, its annual salary recommendations had the force of law, at least in the minds of interested parties.

At the time, the health of the Classified Service seemed threatened only by the inadequacy of financial support of public education. Most other major issues of relative powers of Commission and Board seemed to be settled. In reality, the privileged position of classified personnel relative to salary increases and the increased authority of the Commission added to animosities that are the natural result of frustrated wishes. The spread of the merit system to more than 80 additional school districts fueled the fires of opposition, for many were served by

⁴⁴ The District did not have money for salary increases; in fact, the failure of a tax-ceiling proposition brought about huge reductions. In large part, the strike was intended to impress upon the public the need for increased financial support of public education.

⁴⁵ A local 99 business agent once referred to it as "the time we gave a strike and nobody came".

personnel directors with inadequate skills and, unfortunately, sometimes less than the best motives. Without noticing, the advocates of the merit system were shifting from an attitude of striving for effective and independent authority to a posture of defense. The initiative was passing to others with far different goals.

CHAPTER TEN REVERSALS (1971-1975)

"Setting salaries for public employees became a matter of increasing controversy during 1970-71. The factors which are brought to bear on the salary-setting process in the public service are conflicting and appear, at times, to be irreconcilable. On the one hand, there is generally a high rate of unemployment, local governments are in a continuing fiscal crisis, taxes continue to rise, and there is some dissatisfaction with the responsiveness of government to community needs. These factors are cited by those who would put restraints on the salaries of public employees. On the other hand, the cost-of-living continued to rise at a significant rate, wage settlements without precedent in recent years were won in private industry, and organizations representing public employees are gaining a greater voice in the decision-making process which establishes their salaries and other conditions of employment ,"

The foregoing quotation appears in the Commission's Annual Report for 1970-71 as a preamble to a reaffirmation of the prevailing wage policy. In addition, it described a set of conditions that led or contributed to a change in the direction of classified personnel administration in California school districts and in this District, in particular.

The conditions described above were not unique to California. The economy of the nation was in turmoil to the extent that the President intervened with a wage/price freeze, an executive action that may have been unprecedented with the nation at peace. The freeze was in effect for 90 days during the summer and fall of 1971. During that period, new hires were paid at 1970-71 rates, while continuing employees received their increases for 1971-72. At the end of the freeze, all were placed on 1971-72 rates.

The freeze was followed by wage controls under a "guideline" that permitted a maximum increase (on the average) of 5.5 percent a year. All salary increases required prior approval from new federal agencies. The effect of this cap on wages was not perceptible, for, in 1973-74, the Consumer Price Index rose at the rate of about one percent a month, and the Joint Salary Survey reported average wage increases substantially greater than 5.5 percent for many bench-mark jobs. Whatever their value, federal wage controls were terminated on April 29, 1974.

The wage cap probably helped the District to survive the economic stress of the period. The chronic shortage of funding for public education and the high rate of inflation in costs of operation was so severe that, in 1972, the Board approved a plan to cut the work week to 37-1/2 hours and to provide a one- or two-week unpaid "furlough" for 12-month employees. Fortunately, those reductions proved to be unnecessary. Again in 1975, "furloughs" were approved, and then rescinded. These conditions made classified employees uncertain about the security of their employment even when they had sufficient seniority to avoid layoff.

There was, however, inconsistency in the financial picture and in the Board's attitude toward expenditures for salary increases. In 1973, the Board initially rejected

the Commission's annual salary recommendations because it felt that the classes of Custodian and Watchman and their related classes were not paid enough. Eventually, the recommendations were approved, subject to further study of these classes.^{*46} In 1974, inflation was so intense that, in addition to recommendations resulting from the JSS, the Commission proposed an additional one schedule (2.8 percent), across-the-board increase effective in January 1975. The Board rejected that recommendation, but, in September, granted special two-percent "salary bonus" to many lower-paid employees for the remainder of 1974-75 only.

The wages of employees in the skilled trades were subject to particular criticism, primarily because their unions had been so successful in negotiating wage increases. In some contracts, fringe benefits had been improved to the point that they exceeded in value those provided by the District. The demand for containment of craft salary increases was so strong that a new "continuity-of-employment II factor" was introduced in 1975. The underlying theory of this factor was that construction-industry wages were inflated because of the lack of continuous employment and that some wage reduction should be made in recognition of the fact that District employees were guaranteed 40 hours a week the year around. Amid controversy, the Commission adopted a new formula, using 135 hours as the "offset" in making wage recommendations for 1975-76. Under the provisions of the Winton Act, the Building and Construction Trades Council met and conferred with District representatives and reached an agreement that reduced the "offset" to 75 hours. Despite the Council IS achievement in reducing the "of f set", the continuity-of-employment factor had now been recognized by all parties as a legitimate part of the salary-setting process.

During this period, the Commission strove to conserve salary funds for the District, while adhering to principle. There was considerable resentment because salary recommendations contributed to the strain on financial resources; yet, there were times when the Board overrode Commission recommendations by granting additional salary increases. Intentional or not, these episodes undermined the Commission's authority and image.

The financial problems of the early Seventies led to a major reform in State financial support of public education. In 1972, S8 90 eliminated most special-purpose tax overrides, including the one that paid the costs of the Personnel Commission's budget. By 1973, it was apparent that the Superintendent wanted to restore the Classified Personnel Branch^{*47} to the Personnel Division. Opposition by the Commission, the staff of the Branch, and employee organizations was not persuasive. The Superintendent's message to the Board was simply that there was no longer any fiscal advantage to having the Classified Personnel Branch under the Commission's administration; to other cited advantages, he did not respond. On April 14, 1974, about five years after transfer to the Commission, the Branch was transferred back to the Personnel Division. During that five-year period, giant steps had been taken relative to representation of minorities among both candidates and raters, reduction of examination backlog, upgrading of equipment, and decentralization of recruitment, testing, and induction activities. In addition, the

⁴⁶ Custodian eventually received a one-schedule (2.8 percent) increase; Watchman received no increase for 1973-74.

⁴⁷ Later the Classified Employment Branch.

Branch had assumed new responsibilities in relation to federal employment programs, including some counseling and out-placement functions. Many feared that the transfer to the Personnel Division was merely a preamble to reduction in the resources necessary to carry out these tasks. *Later the Classified Employment Branch. Despite the financial straits of the District, including layoffs, limited salary increases, and the threat of "furlough", classified employee organizations remained staunch supporters of the status ~ in personnel administration. Meanwhile, the shift to collective bargaining was attracting greater attention each year. Recognizing the trend, the Commission sponsored legislation that applied solely to this District and would have established a system short of full collective bargaining, but far superior, in the eyes of employee organizations, to the "collective begging" of the Winton Act. Although the Board took no position on AB 1775, the administration opposed it. With the support of employee organizations, AB 1775 passed both houses of the Legislature in 1974, only to be vetoed by Governor Reagan.

A year later, SB 160, known informally as the Rodda Act, was enacted, imposing on this District a statutory requirement for' collective bargaining despite the request by employee organizations that this District be exempt. The unfortunate truth was that employees in many other school districts felt a need for a stronger voice in the decisions that affected them and that unions foresaw great advantages to themselves in the new statute. Throughout the years that led to the Rodda Act, the question of scope of representation was discussed many times, and assurances were given that the system of selection and promotion on the basis of merit and the authorities of a personnel commission stated in the law were not negotiable. The new law went into effect on July 1, 1976; even before that date, legislation was introduced that would have expanded the scope of representation (e.g., to include position classification) and would have made negotiated agreements superior to the law, including the Merit System Act. Senator Rodda was influential in defeating this bill, which was the first of many efforts to broaden the scope of subjects that could be negotiated. Legislative efforts of this type have failed, but labor has fared better in achieving "interpretations" by the Public Employee Relations Board that, on their face, seem to fly in the face of the language of the statute.

So quickly did the triumphs of the Sixties turn to dust? The integration of the classified personnel program had lasted only five years, and the record of those five years was irrelevant to the decision on transfer of the Classified Personnel Branch. With the advent of collective bargaining, the Commission's authority over classified salaries was about to end. With that authority gone, the special role of the Commission and staff as neutrals in employer-employee relations would be greatly diminished. The prevailing wage policy, which was established in law, would be superseded by negotiated rates, which management and labor would designate as reviling community rates in order to satisfy the law, regardless of the facts. The changes resulting from the Rodda Act were not instantaneous, for collective bargaining could not occur until bargaining units were determined and representation elections were held. It was some time before the potential was fully recognized, as indicated by the following comment in the Commission's Annual Report for 1975-76: "There was an increased interest during the year in utilizing the concept of total compensation as a means of determining salaries for classified employees. • • • During the 1976-77 fiscal year, additional studies will be made to determine if such an approach could be used in establishing future salaries for classified employees."

The Commission and staff could study all it wished, but salaries and benefits were the heart of the scope of representation and would no longer be the business of the Commission when exclusive representatives were chosen and bargaining could proceed. Some highlights of other Commission concerns are summarized below: 1971, about 30 class titles were changed to delete real or implied restriction of employment to one sex. In 1972, a recruitment brochure was revised because its photographs showed only male Custodians and only female Cafeteria Workers. In 1975, more than 80 titles were revised to replace terms with the suffix "-man", such as "foreman" and "repairman", in 1971, the District became a subcontractor of both the City and County in the federal jobs program known as the Emergency Employment Act (EEA). By the middle of 1972, more than 1,000 positions had been created by means of EEA funds. The Act required hiring of the unemployed or underemployed who resided in the target area, gave preference to minorities and to Viet Nam and Korean War veterans, and set goals for the absorption of participants into non subsidized jobs. Jobs were created in many classes, including professional levels; they helped to alleviate local unemployment caused, in part, by layoffs in the aircraft and aerospace industries. In 1974, the Emergency Employment Act expired, and the EEA program was replaced by the Comprehensive Employment and Training Act (CETA) program. The new program continued to require employment of the disadvantaged; however, its emphasis was on training. A ceiling was placed on salaries payable to CETA participants, whose employment. In the program was limited in duration. Several new, trainee classes were established in order to accommodate the program.

The problem of how to treat incumbents when positions are reclassified again drew attention. For years, the rule had required that, except when ~ positions in a class were reclassified upward, an incumbent could be reclassified with the position only if he had passed an examination appropriate for the higher class. The examination requirement was deleted in 1972 on the rationale that performance of the higher-level duties was a more valid test than an examination. The period was exceptionally productive of major classification studies, including all clerical positions in elementary, secondary, and adult schools; classroom aide positions in special education; accounting clerks; personnel clerks; plant managers; and others. The large number of position audits produced data that led to reliance on factor-point evaluation as the primary basis for comparison of clerical classes and positions.

In 1972, the Commission dealt with a facet of the tremendous increase in federal subsidies of school meals by establishing a new rule that provided for "responsibility differential s", i.e., higher pay for some positions in a class because of a measurable difference in responsibility. After the initial application of the rule to cafeteria managers, it was used for a few other classes, thus avoiding the need for reclassifications and examinations in order to assure proper compensation. The original Merit System Act provided for the appointment of members of personnel commissions by State officials. The obvious purpose was to help avoid the intrusion of local politics into the administration of the merit system. When the law was changed in 1965 to permit adoption of the merit system by vote of the employees, the method of appointment of commissioners was altered, but only for new (post 1965) merit system districts. In 1971, the Commission and employee organizations joined in a successful effort to oppose legislation that would have eliminated the original method of appointment of commissioners for "pre- '65" merit system

districts. Also part of the original Merit System Act was the "rule of two", which means that one of the highest two eligibles on the list must be chosen when a vacancy is filled. The same bill that dealt with appointment of commissioners would also have changed from the "rule of two" to the "rule of three". As noted above, that bill was defeated, primarily because of concern about the appointment of commissioners. However, in 1975, AB 825 not only changed the "rule of two" to "rule of three", it also introduced the concept of the "rule of three ranks", and in which all examination scores are rounded down to whole numbers and all eligibles tied on the same rank are considered equal. The "rule of three ranks" was initially applicable only to professional, administrative, and technical classes. In 1971, the Board sponsored legislation, which was written by the Commission staff that enabled the Board to specify positions as reserved for the employment of mentally handicapped persons (who could not be expected to compete successfully in examinations.)

The Merit System Act stated that the Commission had authority to grant an appeal of a disciplinary action and to restore the incumbent with back pay. The language did not contemplate any middle ground, such as reducing a penalty, expunging a record, etc. In 1971, the Commission sponsored legislation that expanded its discretionary authority in appeal matters in the interest of effecting just and workable solutions. The numbers of disciplinary actions and appeals rose sharply from the levels of the mid-Sixties. In 1970-71, there were 168 disciplinary actions and 15 appeals that were carried to hearings. In 1975-76, there were 173 actions and 29 appeals. The increases were coincidental with the advent of federally sponsored job programs and were probably caused in part by employment of persons who demonstrated reasons why they had been unemployed. Because of the increase in demand for hearings, the Commission contracted with Bicknell J. Showers for services as a hearing officer, commencing in 1971.

In 1971-72, there were 17,485 classified employees in 775 classes. By the end of 1975-76, the numbers had grown to 23,760 employees in 833 classes. Despite the annual budget agony, the Classified Service grew rapidly, primarily because of specially funded programs, such as EEA, CETA, and the Elementary and Secondary Education Act, which funded most of the growth in education aide positions, from about 1,700 in 1971-72 to more than 5,600 in 1975-76. On July 30, 1974, after almost 24 years as Personnel Director, Robert Fisher died. He had led the Commission staff from the turmoil of 1950-51 through years of growth, serving longer than any other Personnel Director to date. His successor was Larry C. White, who was promoted from Assistant Personnel Director. There was considerable turnover in the Commission during this period, which began with John Crowley, Emery Olson, and Harold Jaeger as Members; all three retired. Julius Bence replaced Mr. Jaeger in April 1973 and was himself. Replaced in October 1975, by Robert Bird. Mr. Olson was replaced in February 1975 by Mr. Adam Diehl, who served only the remainder of the unexpired term (until November 30, 1975). Mr. Crowley completed his tenure of office in 1974; E. L. (Bud) Miller was appointed in his place. The first part of the Seventies left the School District in chronic financial crisis and the Classified Service in a state of transition to collective bargaining. A new era was about to commence, an era in which the role of the Personnel Commission would be greatly diminished.

CHAPTER ELEVEN COPING WITH DISASTER

1976-80

The seeds of disaster grew rapidly during the early Seventies and reached fruition in the latter half of the decade. Two forces combined to produce effects on the Classified Service that may never be overcome. While these two forces were not completely separate in their influence on events, it is necessary to discuss them individually.

The first was financial support of public education, or the lack thereof, and its roots in inequitable taxation. The main sources of funding were local property taxation and State payments based upon average daily attendance; these two sources were supposed to be roughly equal. In fact, however, the State "share" of costs had been dwindling in relation to the local property tax for many years. The burden on property taxes was augmented by the rapidly expanding budgets of cities, counties, and special districts, all of which had to deal with inflation and most of which, unlike school districts, did not have a ceiling on their taxing powers.

In Los Angeles County, as in much of California, the value of housing was soaring. It was not unusual in the mid-Seventies to experience an increase of two percent a month in the value of one's home. With this boom, the Assessor's Office began to make reassessments more frequently than in times of slower growth. Actually, these conditions helped the District by providing increased revenue despite the ceiling on the tax rate. On the other hand, the effect on homeowners was severe, especially on those whose incomes were not keeping pace with the rate of inflation--and few were.

During this same period, State revenues from income taxes were far greater than expenditures. Rather than reduce tax rates or distribute the excess to local agencies, the Legislature banked the money, an amount that was estimated in 1978-79 at six to eight billion dollars!

This combination of factors produced a taxpayers' revolt in the form of an initiative known as Proposition 13, which was overwhelmingly approved by the voters in 1978 and which produced disastrous results for the Classified Service. Property taxes were immediately reduced drastically, and local governmental agencies took emergency actions to reduce budgets for 1978-79. In the absence of certain knowledge of the size of the potential deficit and of an increase in State aid, a condition of crisis prevailed. The Personnel Commission's Annual Report for 1978-79 described the effects of Proposition 13 in the following terms:

"The transition from fiscal year 1977-78 to 1978-79 was marred by circumstances which dealt the Classified Service blows from which it has not yet completely recovered. These actions left effects that may impact, for years to come, the quality of service being rendered to this District.

"Following passage of Proposition 13, a freeze was instituted on salary increases for all public employees in the State. The Board of Education, as part of its efforts to conserve funds, ordered a last-

minute cutback of some 8,000 employees in the Classified Service from 12-month to 10-month employment. Employee morale plummeted due to the prospect of unexpected loss of approximately eight weeks' wages, the anticipated loss of unemployment compensation, a freeze placed on salary step advancement by the Board of Education, and the threat of loss of health insurance coverage or a shift in its cost to the employee. Resignations began to escalate in number. Classified vacancies reached an all time high of about 2,850, approximately ten percent of the classified workforce, in January, 1979. It was increasingly apparent that a significant number of the classified employees viewed conditions as too damaging to continue their employment with the District. Additionally, the District was perceived by many of the public as an employer of last resort. This resulted in a deterioration of both the numbers of people applying for District jobs and the average quality of those who attained places on eligibility lists.

As the year went on, increasing expressions of concern were heard from District administrators whose functions were being impaired by the wave of resignations and the ensuing difficulties in filling all vacancies. A committee of District administrators was appointed by the Superintendent to assess the deleterious effects of the cutback and to recommend corrective actions. In February of 1979, the Board of Education returned approximately 6,900 employees to a 12month employment basis.

"By June 30, 1979, other major actions relating to employees' salaries had been taken. The State Supreme Court had overturned the Governor's freeze on public employees' salary increases and the increases, retroactive to September 1978, were approved. Also, the Board of Education had restored salary step advancement. Even with these positive events the Classified Service had not shown signs of a significant return to previous staffing levels. At the end of June the vacancies still numbered over 1,800. While this is below the January peak, it is still high when compared to the relatively consistent vacancy count of approximately 500, which the District had experienced for at least 2 years prior to the cutback.

" In the material quoted above there is reference to a salary freeze imposed by the State--an example of the Golden Rule.* What happened was that the Legislature provided "bailout" funds only if the local agency provided a salary increase not greater than that granted to State employees. When the Governor vetoed a salary increase for State employees, he vetoed salary increases for almost all public employees, except those of the U.S. Government, in the State of California.

It was ironic that, with the passage of the Rodda Act in 1976, unions were just beginning to bargain for salary increases when financial disaster left little money to bargain over. However, collective bargaining did get under way, albeit slowly in this District. The Classified Service was so ^{*48}large and had so long a history of multiple

⁴⁸ He who has the gold makes the rules.

labor organizations that it seemed odd to contemplate representation of all employees by a single union. Yet, the District tried to persuade the Educational Employee Relations Board⁴⁹ that a single "wall-to-wall" unit should be designated. When that attempt failed, EERB's hearing officer carved up the Classified Service into five units, along the occupational lines requested by employee organizations. For this reason, we find personnel examiners, systems analysts, and other professionals in the same bargaining unit as School Clerk-Typists and Data Entry Operators; presumably because there is a "community of interest", which is the only guideline set forth in the Rodda Act.

The hearings over bargaining units were so protracted that, by the end of 1978-79, only four units had completed representation elections. The attitude of the Commission was expressed in the following quotation from the 1978-79 Annual Report:

"During the past year, the District and the Classified Service had continued to implement collective bargaining procedures. Four rank-and-file units now have exclusive representatives, while one unit remains officially unrepresented pending action by the Public Employee Relations Board (PERB). In addition, a petition has been filed for representation of a unit composed of supervisory personnel. At the close of the fiscal year, negotiations were underway in efforts to define contract provisions; serious consideration of economic issues was deferred until the District's financial position could be clarified.

"These events have presented and will continue to present a variety of problems. It appears inevitable that issues will arise upon which reasonable persons will be divided. Some of those issues will probably have to be decided by outside agencies. Already, the Personnel Commission has been faced with a decision as to whether salary recommendations for classified employees not in a designated bargaining unit should be made at the traditional time or deferred to avoid influencing ongoing negotiations. This was but one of many salary policy matters to be addressed because of the alignment of employees into bargaining units and the separation of management employees from supervisory employees, and the latter, in turn, from non-supervisory employees.

"These separations, which were imposed by State statute upon a smoothly functioning Classified Service, have already begun to polarize attitudes; in addition, they will impact established internal salary relationships in ways which will probably appear, to some observers, to be irrational. Many salary relationships will have to be reevaluated in the coming year as new policies are developed.

"One of the major concerns of the Personnel Commission is the statutory definition of the scope of the matters which are subject to negotiation. The law clearly defines those matters and specifically excludes all other matters not enumerated in the statute. However, in

⁴⁹ Later the Public Employee Relations Board or PERB.

another district, a major employee organization has had some success with PERB in going beyond the clear language of the law and expanding the subjects of negotiation to include some not enumerated in the statute. The Personnel Commission adheres to the interpretation that position classification, salary relationships among classes, the selection program, disciplinary actions and appeals, and certain other matters are not negotiable. The Commission will resist efforts to make such matters negotiable as long as the law contains its current definition of matters subject to bargaining and the Commission is legally charged with meeting certain responsibilities.

"The Personnel Commission believes that it has served classified employees and the District for many years as a forum for consideration of problems in employment, in an atmosphere of responsiveness and judicious action free from the pressures of special interests. In the future, some kinds of problems may be resolved differently according to distinctions in agreements with the various units. However, we are confident that the Board of Education will continue to be mindful of the desirability of uniformity in many aspects of personnel administration, and we stand ready to assist the Board and its negotiators, from a nonpartisan viewpoint, in meeting that need.

"With collective bargaining a reality, the Commission was faced with the statutory mandate that it make salary recommendations for the Classified Service, even though those recommendations would have served no purpose and might have affected the bargaining process. As noted above, the Commission decided to refrain from recommending salaries for classes in represented bargaining units. The Commission was committed to the "prevailing rate policy" (as the law then required); the lack of recommendations enabled the District and the unions to label whatever was negotiated as "prevailing community rates" despite the evidence of the Joint Salary Survey and other surveys. Year by year, District salaries fell farther behind those of competing employers, and the possibility of recovery from the disastrous effects of Proposition 13 became increasingly remote.

The advent of collective bargaining in other governmental agencies brought the Joint Salary Survey to an abrupt end in 1979, when both the City and the County decided to drop out as participants, presumably because their salary-setting policies were by then dependent upon negotiations, rather than survey data.⁵⁰ As a result, the Commission staff organized a survey focused on the kinds of jobs found in school districts and enlisted the personnel commissions of three other school agencies as co-sponsors.

As noted in the preceding Chapter, the Rodda Act had not even taken effect (on July 1, 1976) when legislative attempts began for the purpose of expanding the scope of negotiations and to provide that negotiated agreements would supersede the law. Assembly Bill 3003 was defeated in 1976. Its provisions were reintroduced as Senate Bill 288, which was defeated in 1977 and, upon reconsideration, again in

⁵⁰ At that time, both the city and county were mandated to pay at least prevailing community rates. If one officially ascertains those rates, then one has limited freedom in negotiations.

January 1978. The same type of bill was introduced in April 1978 and was again defeated, only to be resurrected in 1980 and again, at last, defeated. The Commission's lobbyist led the opposition to these bills.

The other events of the late Seventies seem mundane in comparison to the matters discussed above, but some should be noted:

In 1977, long and increasing frustration led to the establishment of a new policy on the reclassification of an incumbent when a position is reclassified upward. Many parties were avoiding reporting changes in duties until three years had passed and the incumbent could be promoted without competing in an examination. The new policy was based on the concept that reclassification of an incumbent is an exception to the basic merit-system policy of promotion by means of competitive examination and that the law and rule should be strictly construed. The burden of proof or persuasion was placed on the proponent of reclassification, and the manipulation of the system was sharply reduced.

The Master Salary Schedule was again revised in 1977 by inserting two salary ranges between successive ranges. Thus, the interval between ranges was reduced to about 0.9 percent. The purpose was to facilitate a more precise application of salary survey data to District classes, thus making it possible to achieve, to a greater degree, the payment of prevailing wages."⁵¹

In 1978, another legislative attempt was made to change the method of appointment of personnel commissioners in districts that had adopted the merit system before 1965. Again, the measure was defeated.

In 1979-80, eight rules were abolished because their subjects were within the scope of representation. Among other things, these rules had provided for salary differentials for special assignments.

The staff of the Personnel Commission had grown in the early Seventies because of workload of several major classification studies. It reached its peak of 54 positions in 1974-75 and was reduced each of the next several years, at first because the major projects had been completed, but later in an effort to cooperate in cutting costs. Between 1974-75 and 1979-80, the staff was reduced from 54 to 41 positions; despite inflation, the total budget was down almost two percent.

The bad employment situation following Proposition 13 had a side effect, described in the Annual Report of 1979-80 as follows:

"Many of these (classification) studies were requested because of employment problems, rather than changes in duties and responsibilities. These employment problems appear to be the result of cutbacks resulting from the loss of property tax revenues, the inability to compete with salaries paid by other employers, and the damage to the District's long standing image as a stable employer.

⁵¹ Annual Report, 1976-77. Note the apparent lack of recognition of the impending effect of collective bargaining when survey data would be disregarded.

One result has been many clerical vacancies, an inadequate supply of well qualified eligible, and demands by many administrators to upgrade clerical positions in classification (and salary) level in order to get the positions filled and to help to assure retention of incumbents. A significant phenomenon in 1979-80 is reflected by the fact that 32 classification studies were completed without reclassifying any position. Most of these cases resulted in increasing the frustration of administrators and employees over conditions which are beyond the control of the Personnel Commission and which should not be dealt with by unwarranted reclassifications."

1976 began with a Commission composed of E. L. Miller and Robert Bird. Dr. Sybil Richardson took office in January 1976. Thereafter, there was no change in membership through 1980.

Thus ended the Seventies, with the District going through annual budget agonies; with unions bargaining in frustration for the small amounts available for salary increases; with the prevailing wage policy a memory in fact, although the law lived on; with many positions vacant and many filled by employees who, on the average, were less capable than those of past years; and with the authority of the Commission so eroded that it could do little to alleviate problems.

CHAPTER TWELVE A PERIOD OF RECOVERY

1981-1986

The chronic financial problems of the District continued into the early 80's. The District's General Fund budget for 1980-81 had to be reduced by about \$80 million, and more than 2,700 positions were closed. Earlier, in the spring of 1980, the Federal government abruptly terminated funding of its Comprehensive Employment and Training Act program in the middle of its fiscal year; about 600 participants, 50 regular classified employees, and a number of part-time teachers were laid off or reassigned. These problems, plus the inability of the District to maintain competitive salaries, placed great stress on the ability to fill positions with regular employees. Added to these negative influences on recruitment was an urgent and abrupt demand for huge increases in the numbers of bus drivers and mechanics required because of school-integration programs.

In 1978, Proposition 13 had severely reduced District income from property taxes. The District reduced the assignment of thousands of year-round employees to less than 12 months. By the time State funds made restoration to 12 months possible, many employees had found other jobs.

The number of vacancies had taken a dramatic leap, and the vacancy factor remained high into the early Eighties. Data on classes for which examinations are given showed an average of 1531 vacancies^{*52} in 1980. However, changing economic conditions contributed to a decline to 990 in 1982. The positive trend continued through 1985, largely because the Legislature provided enough money to enable paying more competitive salaries.

During this period, the process of reorganization began to appear on a continuous basis. These changes brought about reclassifications that required examinations, thus adding to the workload of a selection program.

In the summer of 1982, 23 regular employees were serving in provisional assignments that had exceeded 90 working days; in the spring of 1983, the number had grown to 73; and it went to 96 in the summer of 1985. Expressions of concern were heard from staff and employee representatives because of the influence of provisional appointments on the evaluation of candidates in subsequent examinations. The Personnel Commission began a periodic review of long-term provisional assignments and the reasons for them. One result was that provisional assignments on non stenographic personnel in stenographic classes were curtailed, and many positions were reclassified. By 1986, there was great improvement in the number of long-term provisional assignments.

⁵² Refers to regular positions of 3 hours a day or more, for which examination were given. Excluded, for example, were Education Aides, who were hired, without examination, in restricted status.

In the early 80's, a number of innovative efforts were made to enhance recruitment, reduce examination workload, and expedite production of eligibility lists.

In 1982, the Classified Employment Branch began a program of recruiting and testing candidates simultaneously for a variety of classes with job factors sufficiently similar that the same written test could be used. Later, when an eligibility list was needed for a specific class, the pool of pretested candidates could be invited to complete the examination for that class. The initial application was to 12 "technical clerical II classes. Later, the technique was applied to professional/ technical classes in the Accounting Series.

In 1983, the Commission placed several management positions into so called "generic classes" of Branch Director and Deputy Branch Director, - 103 thus enabling less frequent and more intensive examinations for these high-level positions. This change increased management flexibility in reassigning staff to meet special needs and to improve incumbents' preparation for future growth. In addition, the action improved opportunities for women to move into management jobs in branches where most lower-level positions were occupied by men.

In 1984, the Commission established a rule that, for the first time, enabled hiring new employees at rates above the first step of a salary range, based upon pre-established criteria of education and experience.

The period opened with a Commission composed of Robert G. Bird, Ernest L. Miller, and Sybil K. Richardson. Mr. Miller resigned in April 1981 when he retired and left Los Angeles. He was replaced by Dr. Robert E. Kelly, former Superintendent of Schools.

Beginning in June, 1983, the membership of the Commission and the direction of Commission programs entered a period of transition that did not stabilize until the early part of 1985. In June, 1983, Larry C. White retired as Personnel Director and was replaced by Jon Campbell. In December of 1983, Dr. Kelly left the Commission and his seat was filled in February, 1984 by Ernest Shell. He served only until September when he was incapacitated by an illness that led to his death in January, 1985. Dr. Sybil K. Richardson completed her third term in office in December 1984 and was replaced in January 1985 by Evelyn V. Martinez. John W. Murray, Jr. was appointed in May 1985 to fill the unexpired term of Ernest Shell.

The new Commission began to review policy and practice in a number of areas, with the goal of improving personnel services in the interests of the District's educational program.

In 1985, a new rule was established to enable hiring above the first step in certain high-level classes based upon the eligible's current salary from another employer.

The chronic shortage of stenographers in the labor market contributed to the vacancy factor and, as noted above, the number of provisional assignments. Many positions were reclassified to non-stenographic classes, and, in 1985, a new non-

stenographic class of Secretary was established. (The former class was given a new title, Stenographic Secretary.)

Concern over disciplinary procedures led to increased emphasis on performance evaluation, as well as pointed communications to District administrators about pre-disciplinary procedures and consistency. In 1986, the Commission published a booklet with the title "Performance Evaluation and Employee Productivity" as a guide for supervisors and administrators.

The Commission reviewed its policy on requirements of formal education in entrance qualifications, soliciting opinions from community groups, the administration, employee organizations, and others. In 1986, the Commission revised its policy by restoring the requirement of a college degree for many professional and administrative classes, with substitution of experience for missing education accepted. Also, the Commission decided to restore the requirement of a high school diploma or equivalent to some class descriptions.

A new program of recognition of outstanding contributions by classified employees was commenced, with the Commission issuing certificates of commendation. Also, articles about the Commission and the merit system began to appear regularly in "Spotlight", the District's house organ.

In 1986, the Commission began a program of meeting with employee groups throughout the District in order to acquaint employees with the value and importance of the merit system and to establish positive lines of communications. In addition the Commission held a joint meeting with the Board of Education on an issue of mutual concern and expects future meetings on matters of common interest.

As the fiftieth anniversary of the Merit System approaches, the Personnel Commission and its staff continue to work for the good of the District and its classified employees, with the goals of providing enlightened and consistent personnel administration in an atmosphere of mutual trust. This History was written in recognition of such efforts over the first fifty years of our Merit System•

EPILOGUE

It is a truism that no system of personnel administration will work well absent men and women of good will. The accomplishments of the Personnel Commission and the merit system are the products of efforts by many people-on the Commission and its staff. In the District administration. And among employees and their organizations. One can find heroes (and the author confesses to having one or two). But even heroes could not have succeeded without the daily decisions on individually small matters by many people who were guided more often by principle. Than by expediency.

Regardless of its form. Personnel administration seems fraught with more frustrations than triumphs. More occasions of disappointment than satisfaction. More conflict than cooperation. The integrity. Good will. And expertise of countless people contributed to the wh01e. The success of which was. Perhaps. Best attested by the fact that when the Rodda Act was before the Legislature. The classified employee organizations unanimously requested the Legislature to exempt this District's Classified Service from its provisions. The fact that the Legislature did not grant that request does not diminish the significance of that testimonial.

This history ends in 1986. But the merit system continues. It is my hope that. Someday. Someone will pick up the narrative where it leaves off and will be able to report on the next fifty years of the merit system in the Los Angeles Unified School District.

Walter E. Harvey
May. 1986

ADDENDUM

MEMBERS OF THE PERSONNEL COMMISSION

LOS ANGELES CITY SCHOOLS

Over its first thirty years, the Merit System in the Los Angeles City Schools was the beneficiary of extraordinary continuity in the membership Of the Personnel Commission. While that continuity has not been maintained In more recent years, John Murray, who took office in May 1985, was only The twenty-third person to serve since July 20, 1936, when the first three Commissioners took office. Even greater stability has characterized the Position of Personnel Director, Jon Campbell is only the fourth regular Director in the almost 50-year history of the organization.

Statutory requirements to serve as a personnel commissioner are simple. One must be an elector (resident) of the school district and a "known Adherent" of the merit system of personnel administration. Remuneration, If any, is minimal; commissioners serve because of their commitment to Public service and to the merit system ideal. Nevertheless, the qualifications And achievements of persons who have been Commissioners in this District is impressive.

With exceptions, it has been traditional for the three seats on the Personnel Commission to be filled by persons with backgrounds in labor, Academia, and business or law. That tradition helped to provide a Balanced approach to personnel problems and a pooling of knowledge and Points of view.

The original Commission, which took office on July 20, 1936, was composed Of a former federal judge, a USC professor, and the Secretary of the Los Angeles Building and Construction Trades Council. With this illustrious Beginning, the District has continued to be served by persons of dedication And accomplishment. They are listed below, in a rough chronology of their Service as Commissioners.

Benjamin F. Bledsoe	(7/36 – 12/37)	- retired attorney and federal judge
C. J. (Neil) Haggerty	(7/36 – 9/42)	- Secretary of the Los Angeles Building and Construction Trades Council, later President of the State A F of L, later member of the State Personnel Board
Dr. John M. Pfiffner	(7/36 – 10/68)	- USC Professor and Dean, author, honorary life member of the International City Managers' Association, the International Public Personnel Association and the Western Governmental Research Association

ADDENDUM (Contd.)

Ralph E. Chadwick	(12/37 – 2/40)	- Attorney, former Compliance Officer for the National Recovery Administration
Allan E. Sedgwick	(3/40 – 11/41)	- USC Professor; seismologist; former President, Los Angeles Board of Education
Maynard J. Toll	(12/41 – 4/44)	- Attorney; later Member, Los Angeles Board of Education
Lloyd A. Mashburn	(9/42 – 12/51)	- Secretary, Los Angeles Building and Construction Trades Council; later Member, California Labor Commission; later Undersecretary of Labor
William B. (Bill) Miller	(5/44 – 7/63)	- Executive Director of Town Hall, radio commentator on public affairs
Leo A. Vie	(12/51 – 8/68)	- Official of the Los Angeles Building and Construction Trades Council
Ward S. Keller	(9/63 – 5/68)	- Vice-president, Marsh and McLennon-Cosgrove and Company
John M. Crowley	(8/68 – 11/74)	- Vice-president, Title Insurance and Trust Company
Dr. Lloyd H. Bailer	(10/68 – 12/69)	- Professional arbitrator
Dr. Emery E. Olson	(11/68 – 1/75)	- Dean Emeritus and founder, USC School of Public Administration; former President, State Personnel Board
Harold Jaeger	(1/70 – 4/73)	- Business Representative, IBEW Local 11
Julius Bence	(4/73 – 9/75)	- Past president, District Council of Painters No. 36
E. L. (Bud) Miller	(12/74 – 4/81)	- Executive Vice President, Merchants and Manufacturers Association
Dr. Adam E. Diehl	(2/75 – 11/75)	- Professor Emeritus, California State University at Los Angeles
Robert G. Bird	(10/75 -)	- Administrator, Sheet Metal Workers' Joint Apprenticeship Committee

ADDENDUM (Contd.)

Dr. Sybil K. Richardson	(1/76 – 12/84)	- University instructor and consultant; former president, California Association and Curriculum Development
Dr. Robert E. Kelly	(5/81 – 12/83)	- Former Superintendent, Los Angeles City Schools
Ernest Shell	(2/84 – 1/85)	- Vice Chairman of the Board, Golden State Mutual Life Insurance Company; President, Los Angeles Fire Commission; President, Golden State Minority Foundation
Evelyn V. Martinez	(1/85 -)	- Vice President of Business Development, Vanir Construction Management; Equal Opportunity Administrator for the Los Angeles Metro Rail Project
John W. Murray, Jr.	(5/85 -)	- Vice President, First Nationwide Savings and Loan; member of the Governmental Relations Committee, Central City Association