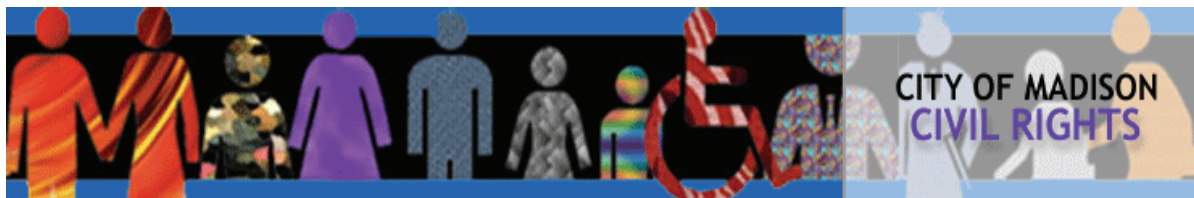


City of Madison Affirmative Action Plan (Employment) 2009-2013



Mayor David J. Cieslewicz



Department of Civil Rights
Lucía Nuñez, Director

AFFIRMATIVE ACTION PLAN: 2009 - 2013

Table of Contents

Section I: Affirmative Action Plan

Section II: Affirmative Action Plan Qualitative Requirements

Section III: Agency Affirmative Action Plans

- City Assessor's Office
- City Attorney's Office
- Civil Rights, Department of
- City Clerk's Office
- Comptroller's Office
- Fire Department
- Human Resources Department
- Information Technology
 - Madison City Channel
- Library, Public
- Mayor's Office
- Monona Terrace Community and Convention Center
- Municipal Court
- Overture Center
- Planning & Community & Economic Development, Department of
 - Community Development Office
 - Community and Economic Development Division
 - Community Services, Office of
 - Housing Operations Division
 - Building Inspection Division
 - Planning Division
 - Senior Center
- Police
- Public Works and Transportation
 - Engineering Division
 - Fleet Service
 - Metro Transit
 - Parking Division
 - Parks Division
 - Streets Division
 - Traffic Engineering Division
 - Water Utility
- Treasurer

Section IV: Workforce Quantitative Requirement

Section V: Affirmative Action Policies

Section VI: Equal Employment Policies

Section VII: Commissions and Committees

Section VIII: Glossary

Appendices

- Appendix A: City of Madison Organization Chart
- Appendix B: Agency Civil Rights Coordinator List
- Appendix C: Madison General Ordinance (MGO) Chapter 39 Department of Civil Rights
- Appendix D: MGO 3.53 Civil Service System
- Appendix E: Administrative Procedure Memorandum (APM) 2-22 Workplace Accommodations
- Appendix F: APM 3-5 Prohibited Harassment and/or Discrimination Policy

Section I – Affirmative Action Plan

Introduction

Affirmative Action Plan (AAP) For the period 2009 – 2013

The Citywide Affirmative Action Plan includes the individual agency plans, which are submitted to the Mayor and Common Council for approval. Once adopted the plan shall be distributed to all agency heads that shall adhere to the goals, timetables and procedures.

The City of Madison is an employer committed to ensuring affirmative action, equal opportunity, and nondiscrimination in compliance with Madison General Ordinance Chapter 39, and federal and state laws. This means that affirmative action and equal opportunity principles will be applied to all employment policies, procedures and programs. This is consistent with the City of Madison's leadership and progress in achieving and ensuring diversity in the workplace.

Approved by:

David J. Cieslewicz, Mayor

Tim Bruer, Common Council President

Vicky Selkove, Affirmative Action Commission Chair

Lucía Nuñez, Director

Norman D. Davis, Affirmative Action Manager

Christie Hill, Civil Rights Coordinator



Office of the Mayor

David J. Cieslewicz

Room 403
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703-3345
PH 608 266 4611
FAX 608 267 8671
TTY/Textnet 866 704 2340
mayor@cityofmadison.com

Mayor's Commitment to Affirmative Action and Equal Employment Opportunity

The City of Madison is a progressive employer where people are proud to work and employees are treated fairly. It is committed to providing equal employment opportunities for its diverse population of employees. All agency heads are responsible to ensure that employment decisions such as terms or conditions of employment such as recruitment/hiring, lay-offs/firings, compensation, promotions, training, transfers/assignments or leave/benefits, are to be administered fairly and without discrimination.

The City of Madison is committed to providing a work environment free from harassment and discrimination. The goal is to achieve and maintain a respectful and welcoming workplace for all members of the community. Harassment, discrimination and retaliation are prohibited conduct, and violations of this policy will not be tolerated.

The Department of Civil Rights provides leadership and expertise in attracting, developing and sustaining a diverse workforce committed to quality public service. The focus of our program is to uncover and eliminate discriminatory barriers against women, racial/ethnic minorities and people with disabilities and to make equal opportunity a reality for all employees.

Please visit the Department of Civil Rights website at <http://www.cityofmadison.com/dcr/> to review our Affirmative Action Plan and Affirmative Action Program policies.

David J. Cieslewicz, Mayor

Section II: Affirmative Action Plan Qualitative Requirements

The Affirmative Action Plan qualitative components must include affirmative action and placement goals for women and minorities:

1. Agency Heads have the responsibility to implement affirmative action programs throughout their organizations.
2. Identification of problem areas, including an in-depth analysis of the complete employment process to determine if and where barriers to equal employment opportunities exist.
3. Development and execution of an action-oriented program designed to correct any identified problem areas.
4. Development and implementation of internal audit and reporting systems that periodically measures the effectiveness of the agency's total affirmative-action program.

The City of Madison currently has 10% of its workforce identified as individuals with disabilities. According to the U.S. Census Bureau, employment statistics for people with disabilities is difficult to obtain due to voluntary disclosure. The city will utilize affirmative action principles to work towards increasing the number of employees within this under-represented group.

The City of Madison Affirmative Action and Equal Employment Opportunity Policy will be communicated both internally and externally. Employees and the public will find the information on the City of Madison's website at <http://www.cityofmadison.com/dcr/>. The written plan includes a detailed complaint procedure including the procedure for responding to complaints of discriminatory harassment.

Agency Head/Civil Rights Coordinator - Roles

Each agency shall maintain an appointed Civil Rights Coordinator who directly reports to the agency head (Appendix A – City of Madison Organization Chart). The Civil Rights Coordinator (Appendix B – Agency Civil Rights Coordinator List) will collaborate with the Department of Civil Rights (DCR) to implement the affirmative action policies as detailed under Madison General Ordinance Chapter 39 (Appendix C – MGO Chapter 39).

The Civil Rights Coordinator shall have the following responsibilities:

1. Disseminating equal opportunity information and agency initiatives to staff and interested persons.
2. Responding to requests to review agency's affirmative action plan for employment initiatives.
3. Annually preparing reports regarding individual agency affirmative action initiatives.

4. Determining and coordinating with DCR agency training needs regarding the civil rights related initiatives.

Identification of Problem Areas and Action Program

1. Hiring and Selection: Increase Representation of People with Disabilities

Identification of Problem Areas

The City of Madison currently has 10% of its workforce identified as individuals with disabilities. According to the U.S. Census Bureau, Employment statistics for people with disabilities is difficult to obtain, due to voluntary disclosure. Agency heads will utilize affirmative action principles to work towards increasing the number of employees within this under-represented group.

Program to Address Problem Areas

The City of Madison is committed to providing equal employment opportunities for people with disabilities. Under this commitment, it is the policy of the City of Madison to provide reasonable accommodations for all applicants and employees with disabilities, unless such accommodations would impose undue hardship upon the conduct of business.

Each agency will cooperate with the Human Resources (HR) Department in ensuring that essential functions are clearly identified for every position within their organization. Reasonable accommodations will be identified to maximize opportunities for agencies to select and/or retain employees with disabilities. All City agencies will work with the Occupational Accommodations Specialist in supporting placement recommendations for employees who become disabled and may otherwise be displaced because they are no longer able to perform the work of their current position.

2. Hiring and Selection: Interview and Selection Quality Initiatives

Identification of Problem Areas

Often details and information about duties and work assignments change over time. It is essential that agencies provide HR with current information to ensure that job postings reflect the needed knowledge, skills and abilities. This in turn minimizes the risk of selecting officials to introduce questions at job interviews that are not appropriate.

Program to Address Problem Areas

When submitting paperwork to fill employment vacancies, all departments shall include a complete current position description that is reflective of the job and of factors that will be used for selection. A Human Resources Department analyst will review this information and determine whether the position is properly classified and will integrate

any pertinent changes into the job announcement. If there are substantial changes or outstanding issues, a more substantive analysis may be required prior to posting the position.

The Human Resources Department will develop examinations for positions based on the job announcement and position description. Efforts to improve position descriptions, postings and interviews shall be included in each agency's plan of Equal Employment Opportunities (EEO) and Affirmative Action (AA) objectives. Care shall be taken to review and eliminate nonessential employment requirements that tend to screen out racial/ethnic minorities, women or people with disabilities where at all possible. If requested, the Human Resources Department will provide assistance to agencies in developing final interview questions or to review questions developed by the agency.

Because job vacancies and selection activities are ongoing processes, the timetables for implementation are ongoing. It is recommended that immediately upon receiving information indicating that a vacancy has occurred or will occur, the selecting official should review the existing position description to determine whether or not it accurately reflects needed skills and abilities. If the description does not correctly specify the desired skills or experience, it is recommended that this problem be reviewed with the Human Resources Department. This must occur before any paperwork is submitted announcing the vacancy.

3. Hiring and Selection: Asian/Pacific Islander and Hispanic/Latino Initiatives

Identification of Problem Areas

U. S. Census Bureau reports show that the Asian/Pacific Islander and Hispanic/Latino American communities are the two fastest growing populations in America today. Census projections show that this population growth is expected to continue well into and beyond the next decade. As a result, the Bureau is projecting continued growth in the proportion of Americans who are Asian/Pacific Islanders and Hispanic/Latinos. Asian Pacific Islander and Hispanic/Latino populations have also been growing here in Madison, Wisconsin. Growth in the City workforce representation has been moderate for both groups.

Program to Address Problem Areas

In an effort to more fully promote diversity and to include all segments of our community in our workforce, agencies are expected to place increased emphasis toward recruitment for individuals who are Asian/Pacific Islanders and/or Hispanic/Latinos. All agencies are encouraged to pursue proactive measures to develop strategic and effective recruitment activities to ensure that every segment of the Madison community can be included in City of Madison employment opportunities. Although the ultimate responsibility is with agency heads, all selecting officials are expected to adhere to the objective of this initiative.

4. Hiring and Selection: AASPIRE Intern Program Initiatives

Identification of Problem Areas

Despite a multifaceted Affirmative Action program and series of initiatives, our employment candidacy pools of qualified women, racial/ethnic minorities and people with disabilities are too often limited. Improved representation in entry level and hourly or seasonal positions is not adequate to produce inclusive pools for professional and managerial opportunities.

Program to Address Problem Areas

AASPIRE (Affirmative Action Student Professionals in Residence) Program requests agency proposals describing possible summer internship assignments that are compatible with AASPIRE Program objectives. Although wage subsidies may be available through the City Affirmative Action Division, all agencies are encouraged to share or fully subsidize costs for wages in order to increase the number of Internship opportunities. Because the purpose and scope of this program is defined, the Affirmative Action Division will review proposals to select opportunities for placements on an annual basis and disseminate program information and criteria for proposal materials. Student participation will be solicited under simultaneous processing of the Internship job postings and recruitment process.

5. Hiring and Selection: Youth Programs

Identification of Problem Areas

Young people who are members of under-represented groups are often not exposed to experiences that provide the development of skills and qualifications that are needed to enter into civil service careers.

Program to Address Problem Areas

Wherever possible, city agencies will participate in disadvantaged youth programs. Agencies will document their participation in these programs. This documentation will include demographic information about the populations served.

6. Workplace Diversity Training Initiative

Identification of Problem Areas

The population of the United States and of the City of Madison is growing and changing. Many of our neighbors and co-workers come from cultures and belief systems that differ from our own. Although our workplaces were once homogenous, and rules and expectations were commonly understood, many old truths have now been replaced. Change can often be difficult or confusing. Cultural adaptability and

acceptance is a work skill just as are the job specific task abilities that we recognize as being necessary to perform.

Program to Address Problem Areas

Diversity Training: Initiatives will be taken by each agency to work cooperatively with the Affirmative Action Division to ensure that all employees attend citywide training programs on workplace diversity.



Agency Affirmative Action Plan

Submitted by:

Assessor
Agency

Mark Hanson
Agency Head

mehanson@cityofmadison.com
E-mail Address

Sally Sweeney
Civil Rights Coordinator

ssweeney@cityofmadison.com
E-mail Address

210 M.L. King Jr Blvd, Room 101
Address

Madison WI 53703
City/State/Zip Code

(608) 266-4531
Telephone

cityofmadison.com/assessor
Website

10/27/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Mark Hanson, City Assessor, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Sally Sweeney, Assessment Services Sup. has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Applicants in under-represented groups often do not possess the technical skills and certification requirements needed for most positions in the Assessor's Office.
Program to Address Problem Area	Work with DCR and HR to improve recruitment of under-represented groups that have the needed technical skills.
2. Identification of Problem Area:	Career advancement for current employees.
Program to Address Problem Area	Improve current Career Ladders program to address issues of advancement and training given current level of staffing in the Assessor's Office.
3. Identification of Problem Area:	Budget Restrictions on new hiring.
Program to Address Problem Area	Assessor's Office will continue to meet with Mayor's Office to discuss filling an unfunded entry-level position and to request upgrades to a number of current positions.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by: Adriana Peguero

Office of the City Attorney

Agency

Michael May

Agency Head

mmay@cityofmadison.com

E-mail Address

Adriana Peguero

Civil Rights Coordinator

apeguero@cityofmadison.com

E-mail Address

210 Martin Luther King Jr. Blvd. Rm. 401

Address

Madison, WI 53703

City/State/Zip Code

608-266-4511

Telephone

www.cityofmadison.com/Attorney

Website

November 13, 2008

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Michael May, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Adriana Peguero has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Increasing diversity in Law Clerk positions
Program to Address Problem Area	Continue working with the State Bar's Diversity Clerkship Program
2. Identification of Problem Area:	Increasing diversity in Attorney positions
Program to Address Problem Area	Attending job fairs directed at a diverse pool of applicants.
3. Identification of Problem Area:	Exit Interview Process
Program to Address Problem Area	Development of an exit interview process with HR
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Christie Hill
Agency

Lucia Nunez and Larry Studesville
Agency Head

lnunez@cityofmadison.com
E-mail Address

Christie Hill
Civil Rights Coordinator

chill@cityofmadison.com
E-mail Address

210 Martin Luther King Jr. Blvd.
Address

Madison, WI 53703
City/State/Zip Code

267-8634
Telephone

www.cityofmadison.com/dcr
Website

October 24, 2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Lucia Nunez and Larry Studesville, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Christie Hill has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Young people who are members of under-represented groups are often not exposed to experiences that provide the development of skills and qualifications that are needed to enter into civil service careers.
Program to Address Problem Area	DCR will provide outreach to disadvantage youth programs and will report on the demographics of the population served.
2. Identification of Problem Area:	Career advancement for current employees.
Program to Address Problem Area	DCR will develop a mentoring program to increase skills to help employees advance in their careers.
3. Identification of Problem Area:	Exit Interview Process
Program to Address Problem Area	DCR will work with HR to develop a HR Process.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

City Clerk's Office
Agency

Maribeth Witzel-Behl
Agency Head

clerk@cityofmadison.com
E-mail Address

Maribeth Witzel-Behl
Civil Rights Coordinator

clerk@cityofmadison.com
E-mail Address

210 Martin Luther King Jr Blvd #103
Address

Madison WI 53703
City/State/Zip Code

608-266-4601
Telephone

www.cityofmadison.com/clerk
Website

November 10, 2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Maribeth Witzel-Behl, City Clerk, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Maribeth Witzel-Behl, City Clerk has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Recruit a more diverse group of Election Officials to work at City of Madison polling places.
Program to Address Problem Area	<p>The Clerk's Office is working with the League of Women Voters, the NAACP, Centro Hispano, and the UW-Madison Multicultural Student Coalition to recruit a more diverse group of Election Officials. Our goal is to have our polling places more reflective of our population, both with our regular Election Officials and our Chief Inspectors.</p> <p>Because of the amount of turnover in our regular Election Official positions, we are evaluating our progress by looking at the more stable position of Chief Inspector. We are hopeful that a diverse group of Chief Inspectors will help us recruit and retain a more diverse group of Election Officials.</p>
2. Identification of Problem Area:	Civil Rights and Diversity Training
Program to Address Problem Area	The Clerk will encourage employees to participate in Civil Rights and Diversity Training when scheduled.

3. Identification of Problem Area:	Diversity Awareness Training
Program to Address Problem Area	The Clerk will encourage employees to participate in the F.A.I.R. diversity awareness program when scheduled.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Comptroller
Agency

Dean Brasser, City Comptroller
Agency Head

dbrasser@cityofmadison.com
E-mail Address

Katherine Bentley
Civil Rights Coordinator

kbentley@cityofmadison.com
E-mail Address

210 Martin Luther King, Jr. Blvd., Rm. 406
Address

Madison, WI 53703-3345
City/State/Zip Code

608/266-4671
Telephone

<http://www.cityofmadison.com/comp/CompIndex.htm>
Website

12/04/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Dean Brassler, City Comptroller, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Katherine Bentley, Admin. Services Supv. has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Interview and Selection Quality
Program to Address Problem Area	In order to ensure quality interview and selection procedures, as vacancies occur within the department, the existing position will be carefully reviewed and revised as needed to ensure the accuracy of job duties and responsibilities on the official job posting. Interview questions and Achievement History Questionnaires will be crafted to reflect the duties/responsibilities of the position and reviewed by both Comptroller's and Human Resources' staff to ensure there is nothing which would screen out targeted group members.
2. Identification of Problem Area:	Career Development

<p>Program to Address Problem Area</p>	<p>In order to increase the opportunities for upward mobility for persons in targeted groups, we will continue to encourage employees with an interest in furthering their education to take advantage of the City's tuition reimbursement program for college level courses. In addition, opportunities to attend training seminars will be offered to all employees as time and finances permit. Members of targeted affirmative action groups will receive particular consideration in this regard.</p>
<p>3. Identification of Problem Area:</p>	<p>Cross Training</p>
<p>Program to Address Problem Area</p>	<p>Comptroller's Office employees will continue to be afforded the opportunity to receive cross training in other areas of departmental activity. This has proven to be an extremely useful tool to assist employees in obtaining the skills necessary for promotion and advancement, both within the department and for positions in other City agencies.</p>
<p>Please include any additional initiatives your agency has developed:</p>	



Agency Affirmative Action Plan

Submitted by:

Fire
Agency

Debra H. Amesqua
Agency Head

damesqua@cityofmadison.com
E-mail Address

Art Price
Civil Rights Coordinator

aprice@cityofmadison.com
E-mail Address

325 W Johnson St.
Address

Madison WI 53703
City/State/Zip Code

608-266-4420
Telephone

<http://www.cityofmadison.com/fire/>
Website

12/18/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Debra Amesqua, Chief, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Art Price, Division Chief has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Increase racial/ethnic minorities and women in workplace.
Program to Address Problem Area	Provide opportunities for internships, work-study and other partnerships targeted to people of color and people with disabilities.
2. Identification of Problem Area:	Increase racial/ethnic minorities diversity in agency.
Program to Address Problem Area	Encourage staff to participate on hiring panels in an effort to familiarize them with the hiring practices of other city agencies.
3. Identification of Problem Area:	Lack of racial/ethnic minorities and women in City of Madison workforce.
Program to Address Problem Area	Fire Department would be available to mentor or assist other city agencies in achieving affirmative action goals.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Human Resources Department
Agency

Brad Wirtz
Agency Head

BWirtz@CityofMadison.com
E-mail Address

Lorie Olsen
Civil Rights Coordinator

lolsen@cityofmadison.com
E-mail Address

Rm 501, 210 Martin Luther King Jr. Blvd
Address

Madison, WI 53703
City/State/Zip Code

266-4004
Telephone

<http://www.cityofmadison.com/jobs.html>
Website

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Brad Wirtz, Human Resources Director, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Lorie Olsen has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Exit Interviews
Program to Address Problem Area	The Human Resources Dept will work in concert with the Dept of Civil Rights to develop a formal exit interview program with the City of Madison
2. Identification of Problem Area:	AASPIRE Program.
Program to Address Problem Area	Work with the Dept. of Civil Rights to get a large number of targeted individuals into the general program. Work to continue our 2008 AASPIRE person into 2009.
3. Identification of Problem Area:	OUTREACH
Program to Address Problem Area	In conjunction with the Department of Civil Rights participate in local job fairs to increase the number of targeted group members in our applicant pools.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Information Technology
Agency

Dick Grasmick
Agency Head

rgrasmick@cityofmadison.com
E-mail Address

Dick Grasmick
Civil Rights Coordinator

rgrasmick@cityofmadison.com
E-mail Address

210 martin Luther King Jr. Blvd.
Address

Madison, WI 53703
City/State/Zip Code

608-266-4454
Telephone

www.cityofmadion.com/IS
Website

Nov. 3, 2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Dick Grasmick, Director of Information Technology, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Dick Grasmick, Director of Information Technology
(Name and Title)

has been designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Underrepresentation of women at management team level in Information Technology.
Program to Address Problem Area	We will address this issue by providing more opportunities for current female employees to participate in training and events that will serve to qualify them for advancement to management levels. Currently, four of six IT team leader positions are held by women and provide a ready pool of potential management candidates.
2. Identification of Problem Area:	Under-representation of women, minority group members and people with disabilities city-wide.
Program to Address Problem Area	Information Technology will continue to recruit for these under-represented groups to fill IT vacancies.
3. Identification of Problem Area:	Inability to reach and recruit members of under-represented groups city-wide.
Program to Address Problem Area	Information Technology will continue to provide Internet web services to Human Resources and other departments to expand their electronic staff recruitment capabilities.
Please include any additional initiatives your agency has developed:	The Information Technology Dept. will continue to provide current computer technology upgrades for sight impaired employees.



Agency Affirmative Action Plan

Submitted by:

Madison City Channel
Agency

Brad Clark
Agency Head

bclark@cityofmadison.com
E-mail Address

Brad Clark
Civil Rights Coordinator

bclark@cityofmadison.com
E-mail Address

Room 210, 215 ML King Jr Blvd
Address

Madison, WI 53703
City/State/Zip Code

(608) 266-6501
Telephone

www.madisoncitychannel.com
Website

November 7, 2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Brad Clark, Station Manager, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Brad Clark, Station Manager has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Promoting Inclusiveness through Outreach and Recruitment
Program to Address Problem Area	Madison City Channel continues to recruit with an eye toward attracting women, minorities, and people of color. The ratio of such populations in our workforce is similar to what it's been in the past.
2. Identification of Problem Area:	Partnership with Centro Hispano and the Greater Madison Area Urban League
Program to Address Problem Area	We have contacted both organizations and discussed their assistance in recruiting from the populations they serve. Thus far we have not had any applicants as a result of these contacts.
3. Identification of Problem Area:	AASPIRE, Work Study and Cooperative Employment Education Programs

Program to Address Problem Area	<p>Program Results: We have not utilized any AASPIRE interns since 2000.</p> <p>Program Barriers: It's difficult to justify the training involved in making these interns productive employees since their tenure is by definition short. Also, we have not had specific short-term projects for which we could recruit people with specific skill sets or educational backgrounds.</p> <p>Program Solutions: Will continue to evaluate on a case-by-case basis.</p>
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Library
Agency

Barbara Dimick
Agency Head

bdimick@cityofmadison.com
E-mail Address

Mark Benno
Civil Rights Coordinator

mbenno@cityofmadison.com
E-mail Address

201 W. Mifflin St.
Address

Madison, WI 53703
City/State/Zip Code

608-266-6363
Telephone

www.madisonpubliclibrary.org
Website

11/01/2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Barbara Dimick, Library Director, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Mark Benno, Admin. Services Mgr. has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Restricted hiring-candidates must have a Masters in Library Sciences to become librarians.
Program to Address Problem Area	Relax hiring restriction: Hire candidates with great energy and potential and offer tuition assistance.
2. Identification of Problem Area:	Library schools fixed adherence to theory over practice ill-prepares graduates for modern libraries.
Program to Address Problem Area	Work with library schools to adopt more progressive curriculum.
3. Identification of Problem Area:	Candidates for jobs often skew to one demographic - white women.
Program to Address Problem Area	Post jobs in churches, convenience stores Offer tuition assistance (work with HR & DCR with recruitment)

Please include any additional initiatives your agency has developed:

- **City of Madison Department of Human Resources**
- **University of Wisconsin School of Library and Information Services**
- **Library schools in Florida and New York**
- **Internal promotions**
- **Recipients of the library's own Elizabeth Moon Proctor Scholarship for Minorities or Disadvantaged students; we hope to retain the winners of that scholarship. One current employee, an African American woman, is having her tuition in library school paid for by this scholarship**



Agency Affirmative Action Plan

Submitted by:

Mayor's Office

Agency

David Cieslewicz

Agency Head

mayor@cityofmadison.com

E-mail Address

Ray Harmon

Civil Rights Coordinator

rharmon@cityofmadison.com

E-mail Address

210 Martin Luther King Jr. Blvd. Rm. 403

Address

Madison, WI 53703

City/State/Zip Code

608-266-4611

Telephone

<http://www.cityofmadison.com/mayor/>

Website

12/8/08

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, David Cieslewicz, Mayor, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Ray Harmon, Mayoral Aide has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Provide opportunities for internships, work-study and other partnerships targeted to people of color and people with disabilities.
2. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Encourage staff to participate on hiring panels in an effort to familiarize them with the hiring practices of larger agencies.
3. Identification of Problem Area:	Under-representation of racial/ethnic minorities and women in workplace.
Program to Address Problem Area	Work with HR and DCR to recruit minorities for any position openings.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Monona Terrace
Agency

Jim Hess
Agency Head

jhess@mononaterrace.com
E-mail Address

Kathi Hurtgen
Civil Rights Coordinator

khurtgen@mononaterrace.com
E-mail Address

One John Nolen Drive
Address

Madison, WI 53703
City/State/Zip Code

608-261-4033
Telephone

www.mononaterrace.com
Website

10/31/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Jim Hess, Director, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Kathi Hurtgen has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Recruitment and Hiring of Women to professional level positions
Program to Address Problem Area	Recruit and interview women for the job families listed above
2. Identification of Problem Area:	Making sure the interview panel is diverse
Program to Address Problem Area	Make sure to use a cross-section including females and minorities on interview panels.
3. Identification of Problem Area:	Mentor other agencies by volunteering to be on interview panels
Program to Address Problem Area	Help out when needed at other agencies during the interview process
Please include any additional initiatives your agency has developed:	We have one of the most diverse groups of employees in our operations workers and cleaners. This was based upon qualifying the employees and interviewing objectively.



Agency Affirmative Action Plan

Submitted by:

MADISON MUNICIPAL COURT
Agency

DANIEL P KOVAL
Agency Head

dkoval@cityofmadison.com
E-mail Address

KELLY MILLER
Civil Rights Coordinator

kmiller@cityofmadison.com
E-mail Address

210 MLK JR BLVD ROOM 203
Address

MADISON WI 53703
City/State/Zip Code

264-9282
Telephone

Website

11/17/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, DANIEL P KOVAL, MUNICIPAL JUDGE, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. KELLY MILLER, COURT CLERK has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	In the Municipal Court, we employ one male and 4 females, one of whom is bilingual. No new job opening is anticipated or authorized.
Program to Address Problem Area	The Municipal Court would be available to mentor or assist other agencies to help achieve affirmative action goals.
2. Identification of Problem Area:	Train other city agencies in affirmative action goals.
Program to Address Problem Area	Present what has been done in the Municipal Court to address affirmative action goals, if requested.
3. Identification of Problem Area:	Harassment of employees in other city agencies.
Program to Address Problem Area	Mentor and educate city agencies about how to properly address harassment of employees.
Please include any additional initiatives your agency has developed:	The Municipal Court complies with all City of Madison hiring policies. Our positions, when available, are always open to all people who can accurately and efficiently perform the tasks required in our office.



Agency Affirmative Action Plan

Submitted by:

Overture Center for the Arts

Agency

Tom Carto

Agency Head

tcarto@overturecenter.com

E-mail Address

Nancy Birmingham

Civil Rights Coordinator

nbirmingham@overturecenter.com

E-mail Address

201 State St

Address

Madison, WI 53703

City/State/Zip Code

608-258-4177

Telephone

www.overturecenter.com

Website

November 20, 2008

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Tom Carto, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Nancy Birmingham has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Employee development plans
Program to Address Problem Area	Overture will develop a more comprehensive plan to increase employee training and improve promotional opportunities.
2. Identification of Problem Area:	Underrepresentation of minorities in workplace and audiences
Program to Address Problem Area	Overture will continue to encourage current employees to assist in recruitment of underrepresented groups, and will continues to recruit broadly, using web and word-of-mouth advertising.
3. Identification of Problem Area:	Diversity in Overture's volunteer base
Program to Address Problem Area	Overture will increase efforts to broaden diversity within its volunteer group by expanding its traditional means of soliciting members.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

CDBG Unit
Agency

William Clingan
Agency Head

wclingan@cityofmadison.com
E-mail Address

Audrey Short
Civil Rights Coordinator

ashort@cityofmadison.com
E-mail Address

215 MLK Blvd. #280
Address

Madison, WI 53703
City/State/Zip Code

267-0740
Telephone

Cityofmadison.com/cdbg
Website

11/3/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, William Clingan, Community Development Director, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Audrey Short, Grants Administrator has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Under represented for minorities in all positions
Program to Address Problem Area	Person in charge of hiring will work with HR and DCR to recruit minorities for any openings
2. Identification of Problem Area:	Under represented for minorities in all positions
Program to Address Problem Area	Work with the Aspire program to provide training and mentoring opportunities for minority students
3. Identification of Problem Area:	City funded non-profit agencies may be under represented for minorities, women and people with disabilities
Program to Address Problem Area	Work with funded non-profit agencies to help ensure they have the resources to provide equal employment opportunities in house and in their subcontracts
Please include any additional initiatives your agency has developed:	Work with AA to identify potential W/MBE vendors for projects that are below the threshold for setting an actual W/MBE goal



Agency Affirmative Action Plan

Submitted by:

Community & Economic Development Division
Agency

Mark A. Olinger
Agency Head

molinger@cityofmadison.com
E-mail Address

Percy Brown
Civil Rights Coordinator

pbrown@cityofmadison.com
E-mail Address

215 Martin Luther King, Jr. Blvd.
Address

Madison, WI. 53703
City/State/Zip Code

266-6558
Telephone

www.cityofmadison.com/planning/cedu.html
Website

December 1, 2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Mark A. Olinger, Planning & Econ & Comm. Dev. Director is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Percy Brown, Econ. Rev. Supv. has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	
5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	

Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City’s Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency’s long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Young people who are members of under-represented groups are often not exposed to experiences that provide the development of skills and qualifications that are needed to enter into civil service careers.
Program to Address Problem Area	AASPIRE Program. EDD will explore the possibility of participating in the Affirmative Action Student Professional in Residence Program, or a comparable program.
2. Identification of Problem Area:	Employee Recruitment

Program to Address Problem Area	Broaden recruitment for professional positions. Work with Human Resources as jobs become available to ensure that job recruitment notifications are sent to a broad list of organizations, and are posted in relevant publications and papers.
3. Identification of Problem Area:	Career advancement for current employees
Program to Address Problem Area	Provide opportunities for current employees to participate in mentoring programs and professional development training to enhance their skills for career advancement within the agency.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Office of Community Services

Agency

Enis T. Ragland

Agency Head

eragland@cityofmadison.com

E-mail Address

Enis T. Ragland

Civil Rights Coordinator

eragland@cityofmadison.com

E-mail Address

215 Martin Luther King Jr. Blvd, Ste. 225

Address

Madison, WI 53703

City/State/Zip Code

266-6520

Telephone

www.cityofmadison.com/ocs

Website

November 5, 2008

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Enis T. Ragland – Interim Supervisor, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Enis T. Ragland has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display “EEO/AA Employer” on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display “equal employment opportunity/affirmative action employer” in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Exposure to opportunities to work in program areas involving seniors, early childhood care & education, and community capacity building are limited for people of color and people with disabilities.
Program to Address Problem Area	Provide opportunities for internships, work-study and other partnerships targeted to people of color and people with disabilities.
2. Identification of Problem Area:	Diversity in race, gender and expertise can be an issue on City hiring panels.
Program to Address Problem Area	The OCS staff will volunteer to participate on City hiring panels when feasible to provide diversity of expertise.
3. Identification of Problem Area:	The OCS has limited racial and gender diversity among staff.
Program to Address Problem Area	As vacancies occur the OCS will recruit diverse candidates and seek to create a more diverse work force.
Please include any additional initiatives your agency has developed:	OCS will use the AASPIRE program to hire interns, when its budget allows.



Agency Affirmative Action Plan

Submitted by:

Community Development Authority - Housing Operations Division
Agency

Agustin Olvera
Agency Head

aolvera@cityofmadison.com
E-mail Address

Lisa Daniels
Civil Rights Coordinator

ldaniels@cityofmadison.com
E-mail Address

215 Martin Luther King, Jr., Boulevard
Address

Madison WI 53703
City/State/Zip Code

(608) 266-4675
Telephone

www.cityofmadison.com/formshousing
Website

October 31, 2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Agustin Olvera, Division Director, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Lisa Daniels has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Percentage of Women as Service Maintenance, Skilled Craft Workers and Technicians is lower in comparison to other Job Families within the current Labor Market.
Program to Address Problem Area	Housing will make a reasonable effort to promote under represented Job Families for Housing Operations employment opportunities, including outreach in advertising available positions in publications focusing on women and women in skills/trades and at local area technical colleges.
2. Identification of Problem Area:	Percentage of Racial/Ethnic Group Members as Technicians and Service Maintenance is lower in comparison to other Job Families within the current Labor Market.
Program to Address Problem Area	Housing will make a reasonable effort to promote under represented Job Families for Housing Operations employment opportunities, including outreach in advertising available positions in publications focusing on minorities in skills/trades and at local area technical colleges.
3. Identification of Problem Area:	

Program to Address Problem Area	
<p>Please include any additional initiatives your agency has developed:</p>	<p>Civil Rights Coordinator to work with Housing Operations management teams during the hiring process.</p> <p>Housing Operations to continue collaborating with City partners and to utilize resources available through the City of Madison's Civil Rights Department and Human Resources Department.</p> <p>Housing Operations to continue improving its recruitment and hiring process:</p> <ul style="list-style-type: none"> - Review job descriptions to ensure they reflect actual job duties. - Provide internal and external competition in recruitment notices. - Broaden recruitment notices to include community organizations likely to refer women, minorities and individuals with disabilities. - Insure interview questions are job related. - Create diverse interview panels to include members of under represented Job Families.



Agency Affirmative Action Plan

Submitted by:

Building Inspection
Agency

George C. Hank
Agency Head

ghank@cityofmadison.com
E-mail Address

Harry A. Sulzer
Civil Rights Coordinator

hsulzer@cityofmadison.com
E-mail Address

PO Box 2984 – 215 Martin Luther King Jr Blvd, Room LL-100
Address

Madison, WI 53701-2984
City/State/Zip Code

608-266-4568
Telephone

www.cityofmadison.com/bi/bihome.html
Website

November 10, 2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, George C. Hank, Building Inspection Director, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Harry A. Sulzer, Plan Review & Construction
Supervisor has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Hire more minority skilled craft workers for Plumbing/Electrical Inspectors. The inspectors are licensed plumbers and licensed electricians.
Program to Address Problem Area	Maintain our 100% mailings to all those who are credentialed for our positions when we hire.
2. Identification of Problem Area:	Communicate better with Spanish-speaking customers.
Program to Address Problem Area	Expand our current program of a bilingual permit counter staff to the phone center. Train an employee in Spanish.
3. Identification of Problem Area:	Maintain a harassment-free workplace. We have been vigilant for 25 years.
Program to Address Problem Area	Continually police the workplace and address problems.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Planning Division
Agency

Bradley J. Murphy
Agency Head

bmuprhy@cityofmadison.com
E-mail Address

Bradley J. Murphy
Civil Rights Coordinator

bmurphy@cityofmadison.com
E-mail Address

215 Martin Luther King Jr. Blvd
Address

Madison, Wi 53701
City/State/Zip Code

266-4635
Telephone

www.cityofmadison.com/planning
Website

November 19, 2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Bradley J. Murphy, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Bradley J. Murphy has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	The Planning Division is under-represented in several job categories. Most of the positions in the Division are Professional Planning and paraprofessional planning and technical support positions.
Program to Address Problem Area	Work with Human Resources to broaden recruitment for these positions as they become available to ensure that job recruitment notifications are sent to a broad list of organizations and are posted in relevant publications and on relevant websites.
2. Identification of Problem Area:	College students in general and those who are members of underrepresented groups have difficulties gaining work experience to compete for professional planning jobs when they graduate.
Program to Address Problem Area	AASPIRE Program. Continue to participate in the Affirmative Action Student Professional in Residence Program. The Planning Division has hired an intern or two in most years since the program has been in existence.
3. Identification of Problem Area:	Provide opportunities for underrepresented groups to gain job experience working with the City.

<p>Program to Address Problem Area</p>	<p>2010 Decennial Complete Count Program. The Planning Division is the designated census liaison for all activities related to the preparations for the 2010 Census. Planning will work with the Census Bureau and other local agencies to promote the 2010 Census and to better assure a complete count within historically difficult to count areas. In the past grant funding has been available to plan and carry out a program focused on neighborhoods with larger populations of non-English speaking people and ethnic minorities. This program is carried out prior to the April 2010 Census. It is anticipated that limited term hourly employees will be hired, as has occurred for the previous Census to help promote a complete count. The program however depends on funding availability.</p>
<p>Please include any additional initiatives your agency has developed:</p>	



Agency Affirmative Action Plan

Submitted by:

Senior Center

Agency

Christine Beatty

Agency Head

cbeatty@cityofmadison.com

E-mail Address

Christine Beatty

Civil Rights Coordinator

cbeatty@cityofmadison.com

E-mail Address

330 W. Mifflin Street

Address

Madison, WI 53703

City/State/Zip Code

608-267-8652

Telephone

Website

12/8/08

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Christine Beatty, Director, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Christine Beatty, Director has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Provide opportunities for internships, work-study and other partnerships targeted to people of color and people with disabilities.
2. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Encourage staff to participate on hiring panels in an effort to familiarize them with the hiring practices of larger agencies.
3. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Work with HR and DCR to recruit minorities for any openings
Please include any additional initiatives your agency has developed:	



**Agency Affirmative Action Plan
2008-2012**

Submitted by:

Captain Sue Williams

Agency

Chief Noble Wray

Agency Head

nwray@cityofmadison.com

E-mail Address

Captain Sue Williams

Civil Rights Coordinator

sawilliams@cityofmadison.com

E-mail Address

211 S. Carroll St

Address

Madison WI 53703

City/State/Zip Code

608 266-6234

Telephone

www.cityofmadison.com/police

Website

October 31, 2008

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Chief Noble Wray, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Sue Williams, Captain of Personnel and Training has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2008-2012.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8)

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Increase the number of quality female and persons of color candidates for the position of Police Officer
Program to Address Problem Area	We have addressed this problem area by sending recruitment letters to all Midwest college and university woman's sport coaches, and by taking the first two steps of our hiring process on the road (written test and physical agility test) to allow those candidates that might otherwise have a hardship traveling to Madison multiple times.
2. Identification of Problem Area:	Implementation of the Mentoring Programs
Program to Address Problem Area	We already have this in place for new officers and newly promoted sergeants
3. Identification of Problem Area:	Ongoing attention for the need to provide diversity training for all employees

<p>Program to Address Problem Area</p>	<p>All officers in our pre-service academy receive 12 hours of training on "Honoring our Differences". At the annual Promotional Academy all supervisor candidates receive training on Prohibited Workplace Harassment taught by the Department of Civil Rights. In 2006, all commissioned staff received in-service instruction on the topic of "Unconscious Bias" by a Professor from the University of Wisconsin. In 2008 MPD co-hosted a local training, 2008 Racial Justice Summit, with the YWCA, and STAJOH and sent many officers to this training. Also in 2008 MPD Commanders will receive training on " A Comprehensive Agency Response to the Issues Of Racially Biased Policing and the Perceptions Of Its Practice" by national expert Dr. Lorie Fridell</p>
<p>Please include any additional initiatives your agency has developed:</p>	



Agency Affirmative Action Plan

Submitted by:

Engineering

Agency

Larry Nelson

Agency Head

lnelson@citymadison.com

E-mail Address

Larry Nelson

Civil Rights Coordinator

lnelson@cityofmadison.com

E-mail Address

210 Martin Luther King Jr. Blvd. Rm. 115

Address

Madison, WI 53703

City/State/Zip Code

608-267-4227

Telephone

<http://www.cityofmadison.com/engineering/>

Website

12/18/08

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Larry Nelson, City Engineer, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Larry Nelson, City Engineer has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Provide opportunities for internships, work-study and other partnerships targeted to people of color and people with disabilities.
2. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Encourage staff to participate on hiring panels in an effort to familiarize them with the hiring practices of larger agencies.
3. Identification of Problem Area:	Under-representation of racial/ethnic minorities and women in workplace.
Program to Address Problem Area	Work with HR and DCR to recruit minorities for any position openings.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Fleet Services

Agency

William VandenBrook

Agency Head

bvanderbrook@cityofmadison.com

E-mail Address

Mary Christian

Civil Rights Coordinator

mchristian@cityofmadison.com

E-mail Address

200 N. 1st Street

Address

Madison, WI 53704

City/State/Zip Code

608-246-4546

Telephone

Website

12/18/08

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, William Vanderbrook, Superintendent, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Mary Christian, Maintenance Supervisor has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Provide opportunities for internships, work-study and other partnerships targeted to people of color and people with disabilities.
2. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Encourage staff to participate on hiring panels in an effort to familiarize them with the hiring practices of larger agencies.
3. Identification of Problem Area:	Under-representation of racial/ethnic minorities and women in workplace.
Program to Address Problem Area	Work with HR and DCR to recruit minorities for any position openings.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Metro Transit
Agency

Chuck Kamp
Agency Head

ckamp@cityofmadison.com
E-mail Address

Sharon Persich
Civil Rights Coordinator

spersich@cityofmadison.com
E-mail Address

1245 E. Washington Ave. Suite 201
Address

Madison, WI 53703
City/State/Zip Code

266-4904
Telephone

www.mymetrobus.com
Website

10/24/2008
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Chuck Kamp, Transit General Manager, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Sharon Persich, Transit Planning & Scheduling Mgr.
(Name and Title)

has been designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Continue the initiative of increasing diversity among Metro operators and mechanics
Program to Address Problem Area	Utilize current employees of racial-ethnic background to perform community outreach and share information about Metro jobs.
2. Identification of Problem Area:	Increase diversity of professional and technical positions
Program to Address Problem Area	Metro and Human Resources will undertake a skills assessment of professional positions in Metro and develop targeted training for interested employees.
3. Identification of Problem Area:	Expand awareness among students and educators of Metro job requirements and application procedures.
Program to Address Problem Area	Counselors and minority students from area high schools will be invited to visitation programs that include a tour of Metro and presentations about jobs, job requirements and application procedures.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Keith Pollock
Agency

Parking Utility
Agency Head

David Dreyer/William Knobeloch
E-mail Address

ddreyer@cityofmadison.com / wknoeleoch@cityofmadison.com
Civil Rights Coordinator

Keith Pollock
E-mail Address

Kpollock@cityofmadison.com
Address

215 MLK Jr., Blvd.
City/State/Zip Code

Madison, WI 53575
Telephone

Website

11/03/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, David Dryer, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Traffic Engineer and Parking Manager has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	PU work force could be more balanced
Program to Address Problem Area	Participation in a job fair could enhance the agency's ability to hire under-represented groups.
2. Identification of Problem Area:	PU management force could be more balanced
Program to Address Problem Area	Provide training opportunities for individuals in under-represented groups and foster their leadership skills.
3. Identification of Problem Area:	The hourly work-force could be more demographically reflective of the community in terms of race and ethnicity
Program to Address Problem Area	Advertise position openings in publications/websites who focus on women and minority audiences.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Parks Division
Agency

Kevin Briski
Agency Head

kbriski@cityofmadison.com
E-mail Address

Kelli Lamberty
Civil Rights Coordinator

klamberty@cityofmadison.com
E-mail Address

210 Martin Luther King Jr. Blvd. Ste. 104
Address

Madison, WI 53703
City/State/Zip Code

608-266-6033
Telephone

www.cityofmadison.com/parks
Website

11/13/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Kevin Briski, Parks Superintendent, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Kelli Lamberty, Community Event Coordinator has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Despite implementation of a variety of outreach programs to increase the number of candidates from under-represented groups, there are often few or no such applicants for available Parks positions.
Program to Address Problem Area	Continue and expand current recruitment efforts and work with Human Resources and the Dept. of Civil Rights to determine and implement "best practice" programs for these recruitment efforts.
2. Identification of Problem Area:	
Program to Address Problem Area	In conjunction with the Human Resources Dept., review job announcements and position descriptions to insure that the language is clear and concise and that employment requirements reflect the essential duties and responsibilities of the position.
3. Identification of Problem Area:	
Program to Address Problem Area	
Please include any additional initiatives your agency has developed:	BLAST - Outreach program to train under represented young people to become lifeguards, with the objective of having them work at Goodman Pool and city beaches.



Agency Affirmative Action Plan

Submitted by:

Streets Division

Agency

Alan C. Schumacher

Agency Head

aschumacher@cityofmadison.com

E-mail Address

Alan C. Schumacher

Civil Rights Coordinator

aschumacher@cityofmadison.com

E-mail Address

1501 W. Badger Rd.

Address

Madison, WI 53713

City/State/Zip Code

608-266-4681

Telephone

www.cityofmadison.com/streets

Website

11/6/08

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Alan C. Schumacher, Street Superintendent, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Alan C. Schumacher, Street Superintendent has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Entry level recruitment of women and racial/ethnic applicants through the assistance of DCR and Human Resources
Program to Address Problem Area	Work with representatives of DCR and HR to develop plan to attend job fairs and for notification of applicants of job openings
2. Identification of Problem Area:	Improve on the under-represented hiring of women and racial/ethnic members into the upper levels of the Service and Maintenance Job Family 8, which is SMO II and SMO III
Program to Address Problem Area	Make the Street Division Career Development procedure available to all Divisional employees.
3. Identification of Problem Area:	Improve on the under-represented hiring of women and racial ethnic applicants members into the entry level management and supervisory positions.
Program to Address Problem Area	Continuous recruitment of the under-represented members to make them aware of the opportunities and how to make themselves promotable.
Please include any additional initiatives your agency has developed:	

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, David Dryer, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Traffic Engineer and Parking Manager has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for women: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Women and other minorities are under-represented in engineering positions
Program to Address Problem Area	TE announces engineering position vacancies on websites and publications of the following organizations: WI Black Engineering Student Society, Society of Women Engineers, and the Society of Hispanic Engineers as well as other student and professional organizations for women and minority groups
2. Identification of Problem Area:	Women and other minorities are under-represented in hourly TE employment (summer help).
Program to Address Problem Area	Advertise position openings in publications/websites who focus on women and minority audiences.
3. Identification of Problem Area:	Women and other minorities are under-represented in engineering positions
Program to Address Problem Area	Summer of 2009 (if financially possible) hiring of an AASPIRE intern.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

Water Utility

Agency

Tom Heikkinen

Agency Head

theikkinen@cityofmadison.com

E-mail Address

Robin Piper

Civil Rights Coordinator

rpiper@cityofmadison.com

E-mail Address

119 East Olin Avenue

Address

Madison, WI 53713-1431

City/State/Zip Code

608-266-4651

Telephone

<http://www.cityofmadison.com/water/>

Website

12/18/08

Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, Tom Heikkinen, Water Utility General Manager, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Robin Piper, Finance/Accounting Manager has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Provide opportunities for internships, work-study and other partnerships targeted to people of color and people with disabilities.
2. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Encourage staff to participate on hiring panels in an effort to familiarize them with the hiring practices of other city agencies.
3. Identification of Problem Area:	Under-representation of racial/ethnic minorities and women in workplace.
Program to Address Problem Area	Work with HR and DCR to recruit minorities for any position openings.
Please include any additional initiatives your agency has developed:	



Agency Affirmative Action Plan

Submitted by:

City Treasurer
Agency

David Gawenda
Agency Head

dgawenda@cityofmadison.com
E-mail Address

Patti Stone
Civil Rights Coordinator

pstone@cityofmadison.com
E-mail Address

210 Martin Luther King Blvd, Rm 107
Address

Madison, WI 53703
City/State/Zip Code

608-266-4771
Telephone

Website

10/31/08
Date

Section II - Policy Statement

APM 3-5: <http://www.cityofmadison.com/mayor/apm/3-5.pdf>

Section III - Staff Responsibility

Our Agency Head, David Gawenda, City Treasurer, is responsible for
(Name and Title)

implementation of our Affirmative Action Plan. Patti Stone, Lead Worker has been
(Name and Title)

designated as our Agency Civil Rights Coordinator and is responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and our affirmative action plan.

Section IV - Subcontractors

We will ensure that all our subcontractors working on City of Madison Public Works contracts provide equal employment opportunity. We will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(9)(e)2., Article VII of the Madison General Ordinances.

Section V - Personnel and Other Employment-Related Policies

We will have non-discriminatory personnel and employment related policies. These policies and practices will be applied in a fair and uniform manner to achieve equal employment opportunity. We will continuously review our personnel and employment-related policies and procedures. We will take whatever action is necessary to correct those that are found to be discriminatory and/or have a disparate impact on racial/ethnic affirmative action group members, women and people with disabilities. Such review will include, but not be limited to, the following:

Dissemination of Policy Statement and Plan	Yes	No, and state the reason
1. Include policy statement and reference to Affirmative Action Plan in policy manual.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Prominently display "EEO/AA Employer" on employee bulletin boards and City Public Works project sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Display "equal employment opportunity/affirmative action employer" in all employment-related advertising.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recruitment	Yes	No, and state the reason
4. Review employment application form to ensure that information requested is bias-free and job-related.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Encourage current racial/ethnic and female employees, and employees with disabilities to assist in the recruitment of prospective racial/ethnic and female applicants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Review scope and methods of recruitment to ensure that prospective racial/ethnic affirmative action group, female applicants and applicants with disabilities are being reached. Attach a listing of your current recruitment resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Selection Criteria	Yes	No, and state the reason
8. Use reliable and unbiased screening methods (oral and written tests, interview questions, etc.) to measure job-related skills, including reasonable accommodations when requested by an employee or applicant with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Establish selection criteria that accurately identify actual skill requirements of jobs, including an essential functions job evaluation for applicants with a disability.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Staff Development	Yes	No, and state the reason
10. Ensure all employees equal access to training & promotional opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Review training programs, promotional opportunities and seniority systems to ensure that they are nondiscriminatory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Take affirmative steps to provide promotional and career advancement opportunities, including compensable training to affirmative action group members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harassment-Free Work Environment	Yes	No, and state the reason
13. Ensure a harassment-free work environment for all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Be sure that all managers and supervisors know their responsibility for eliminating harassment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Distribute anti-harassment policy to all employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Complaint Procedures	Yes	No, and state the reason
16. Make certain that all employees are aware of the appropriate person(s) to whom discrimination and harassment complaints should be made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section VI – Identification of Problem Areas

Each agency has reviewed their agency workforce to determine whether and where impediments to equal employment opportunity exist. After these problems are identified each agency will develop and action-oriented program to correct any identified problem areas. This action plan will include internal audit and annual reports to measure the effectiveness of these action steps. The timetable for implementation is 2009-2013.

Citywide employees are under-represented in the following job categories for women: Officials and Administrators (Job Family 1); Professionals (Job Family 2); Technicians (Job Family 3); Skilled Craft workers (Job Family 7) Service and Maintenance (Job Family 8).

Citywide employees are under-represented in the following job categories for racial/ethnic minority members: Service and Maintenance (Job Family 8).

All job categories are under-represented for individuals with disabilities, based on currently available nation-wide information. (The City's Human Resources (HR) Department is currently gathering data on employees with disabilities to better describe the amount of under-representation in City-wide employment.)

Develop at least three balanced employment initiatives to assist in accomplishing the agency's long-term and annual goals to achieve a balanced workforce. Please describe each agency program initiative, identify the person responsible for each activity and including a mechanism to ensure accountability.

If your agency already meets or exceeds the balanced workforce goal, develop initiatives to mentor other agencies, disseminate information about how you achieved the goal, or volunteer on interview panels for other agencies.

1. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	When openings in the agency occur, take efforts to recruit a diverse pool of candidates.
2. Identification of Problem Area:	Lack of racial/ethnic diversity in agency.
Program to Address Problem Area	Encourage staff to participate of hiring panels in an effort to familiarize them with the hiring practices of larger agencies.
3. Identification of Problem Area:	Lack of opportunities for professional advancement of staff.
Program to Address Problem Area	Budget resources for conference and training and encourage staff to attend.
Please include any additional initiatives your agency has developed:	

Section IV – Workforce Quantitative Requirements

Each agency's Affirmative Action plan according to federal guidelines must include five quantitative components:

1. Organizational profile or workforce analysis
2. Job Group analysis
3. Availability analysis
4. Comparison of incumbency to availability, and
5. Placement goals

Organizational profile - Workforce Analysis

The organizational profile is an organization chart showing each of the organizational units and their relationships to one another, and the gender, racial, and ethnic composition of each organizational unit. This workforce analysis is available to review by request to the Department of Civil Rights.

Job Group Analysis (EEO-4 Job Families)

1. Officials and Administrators: Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

1A-Senior Officials & Executives
1B-Unit Directors & Managers
1C-Program Managers & Supervisors
1D-Major Program & Project & Operation Administration & Supervisors
1E-Project Operations & Administrators & Supervisors
1F-Program & Project & Operation Supervisors
1G-Major Foreperson & Field Supervisors
1H- Foreperson & Field Supervisors
2. Professionals: Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police

and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

- 2A-Advanced Legal
- 2B-Legal
- 2C-Civil Rights, Employment & Legal
- 2D-Adv. Engineering & Architecture Design & Development
- 2E- Engineering Design & Development
- 2F-Police Captains
- 2G-Fire Captains
- 2H-Police Lieutenants
- 2J-Fire Lieutenants
- 2K-Expert Consultants
- 2L-Public Health Protection
- 2M-Health Care Services
- 2N-Adv. Information Systems & Development
- 2P-Info Systems & Development

3. Technicians: Occupations that require a combination of basic scientific or technical knowledge and manual skill, which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), inspectors (production or processing inspectors, testers and weighers), police and fire sergeants, and kindred workers.

- 3A-Police Sergeants & Special Investigators
- 3B-Firefighters, Paramedics, Inspectors & Investigators
- 3C-Advanced Specialist Regulatory & Code Enforcement
- 3D-Specialist Regulatory & Code Enforcement
- 3E-Inspectors
- 3F-Engineering Program Specialists & Surveyors
- 3G-Engineering Planning Technicians
- 3H-Architecture & Engineering and Related Aides
- 3J-Property Assessors & Real Estate Aides
- 3K-Biology & Chemical Science Technicians
- 3M-Hourly Technical Aides

4. Protective Service Workers: Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

- 4A-Police Officers

- 4B-Police Detectives
- 4C-Firefighters
- 4D-Fire Apparatus Engineers & Fire Chief Aides
- 4E-Public Safety Coordinators Officer & Monitor
- 4F-Crossing Guards
- 4G-Command Center & Security

5. Paraprofessionals: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a “New Careers” concept. Included: research assistants, medical aides, child support workers, policies auxiliary welfare service aides, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

- 5A-Library Assistants
- 5B-Specialized Paraprofessional Supervisors
- 5C-Paraprofessional Program Support
- 5D-Paraprofessional Accounting

6. Administrative Support (Including Clerical and Sales): Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

- 6A-Advanced Administration & Program Support
- 6B-Fiscal Processing
- 6C-Resource Assignment
- 6D-Administration & Program Support
- 6E-Advanced Administration & Clerical Support
- 6F-Admininstration & Clerical Support
- 6G-Clerical Support
- 6H-Library Clerks
- 6J-Cashiers
- 6K-Inventory Clerks

7. Skilled Craft Workers: Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled

machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

7A-Crafts Group

7B-Advanced Electrical System Installation, Maintenance & Repair

7C-Electrical Systems, Installation and Maintenance & Repair

7D-Facilities & Buildings Maintenance & Construction

7E-Water Supply Operators

7F-Skilled Mechanic Maintenance

8. Service-Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

8A-Service & Maintenance Lead Worker Coordinator & Crew

8B-Grounds, Conservation & Arbor Care

8C-Motor Coach Operators

8D-General Public Works Maintenance & Equipment Operators

8E-Advanced Public Works Maintenance & Equipment Operators

8F-Advanced Equipment Operators

8G-Refuse Collection & Street & Sewer Maintenance Work

8H-General Facility Equipment Repair & Maintenance

8J-General Maintenance & Mechanical Repair Work

8K-Custodial & Facility Maintenance

8M-Transportation Custodial & Service Worker

8P-Hourly Public Facility Service Attendants

Availability Analysis

The Availability Analysis provides a statistical estimate of the current availability of women and racial/ethnic minorities for each job group. The purpose of the Availability Analysis is to determine whether under-representation may exist by comparing the City's current utilization of women and racial/ethnic minorities to their current availability.

It is difficult to measure or monitor workforce representation and employment opportunities within job families for individuals with disabilities due to confidentiality requirements and optional self-identification. Furthermore, there are not sufficient occupational data to develop comparative statistics. Finally, the accommodation process in concert with ongoing action to review our employment process corresponds to the need to prevent and eliminate barriers to employment that are relevant to factors that might otherwise exclude individuals with disabilities.

The City is committed to making every good faith effort to meet the goals that result from our availability analysis. The Affirmative Action Plan uses the U.S. Census 2000 EEO Data for the Madison Statistical Area (MSA). The Madison, WI MSA for this report is Dane County. Dane County includes the following cities: City of Madison, City of Fitchburg, City of Middleton, City of Monona, City of Stoughton, City of Sun Prairie, and the City of Verona. Dane County also includes the following villages: Village of Belleville, Village of Black Earth, Village of Blue Mounds, Village of Cambridge, Village of Cross Plains, Village of Dane, Village of Deerfield, Village of De Forest, Village of McFarland, Village of Marshall, Village of Mount Horeb, Village of Oregon, and the Village of Waunakee.

Utilization Analysis: Incumbency vs. Availability

Utilization Analysis provides an indicator of specific areas that need immediate attention, but does not provide a basis for personnel decisions. The utilization analysis compares the representation of women and racial/ethnic minorities in each job group with their representation among those available to be employed in order to determine under-representation. Under-representation is calculated by applying several different statistical standards and occurs when the percentages of women and racial/ethnic minorities employed in particular jobs groups is less than would reasonably be expected considering their availability. The City then establishes an annual placement goal in each job group indicating such under-representation.

Placement Goals vs. Quotas

Placement goals are not quotas, in fact, quotas are expressly forbidden. Placement goals are reasonably attainable objectives or targets that are used to measure progress toward achieving equal employment opportunity for women and racial/ethnic minorities. Quotas, on the other hand, place an enforceable minimum or floor on the employment of racial/ethnic minorities and women in a specific job group.

For women and members of racial/ethnic minorities it is necessary to engage in a utilization workforce analysis to identify areas of under-representation and to establish responsive annual goals and long-term plans of action.

Women are under-represented in the following Job Categories:

- Officials and Administrators
- Professionals
- Technicians
- Skilled Craft
- Service Maintenance

Racial/ethnic minorities are under-represented in the following EEO Categories:

- Service Maintenance

It is difficult to measure or monitor workforce representation and employment opportunities within job families for individuals with disabilities due to confidentiality requirements and unreliable self-identification. Furthermore, there are not sufficient occupational data to develop comparative statistics. Finally, the accommodation process in concert with ongoing action to review our employment process corresponds to the need to prevent and eliminate barriers to employment that are relevant to factors that might otherwise exclude individuals with disabilities.

Annual Placement Goals

The annual placement goals objective is to identify specific job groups in which fewer women and/or minorities are employed than would be reasonably expected given the availability of qualified women and/or minorities among the employer's existing workforce or in the applicable recruitment area. When there are few women and/or minorities in a particular job group than the availability analysis indicated would reasonable be expected the employer must set a placement goal for that job group.

The placement goals are not quotas; employees must make all selections decisions in a nondiscriminatory manner and may not use a place goal as a justification for selecting an individual based on their protective status. Source: US Census 2000 EEO Data Tool Madison, WI MSA

Job Groups	Women Incumbency	Women Availability	Establish Goal Yes/No	If Yes, Goal for Women	Minority Incumbency	Minority Availability	Establish Goal Yes/No	If Yes, Goal for Minorities
1 Official and Administrators 1A - 1B	21.74%	41.3%	Yes	41.3%	21.74%	6.1%	No	
1 Official and Administrators 1C - 1F	37.07%	41.3%	Yes	41.3%	6.90%	6.1%	No	
1 Official and Administrators 1G - 1H	18.39%	41.3%	Yes	41.3%	9.20%	6.1%	No	
2 Professionals 2A - 2C	57.14%	52.1%	No		14.29%	9.1%	No	
2 Professionals 2D - 2E	27.78%	52.1%	Yes	52.1%	13.89%	9.1%	No	
2 Professionals 2F - 2J	17.65%	52.1%	Yes	52.1%	12.94%	9.1%	No	
2 Professionals 2K - 2M	56.25%	52.1%	No		12.50%	9.1%	No	
2 Professionals 2N - 2S	47.92%	52.1%	Yes	52.1%	12.50%	9.1%	No	
2 Professionals 2T - 2Y	63.03%	52.1%	No		12.61%	9.1%	No	
3 Technicians 3A - 3E	28.65%	56.1%	Yes	56.1%	8.11%	8.4%	No	
3 Technicians 3F - 3M	20.00%	56.1%	Yes	56.1%	10.00%	8.4%	No	
4 Protective Workers 4A - 4G	32.97%	24.2%	No		17.63%	13.3%	No	
5 Paraprofessionals 5A - 5D	76.25%	66.3%	No		17.50%	8.0%	No	
6 Administrative Support 6A - 6K	75.75%	66.3%	No		15.04%	8.0%	No	
7 Skilled Craft Workers 7A - 7F	1.33%	6.9%	Yes	6.9%	10.00%	7.2%	No	
8 Service Maintenance 8A - 8B	15.28%	42.4%	Yes	42.4%	13.89%	16.8%	Yes	16.8%
8 Service Maintenance 8C	22.04%	42.4%	Yes	42.4%	23.32%	16.8%	No	
8 Service Maintenance 8D - 8P	19.91%	42.4%	Yes	42.4%	10.71%	16.8%	Yes	16.8%
6S was not included in this report								
Availability for Group 5 was used with Group 6 data								

Section V: Affirmative Action Policies

Recruitment

An Affirmative Action recruitment is more specifically defined as a recruitment strategy designed to reach and attract applicants whom are racial/ethnic minorities, women and/or individuals with disabilities to participate in the City of Madison's employment process.

To more fully promote equal opportunities in City employment, City department and division representatives shall continue to:

1. Utilize members of racial/ethnic minorities, women and individuals with disabilities who are employees and/or members of City commissions, committees or boards as recruitment resources (Appendix E: Recruitment Resources).
2. Participate in targeted job fairs and employment seminars.
3. Encourage open and honest communication with racial/ethnic minority applicants who are interested in general information about the Department's selection process.
4. Advertise in newspapers/publications and other forms of media that are specifically targeted towards members of racial/ethnic minority groups.
5. Establish and maintain contacts with employment and utilize agencies and community-based organizations whose clientele consists of members of Affirmative Action groups.
6. Establish relationships with and utilize affirmative action offices of other employers who recruit applicants in occupational areas that are consistent with those in City departments/divisions.
7. Establish relationships with and utilize educational institutions and professional organizations that focus on occupational areas related to City work.

People with Disabilities

It is the policy of the City of Madison to provide affirmative action and equal employment opportunities for people with disabilities which may include according to the city's policy (Appendix E: APM 2-22 Workplace Accommodations), but are not limited to: (1) modifying test formats or media; (2) making facilities accessible; or 3) providing specialized tools or equipment to ensure reasonable accommodation in all aspects of the employment process.

An individual who is disabled is defined by the Wisconsin Fair Employment Act as: (1) having a physical or mental impairment which makes achievement unusually

difficult or limits the capacity to work; (2) having a record of such an impairment; or (3) being perceived as having such an impairment. The City will continue to review and identify the essential functions of each position as job openings occur. Employees and applicants for employment can indicate their need for accommodation at the time of the application for employment, promotion or transfer on the City application form, or by contacting the Occupational Accommodations Specialist directly. Employees can request an accommodation by contacting their supervisor, agency head or the Occupational Accommodations Specialist at any point in their employment with the City.

Language Assistance

The City of Madison is committed to providing valid employment consideration for individuals in our City who have Limited English Proficiency (LEP). Upon request of an individual, and when reasonable, the City will provide interpretation and/or translation services throughout the application process.

Religious Accommodations

Upon the request of an employee, the City will attempt to provide a reasonable accommodation for a religious belief or practice. Such accommodations might be provided in one of the following ways with supervisory approval (1) permitting voluntary substitution; (2) creating a flexible work schedule; or (3) changing the job assignment.

Hiring-Examination/interview Panel Members

The City of Madison believes that balanced panels promote equal employment opportunity in the hiring process; minimize cultural, racial, gender and disability differences between interviewers and interviewees; and provides a more thorough evaluation of applicant responses.

A “balanced panel” means that the panel (usually 3 people) includes at least one affirmative action target group member (a woman, a racial/ethnic minority or a person with a disability).

In the event in which an agency is unsuccessful in securing an affirmative action target group member to participate on their panel the Department of Civil Rights shall be contacted immediately for assistance.

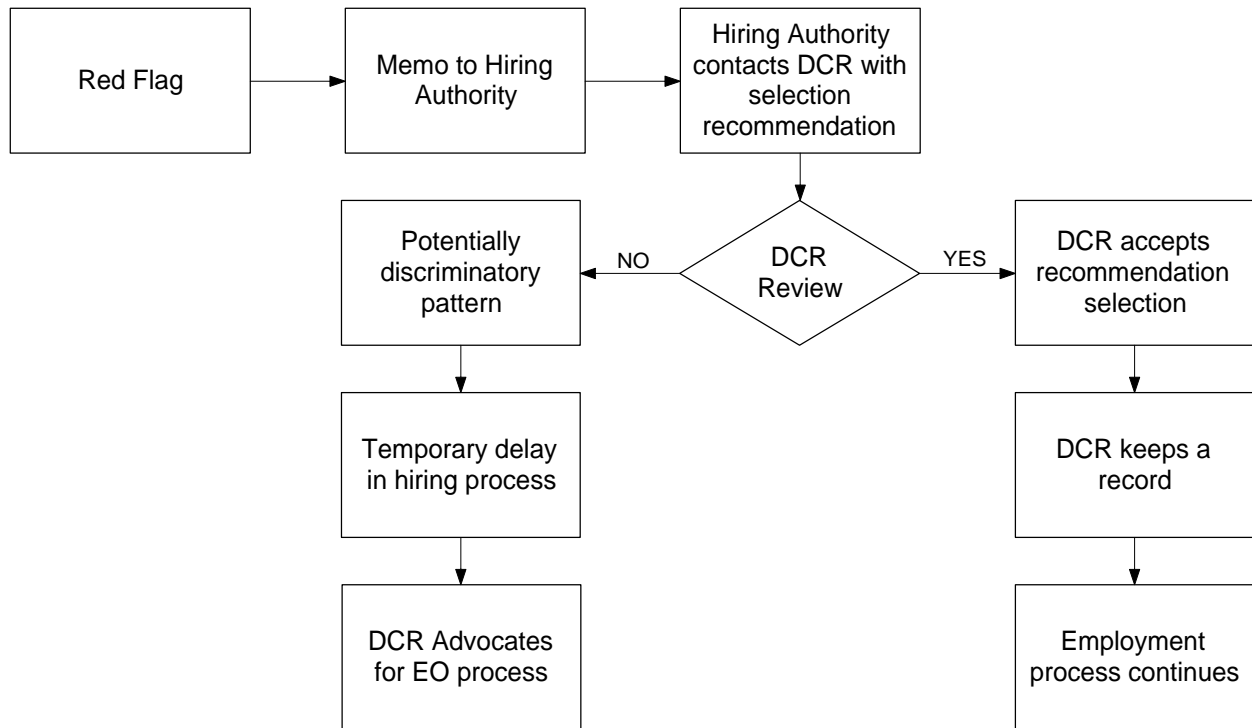
To further promote equal employment opportunity all panel members shall be made aware of the relevant position’s job family category including the position’s representation/under-representation status prior to interviews. All examination questions, whether oral or written, must be related to the job to be filled, and must reliably predict successful job performance. All questions must be directly related to the employment posting requirements for knowledge, skills, and abilities. Interview questions should not cause disparate impact on under-represented group members.

Each agency's selection process will consist of a set of pre-established benchmarks that are used to define the needs of the position. The City's Department of Civil Rights will monitor selection and/or hiring procedures in accordance with the City Affirmative Action Program's systems for monitoring and evaluating Affirmative Action achievements.

Hiring-Red Flag Procedures

The term "Red Flag" refers to a City of Madison Affirmative Action procedure when a vacancy occurs in an area where representation for women or racial/ethnic minorities is an appropriate consideration.

1. A memorandum is issued to the hiring authority to alert the selecting official that an opportunity is available to increase the representation for an affirmative action group member.
2. When a position is red-flagged, the hiring authority must contact the Department of Civil Rights following the interview process, but prior to making an employment offer, to inform the Department of Civil Rights of the selection recommendation.
3. It is the responsibility of the Department of Civil Rights to review the recommended selection in order to ascertain what progress is occurring in eliminating representation deficiencies. Where racial/ethnic minorities or women are certified eligible for a position that is in an under-represented job family, the Department of Civil Rights will closely examine selection recommendations.
4. If the selection recommendation is acceptable, the Department of Civil Rights will give its approval and the employment process will continue. The approval process occurs in the form of electronic mail or a verbal exchange between the agency's hiring contact and DCR Recruitment Specialist discussing the recommended selection and the opportunity to eliminate under-representation, with a record being so noted by the Department of Civil Rights.
5. Should the Department of Civil Rights observe that a potentially discriminatory pattern is developing in any given agency, or work area; following the receipt of recommended selections that are not inclusive of qualified affected members; it is within the scope of the Department of Civil Rights' authority to delay the hiring process in an effort to ensure that all city agencies are promoting equal employment opportunities.



Hiring-Selection Justification Memorandum

“Selection Justification Memorandum” defines the recordkeeping procedure that includes documentation required to provide justification as to why a given candidate has been selected to fill a position. Each City of Madison hiring authority is expected to document hiring decisions and to maintain an accurate recordkeeping system of the entire selection process for each position filled. The Department of Civil Rights has the authority to review this documentation at any time.

Section VI: Equal Employment Policies

Disciplinary Action

Disciplinary actions taken against women, racial/ethnic minority group member, or person with a disability, which may result in discipline or discharge, shall be reported to the Department of Civil Rights prior to the culmination of termination proceedings.

Prohibited Harassment and/or Discrimination Policy (APM 3-5)

The City of Madison is committed to providing equal employment opportunities for all persons and for providing a work environment free from harassment and discrimination. The goal is to achieve and maintain a respectful and welcoming workplace for all members of the community. To that end, this policy will be liberally construed and strictly enforced so as to achieve these goals. Harassment, discrimination and retaliation are prohibited conduct and violations of this policy will not be tolerated.

This policy applies to the delivery of City services and goods and to the official interactions of City employees with other members of our community. This policy also applies to conduct that occurs at the workplace and at any location that can be reasonably regarded as an extension of the workplace.

Managerial and supervisory employees are expected to serve as role models and to demonstrate their commitment to this policy in their everyday conduct. Any such employee who fails to take appropriate action upon observing an act prohibited by this policy, or who fails to take appropriate action upon receiving a complaint of a violation of this policy, is guilty of misconduct. Managerial employees are required to promptly notify their Agency Head, in writing, of all instances of known, observed and/or reported discrimination, harassment and/or retaliation.

All employees are required to cooperate fully with any investigation into alleged violations of this policy. Although a pattern of conduct is usually required for purposes of civil liability, the City does not condone any act of harassment, discrimination or retaliation. Engaging in any such prohibited conduct could result in disciplinary action being taken against the offender, up to and including discharge from City employment (Appendix G - APM 3-5 Prohibited Harassment and/or Discrimination Policy)

Section VII: Commissions and Committees

Affirmative Action Commission (AAC)

The Affirmative Action Commission (AAC) is created pursuant to Madison General Ordinance 39.02. The Mayor, subject to confirmation by the Common Council, appoints eleven (11) members. At no time is the total number of women and racial/ethnic members, to constitute less than a majority. All of the members shall be committed to the extension of equal employment opportunities and shall be representative of the affected and/or under-represented groups of the Madison community.

The Affirmative Action Commission duties and responsibilities include but are not limited to:

1. To annually review, approve and recommend the Citywide Affirmative Action goals and timetables as proposed by the Affirmative Action Division Head.
2. To advise under-represented groups of their rights under the Affirmative Action Program.
3. To disseminate information and to educate the people of the City of Madison to a greater understanding and practice of Affirmative Action Employment for all affected and/or other under-represented groups.
4. To render from time to time, but not less than once a year, a written report of its progress, activities and recommendations to the Mayor and Common Council.
5. To recommend and review such rules and regulations as may be necessary to promulgate the City's Affirmative Action program.
6. To develop and review the contract compliance requirements of the City of Madison and to develop a policy with respect to vendors and contractors.
7. To make specific recommendations to the Common Council so as to bring all appropriate ordinances into conformity with the policies of this ordinance.

Minority Affairs Committee (MAC)

The Minority Affairs Committee (MAC) is created pursuant to Madison General Ordinance 33.27 and comprised of city employees responsible for addressing issues of concern to racial and ethnic minorities employed by the City.

Police and Fire Commission (PFC)

The Police and Fire Commission (PFC) is created pursuant to Madison General Ordinance section 62.113. The PFC appoints the Police Chief and Fire Chief and approves or disapproves promotions and supervises the hiring process, with certification of an eligibility list and approval of those who are hired and holds hearings on disciplinary matters brought to its attention either directly or through the appeal process and imposes discipline if appropriate.

Women's Issues Committee (WIC)

The Women's Issues Committee (WIC) is created pursuant to Madison General Ordinance 33.27 and comprised of city employees responsible for addressing concerns of women employed by the City.

Section VII: Glossary

Glossary of Definitions

The following is a glossary of definitions used in this Affirmative Action Plan. Some are terms that the federal regulator uses. This Affirmative Action Plan is based on Madison General Ordinance (MGO), Chapter 39.

Adverse Impact	The selection of protected-class members at a rate lower than that of other groups. A selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5 or 80%) of the rate for the group with the highest rate will generally be regarded by the enforcement agencies as evidence of adverse impact.
Affirmative Action Plan (AAP)	A set of specific and results-oriented policies, practices and procedures to implement good faith efforts for achieving fair utilization of minorities and women at all levels of the workforce where deficiencies exist. The plan includes a number of quantitative analyses.
Affirmative Action Plan Year	January 1, 2009 – December 31, 2013.
Applicant Pool	All people who have applied for a particular job or jobs during a particular period of time.
Availability Analysis	A statistical estimate of the number of qualified minorities or women available for employment in a given job group.
Equal Employment Opportunity (EEO)	An environment wherein all recruitment, interviewing and selection, hiring, promotion, demotion, transfer, discipline, training, benefits, policies, procedures and all other decisions related to employment are made, implemented and carried out without based upon protective status.

Ethnicity/Race

Ethnicity: (Select One)

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Not Hispanic or Latino

Race: (Select One or More)

American Indian or Alaskan Native - A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American - A person having origins in any of the Black racial groups of Africa.

Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Job Group

A set of job titles having similar content (i.e. requiring similar skills), offering similar promotional opportunities, and paying similar wages.

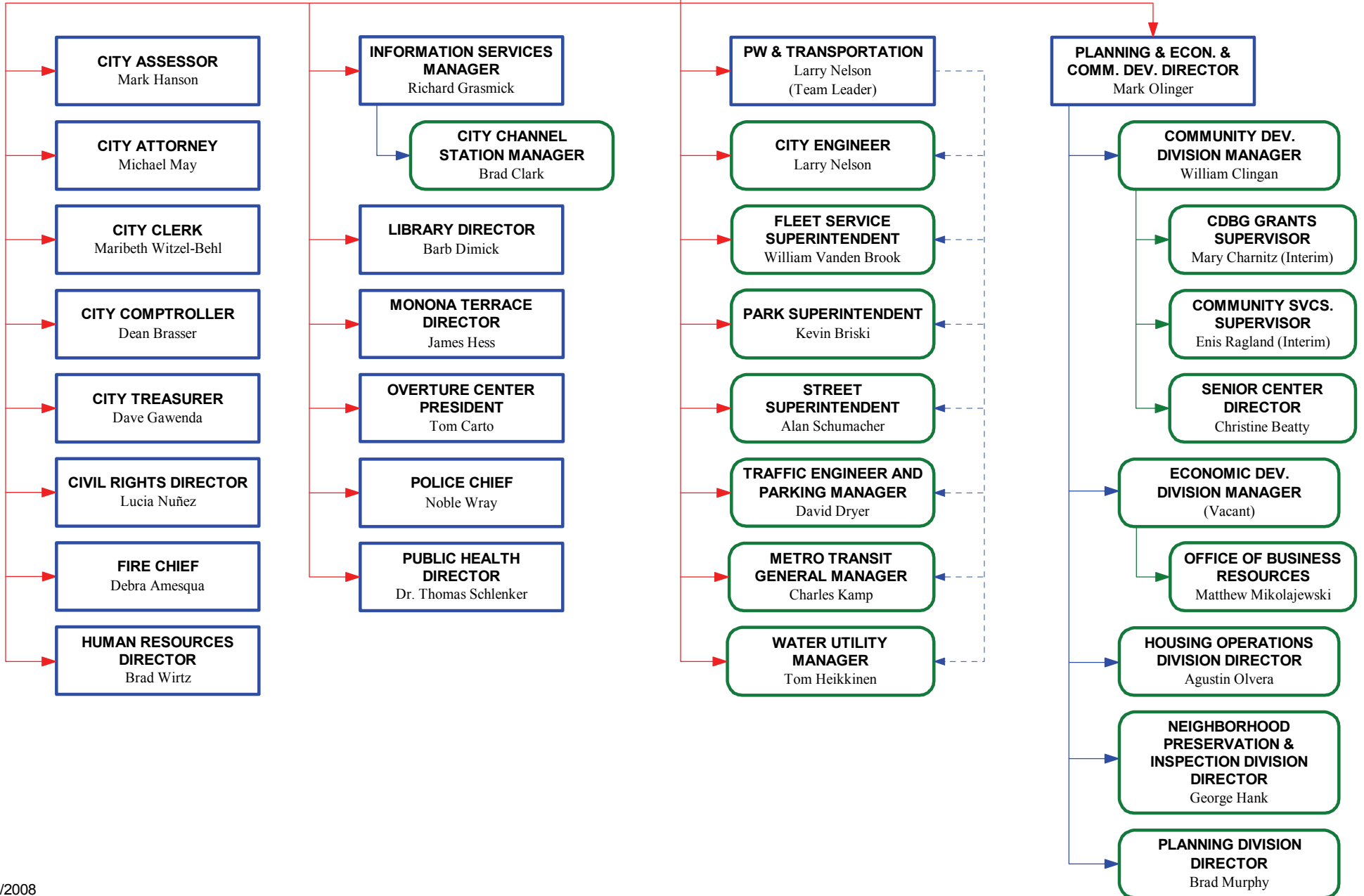
Job Group Analysis	A method of combining job titles within the employer's establishment. This is the first step in the employer's comparison of the representation of minorities and women in its workforce with the estimated availability of minorities and women qualified to be employed.
Lines of Progression	Typical promotional sequences through which an employee could move from an entry level position to an upper level position within the organization unit.
Minorities	The protected racial classes of the population which are presently recognized by Equal Employment Opportunity laws and regulations.
Person with a Disability	<p>A person who either:</p> <ol style="list-style-type: none"> 1. Has a physical or mental impairment which substantially limits one or more of such person's major life activities; 2. Has a record of such an impairment; or 3. Is regarded as having such impairment.
Placement Goals	Placement goals are used to measure progress toward achieving equal employment opportunities for under-represented groups at all levels and/or job classifications.
Under-represented Groups	Protected group members based on race, religion, color, age, marital status, disability, sex or national origin.
Utilization Analysis	The comparison of the actual percentage of minorities and women from the Job Group with the Availability Analysis to determine if minorities or women are under-represented in any job group.

MUNICIPAL COURT
Daniel Koval

CITY OF MADISON
Common Council

MAYOR
David J. Cieslewicz

MAYORAL ASSISTANTS
Janet L. Piraino - Chief of Staff
Mario D. Mendoza - Legislative Analyst
Joel Plant - Assistant to Mayor
Ray Harmon - Assistant to Mayor
Rachel Strauch-Nelson - Assistant to Mayor



Agency Civil Rights Coordinator List

Dept./Division	Dept./Division Head	Civil Rights Coordinator
Assessor	Mark Hanson	Sally Sweeney
Attorney	Michael May	Adriana Peguero
Bldg. Inspection & Code Enforcement	George Hank	Harry Sulzer
Civil Rights	Lucía Nuñez	Christie Hill
Clerk	Maribeth Witzel-Behl	Maribeth Witzel-Behl
Community Development Division	William Clingan	
Community Development Block Grant	Vacant	Audrey Short
Community Services	Enis Ragland (Interim)	Jennifer Stroiber
Comptroller	Dean Brassler	Kay Bentley
Economic Development Division	Mark Olinger	Percy Brown
Engineering	Larry Nelson	Larry Nelson
Fire	Chief Debra Amesqua	Arthur Price
Fleet Services	William VandenBrook	Mary Christian
Housing	Agustin Olvera	Lisa Daniels
Human Resources	Brad Wirtz	Lori Olsen
Information Technology	Richard Grasmick	Richard Grasmick
Library	Barbara Dimick	Mark Benno
Madison City Channel	Brad Clark	Brad Clark
Mayor's Office	David Cieslewicz	Raymond Harmon
Metro Transit	Charles Kamp	Sharon Persich
Monona Terrace	James Hess	Kathi Hurtgen
Municipal Court	Daniel Koval	Kelly Miller
Overture Center	Tom Carto	Nancy Birmingham
Parking	Bill Knobloch	Keith Pollock
Parks	Kevin Briski	Kelli Lamberty
Planning Unit	Brad Murphy	Brad Murphy
Planning & Economic & Community Development	Mark Olinger	Percy Brown
Police	Chief Noble Wray	Sue Williams
Senior Center	Christine Beatty	Christine Beatty
Streets	Alan Schumacher	Alan Schumacher
Traffic Engineering	David Dryer	Keith Pollock
Treasurer	Dave Gawenda	Patti Stone
Water Utility	Tom Heikkinen	Robin Piper

CHAPTER 39

DEPARTMENT OF CIVIL RIGHTS

Section

- 39.01 Director of the Department of Civil Rights.
- 39.02 Affirmative Action Ordinance. (Cr. by Ord. 4246, 6-22-73)
- 39.03 Equal Opportunities Ordinance.
- 39.04 Commission on People with Disabilities.
- 39.05 Nondiscrimination Based on Disability in City Facilities and City-Assisted Programs and Activities. (Cr. by Ord. 10,160, 12-28-90)
- 39.06 Martin Luther King, Jr. Humanitarian Award. (Cr. by Ord. 4408, 12-19-73)

39.01 DIRECTOR OF THE DEPARTMENT OF CIVIL RIGHTS.

- (1) Mission of the Department of Civil Rights. There is hereby created a Department of Civil Rights that shall be managed and directed by a Department Director. The Department of Civil Rights is responsible for management, development and implementation of Chapter 39 of the Madison General Ordinances. The Department of Civil Rights is responsible for ensuring that the rights of all people are respected and that all persons are given the equal opportunities to succeed based upon their personal merits. To this end, the Department of Civil Rights is created to vigorously pursue the policies and principles embodied in this Chapter both within the City as an employer and within the City as a community of people who respect the rights and the contributions of every community member.
- (2) Director of the Department of Civil Rights.
 - (a) The position of the Director of the Department of Civil Rights as it becomes vacant shall be filled according to Sec. 3.54(6)(f) of these ordinances. The Mayor shall consider the recommendation of the Commission on People with Disabilities, the Equal Opportunities Commission and the Affirmative Action Commission in the selection of the Director. The Director shall be a person who possesses demonstrated experience in the promotion of civil rights, equal opportunities and affirmative action for all persons. The Director shall perform duties and exercise authority in accordance with City Ordinances, State and Federal statutes together with such additional duties as the Mayor and/or Common Council may from time to time prescribe. The Equal Opportunity Division Head, the Affirmative Action Division Head and the Disability Rights and Services Program Coordinator are to perform any duties assigned by these ordinances under supervision, direction and control of the Director of the Department of Civil Rights. The Director of Civil Rights shall have the overall responsibility and authority for implementing and promoting Chapter 39 of the Madison General Ordinances.
- (3) Equal Opportunity Division Head. There is hereby created a Division of Equal Opportunities that shall be managed and directed by a Division Head. The Equal Opportunities Division Head shall report to, be supervised by and perform the duties of his/ her office under the control of the Director of the Department of Civil Rights and shall be responsible for the implementation of Sec. 39.03, M.G.O., the Madison Equal Opportunities Ordinance. The Director of the Department of Civil Rights may designate the Equal Opportunities Division Head as an ex officio non-voting member of the Madison Equal Opportunities Commission. The Division Head shall have a background demonstrative of a commitment to the policies set forth in Sec. 39.03, M.G.O., the Madison Equal Opportunities Ordinance. In performing his/ her duties the Division Head may delegate his/ her authority to a subordinate employee within the division.

- (4) Affirmative Action Division Head. There is hereby created a Division of Affirmative Action that shall be managed and directed by a Division Head. The Affirmative Action Division Head shall report to, be supervised by and perform the duties of his/ her office under the control of the Director of the Department of Civil Rights and shall be responsible for the implementation of Sec. 39.02, M.G.O., the City's Affirmative Action Ordinance. The Director of the Department of Civil Rights may designate the Affirmative Action Division Head to serve as an ex officio non-voting member of the Affirmative Action Commission. The Division Head shall have a background of demonstrated commitment to the policies embodied in this ordinance. In performing his/her duties the Division Head may delegate his/ her authority to a subordinate employee within the division.
- (5) Disability Rights and Services Program Coordinator. There is hereby created the position of Disability Rights and Services Program Coordinator who shall work under the supervision of the Director of the Department of Civil Rights. This person shall assist the Director of the Department of Civil Rights in carrying out his/her responsibilities under Sec. 39.05, M.G.O., shall serve as staff to the Commission on People with Disabilities, and shall perform such other duties as the Director of the Department of Civil Rights may direct.

39.02 AFFIRMATIVE ACTION ORDINANCE.

- (1) Declaration of Policy. It is the official policy of the City of Madison to provide equal employment and promotional opportunities and equal access to public services for all persons from all segments of the Madison community without regard to their race, religion, color, age, marital status, disability, sex or national origin, hereinafter referred to as affected or under-represented groups. The Council finds that the practice of unfair discrimination in access to public services, employment and contracting adversely affects the general welfare of the City. Because such practices have existed throughout Madison's history, the mere passive prohibition of discriminatory practices is not sufficient to effectuate this principle of equal opportunity in contracting, employment and promotional opportunity and equal access to public services. Affirmative and direct action is required to make equal employment, access to public service, and promotional opportunities a reality and correct the effects of past patterns of inequality.

To implement this policy, therefore, the City of Madison hereby adopts this Affirmative Action Ordinance designed to increase the number and representation of affected and/or other under-represented groups, in all departments, job classifications and salary categories throughout the City employment. All City of Madison agencies shall adhere to principles of equal opportunity in service delivery. The City of Madison in developing its Affirmative Action Program shall require similar efforts from vendors, contractors and firms with which it does business. The Council finds that it is not in the public interest for the City to purchase goods and services from vendors and contractors unless they demonstrate that they have taken affirmative action to ensure equal employment and sub-contracting opportunities.

Nothing in this ordinance is intended to alter or impair the City's or contractors' obligation to comply with Section 39.03 of these ordinances.

It is also the official policy of the City of Madison that as an overall goal, ten percent (10%) of the City's public works funds shall be expended with certified small business enterprises. The term "certified small business enterprises" is defined in the City's small business enterprise program, as approved by the Common Council. The Council finds that this policy will stimulate economic growth, promote the establishment of new businesses and provide employment opportunities.

In addition, when the City expends funds provided to it by federal agencies, the City shall require that contractors comply with applicable federal regulations governing the participation of minority business enterprises, women business enterprises and disadvantaged business enterprises.

(Sec. 3.58(1) Am. by Ord. 11,929, 9-12-97; Ord. 13,104, 7-6-02)

- (2) Affirmative Action Division. There is hereby created a Division of Affirmative Action within the Department of Civil Rights. The Division of Affirmative Action shall be managed and directed by a an Affirmative Action Division Head as that position is established and set forth in Sec. 39.01(3), MGO, who shall have responsibility and authority for the development and implementation of the City's Affirmative Action Program. (Am. by ORD-06-00078, 6-30-06)
- (3) Affirmative Action Commission.
- (a) Composition. The Mayor, subject to confirmation by the Common Council, shall appoint an Affirmative Action Commission consisting of eleven (11) members, one of whom shall be an alderperson. One member shall be designated chairperson by the members of the Commission. Members shall be appointed from the entire City, and at no time shall the total of women, persons with disabilities, and ethnic minority members constitute less than a majority. All of the members shall be committed to the extension of equal employment opportunities and shall be representative of the affected and/or under-represented groups of the Madison community. They shall receive no compensation for their services. The Director of the Department of Civil Rights may appoint the Affirmative Action Division Head to serve as an ex officio nonvoting member of this Commission. The Commission shall make its own rules and regulations for the carrying out of its duties. (Am. by ORD-05-00203, 1-3-06; Ord-06-00078, 6-30-06; ORD-07-00103, 9-22-07)
- (b) Alternate Members. In addition to the members above-mentioned, the Mayor may appoint upon an annual basis two (2) citizens to be alternate members of the Commission and shall designate which alternate is the first alternate and which alternate is the second alternate. The first alternate shall act with full power when any other member of the Commission is absent or must abstain because of a conflict of interest. The second alternate shall act only when the first alternate abstains or is absent or when more than one (1) member of the Commission abstains or is absent. (Cr. by Ord. 12,844, 7-9-01)
- (c) The Commission members shall be appointed for terms of two (2) years and their terms shall run until their successors are confirmed. The full Commission shall be appointed forthwith but the terms shall expire on the third Tuesday of April, 1974, at which time four (4) members shall be appointed for a three-year term and five (5) members for a two-year term. Thereafter, appointment shall be made for two-year terms. (Am. by Ord. 11,904, 7-29-97)
- (d) The Affirmative Action Commission shall have the following duties:
1. To annually review, approve and recommend the Citywide Affirmative Action goals and timetables as proposed by the Affirmative Action Division Head. (Am. by Ord-06-00078, 6-30-06)
 2. To advise affected and/or other under-represented groups of their rights under the Affirmative Action Program.
 3. To disseminate information and to educate the people of the City of Madison to a greater understanding and practice of Affirmative Action Employment for all affected and/or other under-represented groups.
 4. To render from time to time, but not less than once a year, written reports of its progress, activities and recommendations to the Mayor and Common Council.
 5. To recommend and review such rules and regulations as may be necessary to promulgate the City's Affirmative Action Program.
 6. To develop and review the contract compliance requirements of the City of Madison and to develop a policy with respect to vendors and contractors.
 7. To make specific recommendations to the Common Council so as to bring all appropriate ordinances into conformity with the policies of this ordinance if necessary.

8. To provide administrative review of decisions of the Contract Compliance Officer to grant, deny or revoke certifications as a Minority Business Enterprise (MBE), Women Business Enterprise (WBE), or Disadvantaged Business Enterprise (DBE) as these are defined in Sec. 39.02(9)(a)9.-11. of these ordinances and in the City of Madison Disadvantaged Business Enterprise/Minority Business Enterprise Program as approved by the Common Council; and a Small Business Enterprise (SBE) as defined in the Small Business Enterprise Program approved by the Common Council. The Commission shall adopt procedural rules for the conduct of such appeals. The Chairperson of the Affirmative Action Commission shall appoint a certification appeals committee consisting of seven (7) persons, including one member of the Common Council, one member of the Board of Public Works, two (2) members of the Affirmative Action Commission, and three (3) citizens, to serve two (2) year terms.
9. To approve a City of Madison Civil Rights Compliance Plan, in order to maintain City compliance with Title VI of the Civil Rights Act of 1964, as amended. The Affirmative Action Division Head shall coordinate the preparation of the Plan for the Commission's approval. Every City department which receives funds covered by Title VI shall cooperate with and assist the Affirmative Action Division Head in the preparation of the Plan. (Am. by Ord-06-00078, 6-30-06)
(Sec. 3.58(3)(c) Am. by Ord. 11,929, 9-12-97)

(4) Departmental Affirmative Action Plans.

- (a) The Affirmative Action Division Head in concert with the head of each department, board, commission or committee shall develop a written Affirmative Action Plan. Each department head in concert with the Affirmative Action Division Head, shall within two hundred forty (240) days from the appointment of the Affirmative Action Officer, develop a written Affirmative Action Plan. The plan, to be updated annually, is to be developed pursuant to the federal guidelines found in Part 60-2 of Chapter 60 of Title 41 of the Code of Federal Regulations as amended from time to time, which are hereby incorporated by reference and is to further reflect reasonable goals and timetables for achieving substantially increased employment of affected and/or other under-represented groups. In addition to the above guidelines, the plan should include but not be limited to the following employment and career development information concerning the department.
 1. The available job slots.
 2. Recruitment policies.
 3. Selection and placement procedure.
 4. Testing programs.
 5. Training programs.
 6. Promotion policies and procedures.
 7. Transfer policies.
 8. Compensation programs.
 9. Available facilities.
 10. Layoff and recall policies.
 11. Procedure for disciplinary action.
 12. Harassment-free work atmosphere for affected and/or other under-represented groups.

- (b) In preparation of the departmental affirmative action plans, the Division of Affirmative Action shall have the full cooperation of the department head, board, commission or committee and access to all departmental policies and procedures, administrative rules and regulations, personnel files and other documents or information relating to the employment, training, promotion, transfer, termination or discipline of personnel in the City employ. However, no records are to be used in any manner that would divulge the identity of the parties involved. Provided further that if the employee or applicant was assured by the City that any of the aforementioned documents were to be held in strict confidence, the permission of the applicant or employee must be obtained prior to the release of these documents to the Division of Affirmative Action.

(Am. by ORD-06-00058, 06-30-06)

(5) Citywide Affirmative Action Program.

- (a) The Division of Affirmative Action shall incorporate the individual departmental plans into a composite Citywide Affirmative Action Program which shall be submitted to the Affirmative Action Commission. This program shall reflect the reasonable goals and timetables for achieving equal employment opportunities and requirements for affected and/or other under-represented groups at all levels and/or job classifications. (Am. by ORD-06-00058, 06-30-06)
- (b) Upon approval by the Affirmative Action Commission, the program shall be submitted to the Mayor and Common Council for approval. Once adopted, the program shall be distributed to all department heads who shall adhere to the goals, timetables and procedures prescribed therein.

(6) Implementation. Implementation of the City's Affirmative Action Program shall include but not be limited to the following:

- (a) Recruitment. Every effort shall be made to recruit applicants from under-utilized categories to provide employment lists of qualified candidates that will facilitate the implementation of departmental and Citywide affirmative action goals. The Human Resources Department, with the assistance of the Division of Affirmative Action, shall expand the recruitment programs to include but not be limited to the following:
1. Inform members of affected and/or other under-represented groups of this Affirmative Action Program and seek their support in attracting applicants.
 2. Include information about the Affirmative Action Program on all job and contract announcements.
 3. Prepare a specific brochure summarizing the Affirmative Action Program and disseminate it throughout the community.
 4. Work with appropriate community resources to develop techniques, models and strategies that will maximize the recruitment of affected and/or other under-represented groups.
- (b) Testing, Selection and Placement.
1. The Human Resources Department, in conjunction with the Division of Affirmative Action, shall review all testing, selection and placement policies of the City to determine that they are free of cultural bias, develop other evaluation methods that are task related and that are in accord with the guidelines promulgated by the Federal Equal Employment Opportunity Commission.
 2. The Human Resources Department, in conjunction with the Division of Affirmative Action, shall develop procedures to establish visible career ladders or bridges between entry level, nonmanagement and management positions for all City employees with specific emphasis on affected and/or other under-represented groups.

- (c) Education and Training. The Division of Affirmative Action shall, with the cooperation of the Organization Development and Training Unit of the Human Resources Department, develop education and training programs designed to develop the knowledge and skills essential to compensate for the past education and opportunity deficiencies. These programs shall be designed to develop each employee's fullest potential and to upgrade the employee's position in the City employ. The Division of Affirmative Action shall work with the Equal Opportunities Division to develop and provide all employees with relevant training to increase their awareness in the areas of cultural perception and human relations.
- (d) Analysis of Job Turnover. The Division of Affirmative Action shall maintain statistics and institute research to identify the reasons for job turnover among all City employees especially among affected and/or other under-represented groups which may have affirmative action ramifications.
- (e) Complaints. The Citywide Affirmative Action Plan shall contain an informal complaint procedure. The procedure shall permit applicants and employees to bring complaints of prohibited discrimination to the Division of Affirmative Action for investigation and informal problem-solving and resolution. Department and Division heads shall cooperate with the Affirmative Action Division Head in carrying out the informal complaint procedure, but nothing contained in the informal complaint procedure may relieve an appointing authority of responsibility for selection, discipline and discharge decisions. The Affirmative Action Division Head shall provide every person who makes a complaint with information, in writing and in accessible format, on filing formal complaints with local, state and federal agencies empowered to receive such complaints. Such information shall include applicable time limits. (Cr. by Ord. 11,004, 10-12-94)

(Am. by Ord-06-00078, 6-30-06)

(7) Accountability and Reports.

- (a) The Division of Affirmative Action shall be responsible for the successful implementation and coordination of the Citywide Affirmative Action Program. In turn, each department head shall be accountable to the Division of Affirmative Action for the successful implementation of the departmental affirmative action plans.
- (b) The Division of Affirmative Action shall at least annually file a written progress report with the Affirmative Action Commission, the Mayor and Council indicating the progress toward achieving the affirmative action goals. The report shall include but not be limited to the following:
 1. A summary of departmental and City affirmative action goals as well as any special projects tied to this program.
 2. Totals of all persons hired, promoted, transferred, demoted, suspended, terminated, interviewed and/or rejected, indicating affected and/or under-represented groups. Waivers of hiring priority and reasons therefore shall also be provided.
 3. A description of the recruitment and training programs instituted to achieve the objectives of this affirmative action plan.
 4. A summary of survival counseling and other supportive programs provided to resolve and prevent problems.
 5. A review of contract compliance status.
 6. A summary of informal complaints.

(Am. by Ord. 11,004, 10-12-94)

(Am. by Ord-06-00078, 6-30-06)

(8) Civil Rights Compliance Plan.

- (a) In order to maintain City compliance with Title VI of the Civil Rights Act of 1964, as amended, the Division of Affirmative Action shall coordinate the development and implementation of individual department plans for civil rights compliance. Department plans shall be incorporated into a composite, citywide Civil Rights Compliance Plan which includes policies and procedures governing equal access to public services and the City of Madison informal citizen complaint procedure. The Civil Rights Compliance Plan shall be submitted to the Affirmative Action Commission for approval. (Am. by Ord-06-00078, 6-30-06)
- (b) Upon approval by the Affirmative Action Commission, the Civil Rights Compliance Plan shall be submitted to the Mayor and Common Council for approval, and upon approval by the Mayor and Common Council, the Compliance Plan shall be incorporated into the citywide Affirmative Action Plan. Once adopted, the Compliance Plan shall be distributed to all department heads who shall be responsible for effective implementation, to include information dissemination and training for employees and members of commissions, boards and committees. Department heads shall also be responsible for complaint processing consistent with the Civil Rights Compliance Plan policies and procedures.

(New Sec. 3.58(8) Cr. by Ord. 11,929, 9-12-97)

(9) Contract Compliance Provisions.

- (a) Definitions. For the purposes of this subsection, the following definitions shall apply.
1. Affirmative Action Plan. A plan that is designed to insure that the contractor provides equal employment opportunity to all and takes affirmative action in its utilization of applicants and employees who are women, minority or persons with disabilities. Such a plan must be completed by each nonexempt contractor and be approved by the Director of Affirmative Action. The Director of Affirmative Action shall approve affirmative action plans which meet standards established by the Common Council.
 2. Contract. Any lease, contract or agreement required or permitted under the laws of the State of Wisconsin and the City to which the City of Madison is a contracting party and which shall hereafter be entered into or renewed, including, but not limited to, purchase orders; public works contracts; contracts for the lease of real property; contracts for the lease or purchase of goods, supplies, and/or services; redevelopment contracts; revenue or loan agreements with an eligible participant or authorized developer under Sec. 66.1103, Wis. Stats.; contracts with developers or other entities authorized by Secs. 66.1333(5) and 66.1105(3)(e), Wis. Stats., unless otherwise exempted; and subdivision improvement contracts under Sec. 16.23(9)(c) of these ordinances. It is the intention of the Common Council to include agreements which may not be reduced to writing, such as agreements for the purchase of public utility services and services provided by the City's depository banks. The following contracts shall be exempt, however, from the requirements of this ordinance.
 - a. Contracts for goods, supplies or services necessitated by or resulting from an emergency situation as duly determined by the Mayor with the advice of the Council where possible.
 - b. Contracts with contractors who employ fewer than fifteen (15) employees.
 - c. Contracts with contractors whose aggregate annual business with the City for the calendar year in which the contract takes effect is less than twenty-five thousand dollars (\$25,000).

- d. Contracts under which the City receives net cash, including, but not limited to contracts where the City leases real property, and sells or leases goods or services for cash; except contracts with the City's depository banks, which shall not be exempt.
 - e. Agreements with bond underwriters and agreements with financial institutions where the agreement relates to the City's borrowing.
 - f. Contracts for the sale or purchase of real property.
 - g. Contracts with other municipalities.
 - h. Contracts with the State of Wisconsin, the University of Wisconsin, and the Area Board of any Vocational, Technical and Adult Education District.
 - i. Contracts with the United States of America and individual agencies of the U.S. government. (Cr. by ORD-07-00146, 11-02-07)
(Am. by Ord. 10,386, 2-27-92)
3. Contractor. Any individual, partnership, corporation, association, or other entity including a contractor, vendor, or supplier, which enters into a contract with the City. This term shall not include local City employee bargaining units which shall be governed by the requirements of the other subsections of this ordinance, nor shall it include City employees with written employment contracts with the City. Notwithstanding the exemptions listed in subparagraphs b.-d. above, all developers (or other parties) who enter into subdivision improvement contracts under sec. 16.23(9)(c), or developer contracts for the construction of public improvements that will be accepted by the City, and their contractors, shall submit an approved Affirmative Action plan and the contract between the City and the developer/party shall contain the Articles of Agreement; all redevelopment contracts and all revenue or loan agreements with an eligible participant or authorized developer under Wis. Stats. Sec. 66.1103, shall contain the Articles of Agreement prescribed in Sec. 3.58(9)(e)2. and all such eligible participants or authorized developers, their contractors and subcontractors shall submit an approved Affirmative Action plan; and all contracts authorized by Wis. Stats. ss. 66.1333(5) and 66.1105(3)(e), shall contain the Articles of Agreement prescribed in Sec. 3.58(9)(e)2. and all such developers or other entities, their contractors and subcontractors, shall submit an approved Affirmative Action plan. All Affirmative Action plans required by this subsection shall be submitted within thirty (30) days after the effective date of the contract. (Am. by Ord. 10,386, 2-27-92; ORD-07-000146, 11-02-07)
4. Contractor Association. Any not-for-profit organization of construction employers who employ members of trade unions, co-sponsor joint apprenticeship committees, and provide for public representation of the construction industry employer for the common and public good.
5. Labor Union. The term labor union means any organization of any kind, any agency or employee representation committee, group, association or plan so engaged in which employees participate which exists for the purpose in whole or in part of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment and any conference, general committee, joint or system board or joint council so engaged which is subordinate to a national or international labor organization. This shall not include local City employee bargaining units which shall be governed by the requirements of other subsections of this ordinance.
6. Joint Apprenticeship Committee. The jointly administered labor and management advisory committee which selects, qualifies, and trains apprentices through the Wisconsin Department of Workforce Development, Division of Apprenticeship and Training, and the Wisconsin Vocational Technical and Adult Education System. (Am. by Ord. 12,322, Adopted 2-2-99)

7. Minority. “Minority” includes:
 - a. Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - b. Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race);
 - c. Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
 - d. American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
 8. A person with a disability is a person who either:
 - a. Has a physical or mental impairment which substantially limits one or more of such person’s major life activities; or
 - b. Has a record of such an impairment; or
 - c. Is regarded as having such an impairment.
 9. Minority Business Enterprise (MBE). An independent and valid business concern that is owned and controlled by minority person(s). A minority person or persons must own fifty-one percent (51%) of the business and control the management and daily operations of the business.
 10. Disadvantaged Business Enterprise (DBE). A small business concern:
 - a. Which is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
 - b. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
 11. Women Business Enterprise (WBE). An independent and valid business concern that is owned and controlled by women. A woman or women must own fifty-one percent (51%) of the business and must control the management and daily operations of the business.
- (b) Notwithstanding the provisions of Sec. 39.02(9)(a)2., providing for certain exemptions from the provisions of this ordinance, every contract to which the City of Madison is a party shall contain the following language, except for contracts with the State of Wisconsin, another state government, the United States of America or individual agencies of the U.S. government, and written employment contracts between the City and City employees:
- In the performance of the services under this Agreement the Contractor agrees not to discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status. Contractor further agrees not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, religion, color, age, disability, sex, or national origin. (Am. by ORD-07-00146, 11-02-07)

- (c) Every contract to which the City of Madison is a party, except those exempted by Sec. 39.02(9)(a)2.a., b., d., e., f., g., h. shall contain the following language:
- The contractor agrees that, within thirty (30) days after the effective date of this agreement, the contractor will provide to the City of Madison Division of Affirmative Action certain workforce utilization statistics, using a form to be furnished by the City. If the contract is still in effect, or if the City enters into a new agreement with the contractor, within one year after the date on which the form was required to be provided, the contractor will provide updated workforce information using a second form, also to be furnished by the City. The second form will be submitted to the City Division of Affirmative Action no later than one year after the date on which the first form was required to be provided.
- The contractor further agrees that, for at least twelve (12) months after the effective date of this contract, it will notify the City of Madison Division of Affirmative Action of each of its job openings at facilities in Dane County for which applicants not already employees of the contractor are to be considered. The notice will include a job description, classification, qualifications, and application procedures and deadlines. The contractor agrees to interview and consider candidates referred by the Division of Affirmative Action if the candidate meets the minimum qualification standards established by the contractor, and if the referral is timely. A referral is timely if it is received by the contractor on or before the date stated in the notice.
(Am. by Ord. 10,971, 8-29-94; ORD-06-00078, 6-30-06)
- (d) Small Business Enterprise Program. A detailed small business enterprise program shall be submitted to the Council for its approval. The program shall include procedures for certification of small business enterprises, shall establish a mechanism for setting small business enterprise participation goals for all public works projects with an estimated cost of \$100,000 or more, and shall establish other necessary and appropriate procedures. Applicable requirements of the program shall be incorporated into City contracts. The Division of Affirmative Action shall study the effect of the small business enterprise program on participation by affected and underrepresented groups in city contracting and shall provide a full report to the Common Council on or before January 1, 1993, and every two years thereafter. (Am. by Ord. 10,386, 2-27-92; ORD-06-00078, 6-30-06)
- (e) Compliance Requirements.
1. Submission of Affirmative Action Plans.
 - a. Public Works Projects. The award of any public works contract, except those exempted by Sec. 39.02(9)(a)2.a., shall be subject to and contingent upon the lowest responsible bidder submitting in writing to the Division of Affirmative Action, an Affirmative Action Plan for Public Works Contractors. Such Affirmative Action Plan shall be submitted with the contractor's bid prequalification documents. Should any contractor fail or refuse to submit an Affirmative Action Plan as required by this section, such contractor shall not be qualified to bid on any City Public Works contracts until said contractor has complied. All such contractors shall require their subcontractors to file an approved Affirmative Action Plan prior to the subcontractor being allowed to start work on any City project.

No public works contractor may be prequalified by the Director of Public Works for work advertised after April 1, 1991, unless the contractor submits an Affirmative Action Plan approved by the Division of Affirmative Action.

- b. Other City Contracts. Within thirty (30) days from the effective date of a contract with the City or effective date of a purchase order, and prior to release of payment by the City, all nonexempt contractors are required to have on file an affirmative action plan which is a model affirmative action plan approved by the Common Council or which meets the requirements of Federal Revised Order No. 4, 41 CFR Part 60-2, as established in 43 FR 51400, November 3, 1978, and which includes, in addition, the following appendices:
- i. A work force utilization analysis and goals and timetables for applicants and employees with disabilities. This document shall either meet the criteria found in 41 CFR Parts 60-2.11 and 60-2.12, as established in 43 FR 51400, November 3, 1978, or shall follow the format contained in the model affirmative action plan for vendors as approved by the Madison Common Council.
 - ii. The applicable provisions for MBE, DBE, WBE, and SBE utilization which are contained in the model affirmative action plan for vendors as approved by the Madison Common Council.
- Should any contractor fail or refuse to comply with this section and the contract with the City, the Affirmative Action Division Head shall recommend appropriate action under Article VII of the contract Articles of Agreement and other provisions of this ordinance.
(Am. by Ord. 10,971, 8-29-94; Ord. 13,104, 7-6-02)

- 2. Contract Conditions.
Contracts - Contents. All contracts hereafter executed by the City shall contain the following language assuring the contractor’s compliance with the intent of this ordinance:

ARTICLES OF AGREEMENT

ARTICLE I

The contractor shall take affirmative action in accordance with the provisions of this contract to insure that applicants are employed, and that employees are treated during employment without regard to race, religion, color, age, marital status, disability, sex or national origin and that the employer shall provide harassment-free work environment for the realization of the potential of each employee. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training including apprenticeship insofar as it is within the control of the contractor. The contractor agrees to post in conspicuous places available to employees and applicants notices to be provided by the City setting out the provisions of the nondiscrimination clauses in this contract.

ARTICLE II

The contractor shall in all solicitations or advertisements for employees placed by or on behalf of the contractors state that all qualified or qualifiable applicants will be employed without regard to race, religion, color, age, marital status, disability, sex or national origin.

ARTICLE III

The contractor shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice to be provided by the City advising the labor union or workers representative of the contractor’s equal employment opportunity and affirmative action commitments. Such notices shall be posted in conspicuous places available to employees and applicants for employment.

ARTICLE IV

(This article applies only to non-public works contracts.)

The contractor agrees that it will comply with all provisions of the Affirmative Action Ordinance of the City of Madison including the contract compliance requirements. The contractor warrants and certifies that, of the following two paragraphs, paragraph A or B is true (check one):

- A. It has prepared and has on file an affirmative action plan that meets the format requirements of Federal Revised Order No. 4, 41 CFR part 60-2, as established by 43 FR 51400 November 3, 1978, including appendices required by City of Madison ordinances or it has prepared and has on file a model affirmative action plan approved by the Madison Common Council.
- B. Within thirty (30) days after the effective date of this contract, it will complete an affirmative action plan that meets the format requirements of Federal Revised Order No. 4, 41 CFR Part 60-2, as established by 43 FR 51400, November 3, 1978, including appendices required by City of Madison ordinance or within thirty (30) days after the effective date of this contract, it will complete a model affirmative action plan approved by the Madison Common Council.

ARTICLE V

(This article applies only to public works contracts.)

The contractor agrees that it will comply with all provisions of the Affirmative Action Ordinance of the City of Madison, including the contract compliance requirements. The contractor agrees to submit the model affirmative action plan for public works contractors in a form approved by the Affirmative Action Division Head.

ARTICLE VI

The contractor will maintain records as required by Section 39.02(9)(f) of the Madison General Ordinances and will provide the City's Division of Affirmative Action with access to such records and to persons who have relevant and necessary information, as provided in Section 39.02(9)(f). The City agrees to keep all such records confidential, except to the extent that public inspection is required by law.

ARTICLE VII

In the event of the contractor's or subcontractor's failure to comply with the Equal Employment Opportunity and Affirmative Action Provisions of this contract or Sections 39.03 and 39.02 of the Madison General Ordinances, it is agreed that the City at its option may do any or all of the following:

1. Cancel, terminate or suspend this contract in whole or in part.
2. Declare the contractor ineligible for further City contracts until the Affirmative Action requirements are met.
3. Recover on behalf of the City from the prime contractor 0.5 percent of the contract award price for each week that such party fails or refuses to comply, in the nature of liquidated damages, but not to exceed a total of five percent (5%) of the contract price, or five thousand dollars (\$5,000), whichever is less. Under public works contracts, if a subcontractor is in noncompliance, the City may recover liquidated damages from the prime contractor in the manner described above. The preceding sentence shall not be construed to prohibit a prime contractor from recovering the amount of such damage from the noncomplying subcontractor.

ARTICLE VIII

The contractor shall include the above provisions of this contract in every subcontract so that such provisions will be binding upon each subcontractor. The contractor shall take such action with respect to any subcontractor as necessary to enforce such provisions, including sanctions provided for noncompliance. (This article applies to public works contracts only.)

ARTICLE IX

The contractor shall allow the maximum feasible opportunity to small business enterprises to compete for any subcontracts entered into pursuant to this contract and shall document all good faith efforts. (In federally funded contracts the terms "DBE, MBE, and WBE" shall be substituted for the term "small business" in this article.) (Am. by Ord. 13,104, 7-6-02)

(Sec. 3.23(9)(e) Am. by ORD-06-00078, 6-30-06)

(f) Record-Keeping Requirements.

1. Maintenance of Records. All contractors shall keep full and accurate records of the minority group status and the sex of all employees and whether or not they are persons with disabilities, as well as dates of hire, termination, recall and/or layoff, reasons for termination or layoff, and job duties or job description for each employee. In addition, every contractor subject to Wis. Stats. Sec. 66.0903(10)(a) and Sections DWD 290.13 and DWD 290.14 of the Wisconsin Administrative Code shall keep records of the name and trade or occupation of every employee, and an accurate record of hours worked by each employee as are required to be kept pursuant to those regulations.
All contractors shall also maintain such records as may be required by the Common Council in the Affirmative Action Plan as defined in Sec. 39.02(9)(a)1. of this ordinance. Contractors requesting exempt status under this ordinance shall furnish all information requested by the Division of Affirmative Action in order to determine exempt status. (Am. by Ord 13,104, 7-6-02)
2. Production of Records. Contractors shall provide such records at the office of the Division of Affirmative Action within ten (10) days of the date requested in writing and shall permit the Affirmative Action Division Head or designee access during normal business hours to all of the above records, as well as access to persons who may have information relevant and necessary to ascertain compliance with this section within ten (10) days of the date requested in writing. Such request may be made:
 - a. Once every twelve (12) months. (Am. by Ord. 13,104, 7-6-02)
 - b. At any time when an employee, former employee, or applicant for employment of the contractor has filed a formal complaint of discrimination with the Division of Affirmative Action or with a local, state or federal agency.
 - c. At any time when the Division of Affirmative Action finds substantial deficits or questionable or inconsistent information in the affirmative action plan submitted by the contractor.
 - d. At any time when a contractor reports no progress toward achieving a balanced work force and the Affirmative Action Division Head deems it necessary to examine documented good-faith efforts.
The Division Head's written request for access shall inform the contractor of the basis for the request.
3. Public Inspection of Records. All contract-related records in the custody of the Division of Affirmative Action shall be open for public inspection and copying, as provided in Sec. 3.42 of these ordinances, except the following:
 - a. Records which are exempt from disclosure under the provisions of Sec. 3.42(9) of these ordinances. (Am. by Ord. 11,538, 3-1-96)
 - b. Records provided in connection with compliance investigations and compliance investigation files; except that compliance reports shall be open to inspection and copying, and all minutes, proceedings, evidence, findings and orders of the Affirmative Action Commission shall be open to inspection and copying.
 - c. Names and other information identifying individual complainants.
 - d. Those portions of affirmative action plans which constitute information on staffing patterns and pay scales, if release for public inspection could reasonably be expected to affect the competitive or financial position of the contractor, would constitute a release of confidential or salary information of an employee or would constitute an unwarranted invasion of privacy of an employee.
 - e. Tests used by contractors for selection purposes.

(Sec. 3.23(9)(f) Am. by ORD-06-00078, 6-30-06)

- (g) **Enforcement.** The Department of Affirmative Action may review contractors' compliance with affirmative action plans, contract provisions and provisions of this ordinance at any time up to one (1) year after the expiration of the contract. A contractor is in compliance with this ordinance when it adheres to the provisions of this ordinance, its contract, and its affirmative action plan.

The Department of Affirmative Action shall review the compliance status of each contractor at least once every two (2) years and shall use the following compliance review procedure:

1. The Affirmative Action Division Head or designee shall give each contractor at least five (5) days written notice of the commencement of a compliance review, and shall examine the contractor's affirmative action plan and supporting documents, as well as other documents and records furnished by the contractor under Sec. 39.02(9)(f).
2. The Affirmative Action Division Head or designee may schedule an on-site review, as provided in Sec. 39.02(9)(f)2., by notifying the contractor in writing no less than ten (10) days in advance.
3. After a compliance review, the Affirmative Action Division Head shall provide the contractor with a written compliance report, which shall either state that the contractor is in compliance, or if the contractor is found not to be in compliance, the report shall list specifically the facts on which such finding is based, and what remedial actions should be taken by the contractor in order to achieve compliance.

The Division of Affirmative Action shall provide technical assistance where feasible and appropriate to assist the contractor in achieving compliance.

4. Within thirty (30) days after receipt of a report of noncompliance, or such longer period as the Affirmative Action Division Head may permit in writing, the contractor shall submit an amended affirmative action plan, specifying and agreeing to take such remedial actions as will achieve compliance.
5. If the contractor fails or refuses to submit such an amended affirmative action plan, or refuses to comply with the provisions thereof, the Affirmative Action Division Head, after consultation with the City Attorney and the City department or division responsible for the administration of the contract, shall send the contractor by certified mail a Demand to Cure Default. The Demand shall specify the factual basis for the finding of noncompliance and what remedial actions are demanded.

The Demand shall also set a date certain by which the contractor must either offer to comply or request a hearing. An offer to comply shall consist of a proposed amended affirmative action plan, specifying and agreeing to take such remedial actions as will achieve compliance. If the Affirmative Action Division Head approves the proposed amended affirmative action plan, the contractor's default is cured. If the proposed amended affirmative action plan is not approved, the Affirmative Action Division Head shall specify in writing the reasons for disapproval.

6. If the contractor requests a hearing, the Affirmative Action Commission shall schedule a hearing within five (5) working days after receiving the request. The initial date of the hearing shall be not more than fifteen (15) working days after the request is filed with the Affirmative Action Division Head.

7. At the hearing, the Affirmative Action Division Head shall have the burden to persuade the Affirmative Action Commission of the facts supporting his/her findings. Each party shall have the right to appear in person and by counsel, to call and examine all witnesses, and to introduce exhibits. The Affirmative Action Commission shall have the power to compel by subpoena the attendance of and examine under oath or affirmation, persons, whether as parties or as witnesses, and to compel by subpoena duces tecum the production before it of books, records, papers or other evidence which may relate to the subject matter of the hearing. In the admission of evidence, the Affirmative Action Commission shall abide by the provisions of Sec. 227.45, Wis. Stats. The Commission shall make written findings of fact and conclusions of law on the following issues:
 - a. Whether the finding of noncompliance should be sustained.
 - b. If the finding of noncompliance is sustained, the Affirmative Action Commission shall decide whether the contract should be cancelled, terminated, or suspended, in whole or in part; whether the contractor should be found ineligible for further City contracts, and if so, what measures taken by the contractor will restore such eligibility; and whether liquidated damages should be sought under the provisions of the contract. The Commission may decide to allow the contractor additional time in which to take the necessary remedial action.
8. The Affirmative Action Commission shall provide written findings and conclusions and a written order within thirty (30) days after the conclusion of the hearing and shall serve copies thereof upon the contractor by certified mail. The Commission's findings and conclusions shall constitute final administrative determinations and shall be subject to review in court as by law may be provided.
9. If the Affirmative Action Commission orders the contract to be cancelled, terminated or suspended, the receipt by the contractor of such order shall constitute a written notice of termination under the termination procedures provided in the contract.
10. If the Commission orders that a contractor shall be ineligible for further City contracts, no bids or proposals of the contractor may be opened or considered, or contracts entered into, until the Affirmative Action Division Head certifies that the contractor has taken the measures specified by the Commission to restore eligibility, or until the expiration of two (2) years from the date of the order, whichever is sooner.
11. If the Affirmative Action Commission, after consultation with the City Attorney, determines that liquidated damages should be sought, the City Attorney shall institute court action to recover such damages.
12. If the contractor fails to comply with the Demand to Cure Default and fails to request a hearing, the contract shall be terminated. In addition, the Affirmative Action Division Head may request the Affirmative Action Commission to order additional remedies. Such a hearing shall be held according to the procedures in Section 39.02(9)(g)7.-12. above.

(Sec. 3.23(9)(g) Am. by ORD-06-00078, 6-30-06)

- (h) Complaints. The Division of Affirmative Action shall investigate complaints filed by employees or applicants for employment with nonexempt contractors, when such complaints allege violation of this ordinance or of the Affirmative Action Articles of Agreement contained in the contract. Such complaints shall not be investigated unless they are in writing and are filed not more than sixty (60) days after the alleged violation occurred, or not more than one (1) year after the expiration of the contract, whichever is sooner. The Division of Affirmative Action shall refer complainants to the Madison Equal Opportunities Commission, the Equal Rights Division of the Wisconsin Department of Workforce Development, the U.S. Equal Employment Opportunities Commission, the U.S. Office of Federal Contract Compliance Programs, and other appropriate agencies.

Within ten (10) working days of the receipt of such a complaint, the Division of Affirmative Action shall either:

1. Initiate a compliance review, following the procedures set forth in Subsection (9)(g) of this ordinance; or
2. Determine that the complaint does not warrant a compliance review. If the Division of Affirmative Action determines that the complaint does not warrant a compliance review, he/she shall inform the complainant in writing, listing the reasons for the determination. A complainant may appeal the determination to the Affirmative Action Commission by filing a written letter of appeal with the Division of Affirmative Action within ten (10) working days after receiving the determination.

The Affirmative Action Commission shall consider the appeal at the next regularly scheduled meeting or within twenty (20) days, whichever is sooner. The contractor involved shall be notified at least ten (10) days in advance of the meeting at which the appeal is to be considered.

In considering the appeal, the Commission shall not be bound by the rules of evidence, but shall consider any evidence which is reasonably probative, and shall allow, but not require the contractor to participate. The Commission shall exercise its discretion to determine whether or not the complaint warrants investigation. The Commission may order the Affirmative Action Officer to initiate a compliance review, or it may dismiss the complaint.

(Sec. 3.23(9)(h) Am. by ORD-06-00078, 6-30-06)

- (i) No Private Cause of Action. The Common Council does not intend by this ordinance to create a private right of action by or on behalf of any employee or applicant for employment based upon a claim or complaint that the contractor's agreement with the City or the contractor's affirmative action plan has not been complied with. This provision is not intended either to expand or to limit rights provided by other local, state or federal equal employment laws.

(Sec. 3.58(8) Renumbered to (9) by Ord. 11,929, 9-12-97; Am. by Ord. 12,322, Adopted 2-2-99)

- (10) Severability. The provisions of this ordinance shall be severable and if any of the provisions shall be held in contravention of the Constitution and laws of the State of Wisconsin or of the United States by a court of competent jurisdiction, the validity of the rest of the ordinance shall not be affected. It is hereby declared to be the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provision, if any, not been included herein. (Sec. 39.02(9) Renumbered to (10) by Ord. 11,929, 9-12-97)

39.03 EQUAL OPPORTUNITIES ORDINANCE.

- (1) Declaration of Policy. The practice of providing equal opportunities in housing, employment, public accommodations and City facilities and credit to persons without regard to sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, familial status, or the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein, is a desirable goal of the City of Madison and a matter of legitimate concern to its government. Discrimination against any of Madison's citizens or visitors endangers the rights and privileges of all. The denial of equal opportunity intensifies group conflict, undermines the foundations of our democratic society, and adversely affects the general welfare of the community. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary to maintain the standards of living consistent with their abilities and talents. Therefore, as a proper function of City government the City of Madison has provided in Section 39.02 for affirmative action in City employment to safeguard against discrimination. Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in dwellings below the standards to which they are entitled. Denial of equal opportunity in public accommodations subjects those discriminated against to embarrassment and creates distress and unrest within the community. Denial of equal opportunities in credit to credit worthy customers deprives them of the right to secure desired goods and services. Provision for adequate safeguards against such discrimination is a proper and necessary function of City government. In order that the peace, freedom, safety and general welfare of all inhabitants of the City may be protected and ensured, it is hereby declared to be the public policy of the City of Madison to foster and enforce to the fullest extent the protection by law of the rights of all of its inhabitants to equal opportunity to gainful employment, housing, credit and the use of City facilities and public accommodations without regard to sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, familial status, or the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein. To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in its own employment, housing, and public accommodation practices and in the use of City facilities. By adopting Sec. 39.05 of these ordinances, the Common Council has attempted to make sure that City facilities and programs which receive City financial assistance are accessible to all persons, including persons with disabilities. The City will deal positively and constructively with all claims of discrimination filed against it through utilization of the procedures outlined in this ordinance. (Am. by Ord. 10,556, Adopted 12-15-92; ORD-07-00029, 3-15-07)

- (2) Definitions.
- (a) Age. The prohibition against discrimination because of age shall not apply to any person less than eighteen (18) years of age.
 - (b) Application for credit means any communication, oral or written, by a person to a creditor requesting an extension of credit to that person or to any other person, and includes any procedure involving the renewal or alteration of credit privileges or the changing of the name of the person to whom credit is extended.
 - (c) Arrest record includes, but is not limited to, information indicating that a person has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority.
 - (d) City facilities includes all property owned and services rendered by the City for the welfare of its inhabitants.
 - (e) Commercial facilities means facilities that are intended for nonresidential use and whose operation will affect commerce use. The term “commercial facilities” does not include buildings or parts of buildings not open to and not reasonably expected to be open to the public, railroad locomotives, railroad freight cars, railroad cabooses, railroad cars described in 42 U.S.C. 12162 and covered under 42 U.S.C. 12181 et seq, railroad rights-of-way, or facilities that are covered or expressly exempted from coverage under Sec. 39.03(4) of the Madison General Ordinances, and types of facilities that are specifically exempted under Sec. 101.13(2) of the Wisconsin Statutes.
 - (f) Conviction record includes, but is not limited to, information indicating that a person has been convicted of a felony, misdemeanor or other offense, placed on probation, fined, imprisoned or paroled pursuant to any law enforcement or military authority. In addition, “conviction record” as used in Sec. 39.03(4)(d), relating to discrimination in housing, shall also include information indicating that a person has been convicted of a civil ordinance violation (forfeiture). (Am. by Ord. 12,501, 11-19-99; Reconsidered & Adopted by Ord. 12,561, 4-7-00)
 - (g) Covered multifamily dwellings means
 1. Buildings consisting of three (3) or more units if such buildings have one or more elevators; and
 2. Ground floor portions of units in other buildings consisting of three (3) or more units.
 - (h) Credit means the right granted by a creditor to a person to defer payment or debt or to incur debt and defer its payment, or purchase property or services and defer payment therefore, including but not limited to the right to incur and defer debt which is secured by residential real property.
 - (i) Credit sale means any transaction with respect to which credit is granted.
 - (j) Credit transaction means any invitation to apply for credit, application for credit, extension of credit or credit sale.
 - (k) Creditor means any person who regularly extends or arranges for the extension of credit for which the payment of a finance charge or interest is required whether in connection with loans, sale of property or services or otherwise.
 - (l) Dependent means one who lives with a domestic partnership and is:
 1. A biological child of a domestic partner; or
 2. A dependent as defined under IRS regulations; or
 3. A ward of a domestic partner as determined in a guardianship proceeding; or
 4. A person adopted by a domestic partner.

- (m) Disability means, with respect to a person,
1. A physical or mental impairment which substantially limits one or more of such person's major life activities; or
 2. A record of having such an impairment; or
 3. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).
 4. The term also includes the term "handicap" as used in local, state and federal statutory, administrative or judicial case law.
- (n) Domestic partner means those adults in a domestic partnership.
- (o) Domestic partnership means two adults and their dependents, if any, which satisfy the following requirements:
1. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship in the immediate future; and
 2. They are not married (unless they are married to each other) or legally separated and, if either party has been a party to an action or proceeding for divorce or annulment, at least six (6) months have elapsed since the date of the judgment terminating the marriage; and
 3. Neither domestic partner is currently registered in a domestic partnership with a different domestic partner and, if either partner has previously been registered as a domestic partner in a domestic partnership, at least six (6) months have elapsed since the effective date of termination of that registration; and
 4. Both are 18 years of age or older; and
 5. Both are competent to contract; and
 6. They are occupying the same dwelling unit as a single, nonprofit housekeeping unit, whose relationship is of permanent and distinct domestic character; and
 7. They are not in a relationship that is merely temporary, social, political, commercial or economic in nature.
- (p) Employees does not include any individual employed by her/his parents, spouse, or child.
- (q) Extension of credit means all acts incident to the evaluation of an application for credit and the granting of credit.
- (r) Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.
- (s) Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with
1. A parent or another person having sole or joint legal custody or physical placement, as defined in Sec. 767.001, Wis. Stats., of such individual or individuals; or
 2. The designee of such parent or other person having such custody or physical placement, with the written permission of such parent or other person; or
 3. A foster parent or other person with whom a person under the age of 18 years is placed by court order.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing sole or joint legal custody or physical placement of any individual who has not attained the age of 18 years.

- (t) Gender identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one's biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one's biological or legal sex at birth; 3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one's biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous. (Cr. by Ord. 12,686, 10-9-00)
- (u) Housing means any building, structure, or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a residence, home or place of habitation of one or more human beings, including a mobile home as defined in Section 66.0435 of the Wisconsin Statutes and a trailer as defined in Section 9.23 of the Madison General Ordinances and any land for sale, lease or use as a site for a building, structure or part thereof intended or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home park as defined in Section 66.0435 of the Wisconsin Statutes and a trailer camp as defined in Section 9.23 of the Madison General Ordinances. Such definition of "housing" is qualified by the exceptions contained in Section 39.03(4)(a).
- (v) Invitation to apply for credit means any communication, oral or written, by a creditor which encourages or prompts an application for credit.
- (w) Labor organization includes any collective bargaining unit composed of employees.
- (x) Less than honorable discharge means any general, undesirable, clemency, bad conduct or dishonorable discharge from the military service.
- (y) Marital status includes being married, separated, divorced, widowed, or single.
- (z) Mutual support means that the domestic partners contribute mutually to the maintenance and support of the domestic partnership throughout its existence.
- (aa) Person means one or more individuals, labor unions, partnerships, associations, corporations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers or other fiduciaries, and shall include the City of Madison, and the agent or agents of any of the foregoing.
- (bb) Physical appearance means the outward appearance of any person, irrespective of sex, with regard to hair style, beards, manner of dress, weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when such requirement is uniformly applied for admittance to a public accommodation or to employees in a business establishment for a reasonable business purpose.
- (cc) Political beliefs means one's opinion, manifested in speech or association, concerning the social, economic and governmental structure of society and its institutions. This ordinance shall cover all political beliefs, the consideration of which is not preempted by state or federal law.

- (dd) Public place of accommodation or amusement includes those accommodations, facilities and services which a person holds out to be open to the common and general use, participation and enjoyment of the public for any purpose. The term “public place of accommodation or amusement” shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barber or cosmetologist, aesthetician, electrologist or manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods or services are available either free or for a consideration, except where such a broad interpretation would deny to any person rights guaranteed by the constitutions of Wisconsin and of the United States.
- Public place of accommodation or amusement does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event at which the organization or institution provides the accommodations, amusement, goods or services to the following individuals only:
1. Members of the organization or institution.
 2. Guests named by members of the organization or institution.
 3. Guests named by the organization or institution.
- (ee) Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:
1. The nature and cost of the action needed under this Ordinance;
 2. The overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
 3. The overall financial resources of the person who owns or operates the facility; the overall size of the business with respect to the number of its employees; the number, type and location of its facilities; and
 4. The type of operation or operations of the person who owns or operates the facility, including the composition, structure, and functions of the workforce of such person; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question.
- (ff) Religion includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates inability to reasonably accommodate an employee’s or prospective employee’s religious observance or practice without undue hardship on the conduct of the employer’s business.
- (gg) “Sexual harassment” means unwelcome sexual advances; unwelcome requests for sexual favors; unwelcome physical contact of a sexual nature; or unwelcome verbal or physical conduct of a sexual nature which shall include, but not be limited to, deliberate or repeated unsolicited gestures, verbal or written comments, or display of sexually graphic materials which is not necessary for business purposes. “Sexual harassment” includes conduct directed by a person at another person of the same or opposite gender.

- (hh) Sexual orientation includes homosexuality, heterosexuality, bisexuality and gender identity by preference or practice. (Am. by Ord. 12,686, 10-9-00)
- (ii) Source of income includes, but shall not be limited to, moneys received from public assistance, pension, and Supplementary Security Income (SSI). Source of income shall be limited to legally derived income.
- (jj) Student means a person who is enrolled in a public or private high school, college, university, technical college, accredited trade school, or apprenticeship program.
- (kk) Transfer does not apply to the transfer of property by will or gift.
(Am. by Ord. 12,039, Adopted 2-17-98)
- (3) Credit. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any creditor to discriminate against any person in any credit transaction because of sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, familial status, political beliefs, or the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein. (Am. by Ord-07-00029, 3-15-07)
- (4) Housing. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person having the right of ownership or possession or the right of transfer, sale, rental or lease of any housing, or the agent of any such person:
 - (a) To refuse to transfer, sell, rent or lease, to refuse to negotiate for the sale, lease, or rental or otherwise to make unavailable, deny or withhold from any person such housing because of sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, including receipt of rental assistance under 24 Code of Federal Regulations Subtitle B, Chapter VIII [the "Section 8" housing program], arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, familial status, political beliefs, or the fact that such person is a student as defined herein, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law; or the fact that such a person is a member of a domestic partnership as defined herein; or (Am. by Ord. 13,708, 10-12-04; ORD-07-00016, 2-22-07; ORD-07-00029, 3-15-07)
 - (b) To make or cause to be made any written or oral inquiry or record concerning the nature of any disability of prospective occupants or tenants of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, state, or federal law or; (Am. by Ord. 10,605, 3-19-93)
 - (c) To falsely represent that a dwelling is not available for inspection, sale, or rental because of discrimination because of sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, political beliefs, physical appearance, sexual orientation, familial status, or the fact that a person is a student as defined herein; the fact that such a person is a member of a domestic partnership as defined herein; or other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety and welfare. A person who has received written notice from the Madison Police Department that a drug nuisance under Sec. 823.113, Wis. Stats., exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to, eviction of residents, provided such action is not a subterfuge to evade the provisions of this ordinance. (Am. by ORD-07-00029, 3-15-07)

(d) To discriminate against any person because of sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, political beliefs, physical appearance, sexual orientation, familial status, or the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein, in the terms, conditions or privileges pertaining to the transfer, sale, rental or lease of any housing, or in the furnishing of facilities or services in connection therewith, or in any other manner. (Am. by ORD-07-00029, 3-15-07)

1. Exclusions for Certain Convictions. This ordinance does not prohibit eviction or refusal to rent or lease residential property because of the conviction record of the tenant or applicant or a member of the tenant's or applicant's household, if the circumstances of the offense bear a substantial relationship to tenancy. The phrase "circumstances of any offense(s) bear a substantial relationship to tenancy" means the offense is such that, given the nature of the housing, a reasonable person would have a justifiable fear for the safety of landlord or tenant property or for the safety of other residents or employees. Provided that the circumstances of the offense bear a substantial relationship to tenancy, such offenses may include but are not limited to the following:
 - a. disorderly conduct involving disturbance of neighbors,
 - b. disorderly conduct involving destruction of property,
 - c. at least two or more misdemeanor drug-related convictions related to the manufacture, delivery or sale of a controlled substance or any drug-related felonious criminal activity,
 - d. criminal activity involving violence to persons such as murder, child abuse, sexual assault, battery, aggravated assault, assault with a deadly weapon;
 - e. criminal activity involving violence to or destruction of property, such as arson, vandalism, theft, burglary, criminal trespass to a dwelling;
 - f. at least two or more civil ordinance violation (forfeiture) convictions within a twelve (12) month period for violations relating to disturbance of neighbors or injury to persons or property.

A person who has received written notice from the Madison Police Department that a drug nuisance under Sec. 823.113, Wis. Stats., exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to, eviction of residents, provided such action is not a subterfuge to evade the provisions of this ordinance.

2. Time Limits on Exclusions. The exclusion for certain convictions shall not apply if more than two (2) years have elapsed since the applicant or member of the tenant's or applicant's household was placed on probation, paroled, released from incarceration or paid a fine for offenses set forth in Paragraph 1. unless the offense is one which must be reported under the Sex Offender Reporting Requirement of Sec. 973.048, Wis. Stats.
3. Discrimination Against Victims of Domestic Abuse Prohibited. Notwithstanding the provisions contained in Paragraph 1., a person may not evict a tenant or refuse to rent or lease residential property based on the fact that a tenant or prospective tenant or a member of the tenant's or prospective tenant's household has been or may be the victim of domestic abuse, as defined in Sec. 813.12(1)(a), Wis. Stats., or has been a victim of a crime prohibited by Chapter 948, Wis. Stats. (Am. by Ord. 12,074, 3-27-98)

4. Mandatory Recordkeeping Procedures. Notwithstanding the provisions contained in Paragraph 1. above, a person may not refuse to rent or lease residential property because of the conviction record of the applicant or a member of the applicant's household unless the person complies with all of the following:
- a. uses a written, uniform inquiry process established for legitimate non-discriminatory business reasons,
 - b. applies such process uniformly
 - c. advises applicants in writing at the time of application that the screening process may include a conviction record check,
 - d. advises an applicant in writing at the time of denial, if refusal to rent is based in whole or in part on the conviction record of the applicant or a member of the applicant's household,
 - e. keeps all applications, whether accepted or rejected, for at least two (2) years, along with a record of reasons for rejection, recorded in a uniform manner.

In order to be considered uniform, a written inquiry process must be applied by a person to all properties under her/his ownership or control; except that where a person controls several properties on behalf of two or more different owners that person shall use the same written inquiry process for all such properties unless an individual owner has established a separate uniform process for her/his own properties and requires its use.

- f. In the event a formal complaint of discrimination is made to the EOC, the landlord shall make available for inspection and permit the Equal Opportunities Division Head or his/her designee to inspect during normal business hours all documents identified in Subparagraphs a. through e. above. The Equal Opportunities Division Head or his/her designee shall promptly conduct such inspection for the sole purpose of determining compliance with this subsection on conviction records. Any person who fails or refuses to allow such inspection(s) or who fails to maintain or retain required records shall be in violation of this ordinance and, upon conviction, shall be subject to a forfeiture as provided in Section 39.03(15) of the Madison General Ordinances. (Am. by ORD-06-00078, 6-30-06)
 - g. This paragraph is not intended to prohibit or restrict a current or new owner of property from instituting a conviction record screening policy at any time during his/her ownership of a property so long as it is applied uniformly to all similarly situated individuals and otherwise complies with this subsection.
 - h. This paragraph is not intended to impose liability on a new owner of a property for actions or omissions of the former owner related to this paragraph, except to the extent the new owner continues the practice under his/her ownership.
5. No private cause of action. Except for claims by or on behalf of individuals protected from prohibited discrimination hereunder, the Common Council does not intend this Subdivision, 39.03(4)(d), to create a private right of action based upon a claim of personal injury or property damage arising from a landlord's good faith compliance with this Subdivision. This provision is not intended either to expand or to limit rights provided by local, state or federal equal opportunities laws. (Am. by Ord. 12,637, 7-7-00)

(Sec. 3.23(4)(d) Am. by Ord. 11,224, 4-13-95; Ord. 12,501, 11-19-99; Reconsidered & Adopted by Ord. 12,561, 4-7-00)

- (e) Nothing in this ordinance shall affect any person's decision to share occupancy of a lodging room, apartment or dwelling unit with another person or persons. For purposes of this subdivision, the terms lodging room, apartment, and dwelling unit have the meaning contained in Sec. 27.03 of these ordinances.
 - (f) For any bank, credit union, finance company, savings and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in lending or purchasing of loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining any housing, to discriminate against such person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, or to refuse to purchase or to discriminate in the purchase of such loan,
 1. Because of the sex, race, religion, color, national origin or ancestry, disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, familial status, or political beliefs of such person or of any person associated with him or her in connection with such loan or other financial assistance, or because of the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein; or
 2. Because of the sex, race, religion, color, national origin or ancestry, age, disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, familial status, or political beliefs of the present or prospective owners, lessees, tenants, or occupants of the housing for which such loan or other financial assistance is to be made or given, or because such present or prospective owner, lessee, tenant or occupant is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein.
 3. Notwithstanding the provisions of Subdivision (4)(b) and the above provisions, inquiries concerning source of income may be made if they are reasonably directed toward determining solvency, reliability, credit record, or ability to pay, and are not a subterfuge to evade the purposes of this section.
- (Sec. 3.23(4)(f) Am. by Ord. 12,039, Adopted 2-17-98; ORD-07-00029, 3-15-07)
- (g) For any person to post, print, broadcast or publish or cause to be posted, printed, broadcast or published, any notice or advertisement relating to the transfer, sale, rental or lease of any housing which expresses preference, limitation, specifications or discrimination as to sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, familial status or the fact that a person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein. (Am. by ORD-07-00029, 3-15-07)

- (h) For any person, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, familial status, status as students, or the fact that such a person is a member of a domestic partnership as defined herein..

In establishing a discriminatory housing practice under this section it is not necessary that there was in fact profit as long as profit was a factor for engaging in the blockbusting activity. (Sec. 3.23(4)(h) R. and (i) Renumbered to (h) by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07)

- (i) For any person to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership or participation on account of sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, familial status, or the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein.. (Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00098, 3-15-07)

- (j) For any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, familial status, or the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein. As used in this subdivision the term "residential real estate related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance
 - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. Secured by residential real estate.
2. The selling, brokering, or appraising of residential real property.

Nothing in this section prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, familial status, the fact that a person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein.

(Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07)

- (k) In this subsection, prohibited discrimination includes discrimination because of the sex, race, religion, color, national origin or ancestry, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, familial status, student status, or the fact that such a person is a member of a domestic partnership as defined herein of:

1. The buyer, renter, or applicant; or
2. A person residing in or intending to reside in a dwelling after it is sold, rented, or made available.

(Am. and Renumbered by Ord. 12,039, Adopted 2-17-98; ORD-07-00029, 3-15-07)

- (1) For purposes of this subsection, discrimination includes:
1. A refusal to permit, at the expense of the person with a handicap/disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; provided:
 - a. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the conditions that existed before the modification, reasonable wear and tear excepted; but only if the modifications limit usability of the premises by future tenants. The landlord may not increase, for persons with a handicap/disability, any customarily required security deposit.
 - b. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained; or
 - c. Landlords may require escrow accounts where it is necessary in order to insure, with reasonable certainty, that funds will be available to pay for the restorations at the end of the tenancy. The landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account over a reasonable period (not to exceed the length of the lease), a reasonable amount of money, not to exceed the cost of restorations. The interest in any such account shall accrue to the benefit of the tenant. Failure by the landlord to utilize escrow funds for restoration of the premises within ninety days of the termination of the tenancy constitutes a forfeiture of the escrow fund, which shall revert to the tenant.
 - d. A landlord may not require further restoration if the modifications satisfy either Uniform Federal Accessibility Standards or ILHR 52.04, Wis. Admin. Code.
 - e. No landlord may require the restoration of modifications made to public and common use portions of the premises if the modification was necessary to make those portions readily accessible to and usable by persons with handicaps/disabilities.
 2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a handicap/disability equal opportunity to use and enjoy a dwelling; or
 3. In connection with the design and construction of covered multifamily dwellings as defined in 24 C.F.R. Sec. 100.201 for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - a. The dwellings have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site;
 - b. With respect to dwellings with a building entrance on an accessible route:
 - i. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped/disabled persons with disabilities;
 - ii. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons in wheelchairs; and
 - iii. All premises within such dwellings contain the following features of adaptive design:

- A. An accessible route into and through the dwelling;
- B. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- C. Reinforcements in bathroom walls to allow later installation of grab bars; and
- D. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(Am. by ORD-06-00099, 8-2-06)

- 4. Paragraph 3. applies to covered multi-family dwellings, as defined in Subsec. (2)(g) of this ordinance, designed and constructed for first occupancy after thirty (30) months after the date of enactment of this ordinance.
- 5. Compliance with either the Uniform Federal Accessibility Standards, or ILHR 52.04, Wis. Admin. Code, whichever standard provides the greater degree of accessibility, shall constitute compliance with paragraph 3.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

- (m) The prohibition in this section against discrimination based on age and familial status does not apply to housing for older persons.
 - 1. As used in this subdivision, housing for older persons means housing
 - a. Provided under any state or federal program that is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - b. Intended for, and solely occupied by, persons 62 years of age or older; or
 - c. Intended and operated for occupancy by at least one person 55 years of age or older per unit. Housing for older persons under this paragraph shall contain at least the following factors:
 - i. Significant facilities and services specifically designed to meet the physical or social needs of older persons, as those are defined in Sec. 101.22(1m)(u) Wis. Stats. (1991-92).
 - ii. All of the units are occupied by at least one person 55 years of age or older; provided that, if the qualifying tenant ceases to reside in the unit, the remaining occupants may not be required to vacate the unit, as long as at least 80% of all the units are occupied by at least one person 55 years of age or older.
 - iii. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.
 - 2. Housing shall not fail to meet the requirements for housing for older persons by reasons of:
 - a. Persons residing in such housing as of September 13, 1988, who did not meet the age requirements of Paragraph 1.b. or c. above, provided that new occupants of such housing meet the age requirements of Paragraph 1.b. or c.; or
 - b. Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of Paragraph 1.b. or c. above.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

- (n) It is not a violation of this ordinance to restrict occupancy in a dwelling to persons with handicaps/disabilities or to provide housing for older persons as such housing is defined above.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

- (o) It is the intention of the Common Council that this subsection be interpreted consistently with Title VIII of the Civil Rights Act of 1968 (42 USC Sec. 3601-3619) as amended, and with regulations applicable thereto (24 CFR Parts 100, 103, 109, 110, 115, and 121) except where the language of this subsection clearly requires a different interpretation.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

(Sec. 3.23(4) Am. by Ord. 12,039, Adopted 2-17-98)

- (5) Public Place of Accommodation or Amusement. All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation or amusement, as defined in this ordinance, without discrimination or segregation on the ground of sex, race, religion, color, national origin or ancestry, age, disability, marital status, domestic partnership status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs or the fact that a person is a student as defined herein, the fact that such a person is a member of a domestic partnership as defined herein., or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law. It shall be an unfair discrimination practice and unlawful and hereby prohibited:

- (a) For any person to deny to another, or charge another a different price from the rate charged others for the full and equal enjoyment of any public place of accommodation or amusement because of the sex, race, religion, color, national origin or ancestry, age, handicap, marital status, domestic partnership status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or the fact that such person is a student as defined herein, the fact that such a person is a member of a domestic partnership as defined herein or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law. Organizations which operate public accommodations and which sell memberships based on family status shall provide the same benefits to domestic partnerships as are provided to other families. (Am. by Ord. 10,039, 6-14-90)
- (b) For any person to directly or indirectly publish, circulate, display, mail or otherwise disseminate any written communication which s/he knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of her/his sex, race, religion, color, national origin or ancestry, age, handicap, marital status, domestic partnership status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or the fact that such person is a student as defined herein, the fact that such a person is a member of a domestic partnership as defined herein., or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law, or that the patronage of a person is unwelcome, objectionable or unacceptable for any of these reasons. (Am. by Ord. 10,039, 6-14-90)
- (c) Subsection (5) does not prohibit special services, rates or benefits provided to any person because she or he is fifty (50) years old or older. (Sec. 3.23(c) R. and (d) Renumbered to (c) by Ord. 12,039, Adopted 2-17-98)

(Sec. 3.23(5) Am. by Ord. 12,039, Adopted 2-17-98; Ord. 13,708, 10-12-04; ORD-07-00029, 3-15-07)

- (6) Access by Persons with Disabilities to Public Accommodations and Commercial Facilities.

- (a) No individual shall be discriminated against on the basis of disability, or because of the known disability of an individual with whom the individual or entity is known to have a relationship or association, in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to another), or operates a place of public accommodation.

1. Denial of Participation. It shall be prohibited discrimination to subject an individual, on the basis of a disability or disabilities of such individual, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.
 2. Participation in Unequal Benefit. It shall be prohibited discrimination to afford an individual, on the basis of a disability or disabilities of such individual, directly, or through contractual, licensing, or other arrangements with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.
 3. Separate Benefit. It shall be prohibited discrimination to provide an individual, on the basis of a disability or disabilities of such individual, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.
- (b) Integrated Settings. Goods, services, facilities, privileges, advantages, and accommodations shall be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.
- (c) Opportunity to Participate. Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.
- (d) Administrative Methods. A person shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration:
1. that have the effect of discriminating on the basis of disability; or
 2. that perpetuate the discrimination of others who are subject to common administrative control.
- (e) Specific Prohibitions. For purposes of Subdivision (a) above, prohibited discrimination includes:
1. The imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered;
 2. A failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantage, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;
 3. A failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden;

4. A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities where such removal is readily achievable; and
5. Where an entity can demonstrate that the removal of a barrier under Paragraph 4. is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

(f) New Construction and Alterations in Public Accommodations and Commercial Facilities. Except as provided in Subdivision (h), as applied to public accommodations and commercial facilities, discrimination for purposes of Subsection (6)(a) of this ordinance includes:

1. A failure to design and construct facilities for first occupancy later than ninety (90) days after the date of enactment of this ordinance that are readily accessible to and usable by individuals with disabilities, except where a respondent can demonstrate that it is structurally impracticable to meet the requirements of such Subsection.
2. With respect to a facility or part thereof that is altered by, on behalf of, or for the use of an establishment in a manner that affects or could affect the usability of the facility or part thereof, a failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Where the entity is undertaking an alteration that affects or could affect usability of or access to an area of the facility containing a primary function, the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope.

(g) Elevator. Subdivision (f) above shall not be construed to require the installation of an elevator for facilities that are less than three stories or have less than 3,000 square feet per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider.

(h) Exemptions for Private Clubs and Religious Organizations. The provisions of this Subsection (6) of this ordinance shall not apply to private clubs or organizations exempted from coverage under Sec. 39.03(2)(cc) above or to religious organizations or entities controlled by religious organizations, including places of worship, to the extent that requiring compliance would violate state or federal law.

(Cr. by Ord. 12,039, Adopted 2-17-98)

(7) City Facilities. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person, public official, employee, agent, agency, authority, board, commission or committee of the City of Madison to deny any person, the use of City facilities or otherwise discriminate against any person in the use of City facilities because of sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs. the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein..

(Renumbered by Ord. 12,039, Adopted 2-17-98; ORD-07-00029, 3-15-07)

- (8) Employment Practices. It shall be an unfair discrimination practice and unlawful and hereby prohibited:
- (a) For any person or employer individually or in concert with others to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to her/his compensation, terms, conditions, or privileges of employment, because of such individual's sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs or the fact that such person is a student as defined herein, the fact that such a person is a member of a domestic partnership as defined herein.. Provided, that an employer who is discriminating with respect to compensation in violation of this subsection, shall not, in order to comply with this subsection, reduce the wage rate of any employee.
 - (b) For any person or employer individually or in concert with others to limit, segregate, or classify his or her employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee, because of such individual's sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein.
 - (c) For any employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual on the basis of his or her sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein.
 - (d) For any labor organization:
 - 1. To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his or her sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein.
 - 2. To limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his or her status as an employee or as an applicant for employment, because of such individual's sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein.
 - 3. To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

- (e) For any person or employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, age, handicap, arrest or conviction record or national origin when religion, sex, age, handicap, or national origin is a bona fide occupational qualification for employment or when an employer may lawfully consider or rely upon such arrest or conviction record pursuant to Sections 39.03(8)(i)3. through 39.03(8)(i)6., M.G.O. (Sec. 3.23(7)(e) R. and (f) Renumbered to (e) by Ord. 8297, 4-5-84; Am. by Ord. 13,339, 6-7-03)
- (f) For any person or employer, employment agency or labor organization to request an applicant, employee, member or any other person, on an application form or otherwise, to supply information regarding any arrest record, except a record of a pending charge, of the applicant, employee or member; except that it shall not be discrimination to request such information of applicants for employment as law enforcement officers, or when an employer may lawfully consider or rely upon such arrest or conviction record pursuant to Sections 39.03(8)(i)3. through 39.03(8)(i)6., M.G.O. (Renumbered by Ord. 8297, 4-5-84; Am. by Ord. 13,339, 6-7-03)
- (g) For any person or employer, employment agency or labor organization to refuse to reasonably accommodate an employee's or prospective employee's handicap unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business. (Cr. by Ord. 8297, 4-5-84)
- (h) Religion; Exceptions and Special Cases.
1. Employment discrimination because of religion includes, but is not limited to, refusing to reasonably accommodate an employee's or prospective employee's religious observance or practice unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.
 2. It is not employment discrimination because of religion for a religious association not organized for private profit or an organization or corporation which is primarily owned or controlled by such religious association to give preference to an applicant or employee who is a member of the same or a similar religious denomination, in hiring or promotion to an instructional or policy-making position, including but not limited to the position of chaplain or counselor.
 3. It is not employment discrimination because of religion for a fraternal as defined in Sec. 614.01(1) Wisconsin Statutes, to give preference to an employee or applicant who is a member or is eligible for membership in the fraternal, with respect to hiring to or promotion to the position of officer, administrator or salesperson.
- (Cr. by Ord. 8297, 4-5-84)

- (i) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer or a labor organization to admit or employ any individual in those certain instances where sex, age, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise. (Am. by Ord. 8297, 4-5-84)
1. It shall not be unlawful age discrimination to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any person.
 2. Discrimination because of an individual's disability is not prohibited if the employer, labor organization, or employment agency can show that the individual's disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment. It is prohibited discrimination for an employer to contribute a lesser amount to the fringe benefits, including life or disability insurance coverage, of an employee because of he/she has a disability. (Am. by ORD-06-00099, 8-2-06)
 3. Discrimination because of arrest record or conviction record is not prohibited if the employer, labor organization, or employment agency can show that the employee or applicant:
 - a. Is subject to a pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the particular job;
 - b. Has been within the past three (3) years placed on probation, paroled, released from incarceration, or paid a fine, for a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; (Am. by Ord. 13,339, 6-7-03)
 - c. Is not bondable under a standard fidelity bond or an equivalent bond where such bondability is required by state, federal or local law, administrative regulation or previously established business practice of the employer. (Sec. 3.23(7)(h) Renumbered to (i) by Ord. 8297, 4-5-84)
 - d. Is not eligible for licensing under state, federal or local law or administrative regulation due to a felony conviction for which the employee or applicant has not been pardoned, and where such license is required for the position the employee holds or for which the applicant is applying. (Cr. by Ord. 13,339, 6-7-03)
 4. It is not employment discrimination because of conviction record to deny or to refuse to issue a license or permit under the Madison General Ordinances if the person applying for or holding the license or permit has been convicted of a felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the licensed activity, and has not been pardoned for that felony, misdemeanor, or other offense. (Cr. by Ord. 13,339, 6-7-03)
 5. It is not employment discrimination because of conviction record to refuse to employ a person in a business licensed under s. 440.26, Wis. Stats., or as an employee specified in s. 440.26(5)(b), Wis. Stats., if the person has been convicted of a felony and has not been pardoned for that felony. (Cr. by Ord. 13,339, 6-7-03)

6. It is not employment discrimination because of conviction record to refuse to employ as an installer of burglar alarms a person who has been convicted of a felony and has not been pardoned. (Cr. by Ord. 13,339, 6-7-03)
- (j) Nothing contained in this section shall be interpreted to prohibit any employer from considering an individual's less than honorable discharge in cases where the circumstances of the discharge are substantially related to the circumstances of the particular job. However, in no case may an employer consider a less than honorable discharge that was made administratively and not pursuant to a court martial. (Renumbered by Ord. 8297, 4-5-84)
- (k) No employer, labor organization or employment agency shall engage in sexual harassment and employers shall ensure that all of their employees work in an environment free of sexual harassment.
 1. An employer, labor organization or employment agency violates this ordinance when (1) an employee's acquiescence in or submission to sexual harassment is made either explicitly or implicitly a term or condition of his/her employment, (2) an employee's acquiescence in or submission to sexual harassment is used as the basis or any part of the basis for employment decisions affecting the employee other than an employment decision that is disciplinary action against an employee for engaging in sexual harassment in violation of this paragraph, or (3) sexual harassment has the purpose or effect of substantially interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment. (Am. by Ord. 12,039, Adopted 2-17-98)
 2. Substantial interference with an employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment. (Cr. by Ord. 12,039, Adopted 2-17-98)
 3. An employer, employment agency or labor organization is presumed responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized by the employer. (Renumbered by Ord. 12,039, 2-17-98)
 4. An employer, employment agency or labor organization is responsible for acts of sexual harassment of its employees by persons other than its agents or supervisory employees, including, but not limited to, acts by customers and co-workers, (1) if the act occurs while the complaining employee is performing service growing out of and incidental to his/her employment and (2), if the employer or its agents or supervisory employees knew or should have known of the conduct. (Renumbered by Ord. 12,039, 2-17-98)
 5. It is the intent of this ordinance that timely filed complaints of sex discrimination in employment based on acts occurring before adoption of these provisions and based on conduct similar or identical to "sexual harassment" as defined above not be barred by the adoption of these provisions. (Renumbered by Ord. 12,039, 2-17-98)

- (l) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity, or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, the fact that such person is a student as defined herein. or the fact that such a person is a member of a domestic partnership as defined herein. (Renumbered by Ord. 8297, 4-5-84)
- (m) Nothing contained in this section shall be interpreted to require any employer, employment agency or labor organization to grant preferential treatment to any individual or to any group because of the sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein. (Renumbered by Ord. 8297, 4-5-84)
- (Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07)
- (9) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
- (a) For any person to aid, abet, incite, compel or coerce the doing of any act which violates this ordinance or obstructs or prevents any person from complying with the provisions of this ordinance; and for any person or employer, employment agency or labor organization, whether individually or in concert with others, to discharge, harass, intimidate, or otherwise discriminate against any person because he or she has opposed any discriminatory practices under this ordinance or because he or she has made a complaint, testified or assisted in any proceeding under this ordinance.
- (b) For any person to intimidate, threaten, harass, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this ordinance.
- (c) For any person or entity subject to regulations under this ordinance to engage in any acts prohibited in Sec. 39.03 et seq of the Madison General Ordinances against any individual because of the sex, race, religion, color, national origin or ancestry, age, disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, or political beliefs of any person associated with that individual, the fact that any person associated with that individual is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein. (Cr. by Ord. 12,039, Adopted 2-17-98)
- (Renumbered and Am. by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07)
- (10) Equal Opportunities Commission and Equal Opportunities Division. The Mayor, subject to confirmation by the Common Council, shall appoint an Equal Opportunities Commission, consisting of thirteen (13) members, one of whom shall be designated President by the members of the Commission. At least one, and no more than two, such members shall be an Alderperson, who shall be a member only as long as she/he shall continue to hold office as Alderperson. Members shall be appointed from among the residents of the entire City, shall be representative of both sexes, and of all races, religions, colors, organizations and fields of endeavor, all sexual orientations, people with disabilities, and shall be committed to the principle of equal opportunities. They shall receive no compensation for their services. There shall also be an Equal Opportunities Division established within the Department of Civil Rights, headed by an Equal Opportunity Division Head as that position is established and set forth in Sec. 39.01(2), MGO. (Am. by Ord. 12,244, 11-3-98; Ord. 12,933, 12-11-01; ORD-05-00204, 1-3-06; ORD-06-00078, 6-30-06; ORD-07-00114, 9-22-07)

- (a) The Commission members shall be appointed for terms of three (3) years and their terms shall run until their successors are appointed and confirmed. Terms shall expire on the third Tuesday of April.
- (b) The Equal Opportunities Commission shall have the following powers and duties:
1. To study the existence, character, causes and extent of the denial of equal opportunity because of sex, race, religion, color, national origin or ancestry, age, disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, the fact that a person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein, in the City of Madison. (Am. by ORD-06-00099, 8-2-06)
 2. To informally recommend solutions to individual problems that may arise which involve the denial of equal opportunities because of sex, race, religion, color, national origin or ancestry, age, disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, the fact that such person is a student as defined herein, or the fact that such a person is a member of a domestic partnership as defined herein. (Am. by ORD-06-00099, 8-2-06)
 3. To disseminate information and provide technical assistance, consultation, training programs and other techniques to educate the people of the City of Madison and to aid both private and public agencies to use their resources to promote equal opportunities for all persons.
 4. To receive and initiate complaints alleging violation of this ordinance and to attempt to eliminate or remedy any violation by means of conciliation, persuasion, education, litigation, or any other means, to make the complainant whole again.
 - a. In case agreement is reached, a conciliation agreement in writing shall be signed by the complainant and respondent and approved by the President of the Equal Opportunities Commission. The signed conciliation agreement shall have the effect of a Commission order.
 - b. Except as provided in Sec. 904.08, Wis. Stats., and in 24 CFR Sec. 103.330, nothing that is said or done in the course of conciliation proceedings may be made public or used as evidence in a subsequent administrative hearing or civil action under this ordinance, under Title VIII of the Civil Rights Act of 1968, or under Sec. 101.22 et seq, Wis. Stats. (1991-92), without the written consent of the parties.
 - c. Any conciliation agreement is a public record and subject to inspection as provided in Sec. 19.35, Wis. Stats., and Sec. 3.42 of these ordinances, unless the parties to the agreement request that the record be exempt from disclosure and the Equal Opportunities Division Head determines in accordance with the Wisconsin Public Records Laws that it would be clearly contrary to the public's interests to disclose such conciliation agreement. (Am. by ORD-06-00078, 6-30-06)
- (Sec. 3.23(10)(b)4. Am. by Ord. 12,039, Adopted 2-17-98)
5. Notwithstanding the provisions of Sec. 39.03(10)(c)1. to the contrary, to test and investigate for the purpose of establishing violations of Section 39.03 of these ordinances and, if appropriate, to make, sign, and file complaints alleging violations thereof. (Cr. by Ord. 12,039, 2-17-98)
 6. To render from time to time, but not less that once a year, written report of its activities and recommendations to the Mayor and the Common Council. (Renumbered by Ord. 12,039, 2-17-98)
 7. To adopt such rules and regulations as may be necessary to carry out the purpose and provisions of this ordinance. (Renumbered by Ord. 12,039, 2-17-98)

8. To issue subpoenas pursuant to Wisconsin Statutes Sec. 885.01 to assist in the execution of its duties.(Renumbered by Ord. 12,039, 2-17-98)
9. The Commission may, from time to time, designate Commissioners and/or Equal Opportunities Division staff to carry out its duties.
(Renumbered by Ord. 12,039, 2-17-98; Am. by ORD-06-00078, 6-30-06)
10. The Commission shall administer and enforce the Minimum Wage Ordinance, Sec. 3.45, M.G.O. (Cr. by Ord. 13,556, 4-21-04)

(Am. by ORD-07-00029, 3-15-07)

(c) Except as provided in Sec. 39.03(10)(d), the Equal Opportunities Commission shall use the following procedures in acting on complaints of discrimination:

1. The Commission shall not accept any complaint filed more than three hundred (300) days after the alleged discrimination occurred, except that complaints of housing discrimination may be filed up to one (1) year after the alleged discrimination occurred. The Commission shall not investigate any complaint unless it is in writing and verified by the complainant, and a copy of the complaint is sent to the person or persons complained of, hereinafter referred to as respondent.

In addition, upon receipt of a verified complaint, both the complainant and the respondent shall be advised that copies of the Commission rules governing hearing procedures and the processing of complaints are available at the office of the Director of the Department of Civil Rights.

(Am. by Ord. 12,039, Adopted 2-17-98; Am. by ORD-06-00078, 6-30-06)

2. Hearings.

- a. If the Commission finds probable cause to believe that any discrimination has been or is being committed, it shall immediately endeavor to eliminate the practice by conference, conciliation or persuasion. In case of failure so to eliminate the discrimination, the Commission shall issue and serve a written notice of hearing, specifying the nature of the discrimination which appears to have been committed, and requiring the respondent to answer the complaint in writing within ten (10) days after receipt of the notice of hearing and to appear at the hearing on the appointed date. The notice shall specify a time of hearing not less than thirty (30) days after service of the notice of hearing. The testimony at the hearing shall be recorded
- b. If, after hearing, the Commission finds that the respondent has engaged in discrimination, it shall make written findings and order such action by the respondent as will redress the injury done to complainant in violation of this ordinance, bring respondent into compliance with its provisions and generally effectuate the purpose of this ordinance. Such remedies may include, but are not limited to, out of pocket expenses, economic and noneconomic damages including damages for emotional injuries and, in regard to discrimination in employment, both front and back pay. In regard to discrimination in public accommodations by the holder of an alcohol beverage license issued pursuant to Chapter 38 of these ordinances, the Commission shall relay its findings to the City Attorney who shall commence a proceeding pursuant to Sec. 38.10 of these ordinances.

Back pay liability shall not accrue from a date more than two (2) years prior to the filing of a complaint with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against, shall operate to reduce back pay otherwise allowable. Amounts received by the person as unemployment benefits or welfare payments shall not reduce the back pay allowable, but shall be withheld from the person discriminated against and immediately paid to the unemployment reserve fund or, in the case of a welfare payment, to the welfare agency making such payment.

The amendments to this subparagraph b. shall apply to all proceedings pending on or commenced after the effective date of this ordinance, ID No. 22735 in furtherance of the remedial purposes of the Equal Opportunities Ordinance, 39.03 et seq. of the Madison General Ordinances. (Am. by Ord. 12,039, Adopted 2-17-98)

- c. The Commission shall serve a copy of its findings and order on the respondent.
(Am. by Ord. 12,039, Adopted 2-17-98)
- d. If the Commission finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a copy of its findings on the complainant together with an order dismissing the complaint.
- e. The Commission shall monitor, in such manner as it shall determine appropriate, compliance with its conciliation agreements and orders.

(Sec. 3.23(10)(c)(2) Am. By Ord. 12,039, 2-17-98)

3. Judicial Enforcement of Orders.

- a. Whenever in the judgment of the Commission, the judicial enforcement of the ordinance is necessary, the Commission shall in writing request the City Attorney to enforce the ordinance in the name of the City of Madison.
- b. Upon receipt of such request, the City Attorney shall have the power and duty to seek enforcement of the ordinance in a court of competent jurisdiction.

4. Judicial Review of Orders. All orders of the Equal Opportunities Commission shall be final administrative determinations and shall be subject to review in court as by law may be provided. Any party to the proceeding may seek judicial review thereof within thirty (30) days of service by mail of the final determination. In addition, written notice of any request for judicial review shall be given by the party seeking review to all parties who appeared at the proceeding, with said notice to be sent by first class mail to each party's last known address. (Am. by Ord. 12,039, Adopted 2-17-98)

5. Housing Discrimination Complaint Procedures. The following special procedures shall apply to complaints of housing discrimination:

- a. If the Commission finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under Section 39.03(4) of these ordinances, the Commission shall make written findings and shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the complainant, and injunctive or other equitable relief. The Commission may not order punitive damages.

- b. In addition to any damages ordered under this Subparagraph, the Commission may assess a monetary penalty against a respondent who is not a natural person in an amount not exceeding \$10,000 unless the respondent who is not a natural person has been adjudged to have committed any prior discriminatory act under Sec. 39.03(4), Madison General Ordinances, under Sec. 101.22, Wis. Stats., or under Title VIII of the Civil Rights Act of 1968. If a respondent who is not a natural person has been adjudged to have committed one other discriminatory act under Sec. 39.03(4), Madison General Ordinances, under Sec. 101.22, Wis. Stats., or under Title VIII of the Civil Rights Act of 1968 during the preceding five-year period, based on the offense date of the prior discriminatory act, the Commission may assess a monetary penalty in an amount not exceeding \$25,000. If a respondent who is not a natural person has been adjudged to have committed two (2) or more prior discriminatory acts under Sec. 39.03(4), Madison General Ordinances, under Sec. 101.22, Wis. Stats., or under Title VIII of the Civil Rights Act of 1968 during the preceding seven-year period, based on the offense date of the prior discriminatory act, the Commission may assess a forfeiture in an amount not exceeding \$50,000.
 - c. The Commission may, instead of or in addition to, ordering relief as provided above, institute an action in Circuit Court, requesting such damages and forfeitures and such other relief as may be appropriate. The Commission may also seek punitive damages in appropriate cases.
 - d. All of the other procedural provisions of this ordinance, and the Commission's rules of procedure, if not contrary to the provisions of this Paragraph shall apply to complaints of housing discrimination.
(Sec. 3.23(10)(c)5. Am. by Ord. 12,039, Adopted 2-17-98)
- (d) The Equal Opportunities Commission shall use the following procedures in acting on complaints of discrimination filed against the City of Madison and the Community Development Authority.
1. Upon the receipt of a written, verified complaint naming the City of Madison or the Community Development Authority as a respondent, a copy of such complaint shall be served on the City Attorney, the Mayor, and the City Clerk.
 2. If the Equal Rights Division of the Wisconsin Department of Workforce Development or the U.S. Department of Housing and Urban Development (HUD) has jurisdiction over the complaint, the Equal Opportunities Commission shall take no action, but shall refer the complaint to the Equal Rights Division or HUD for appropriate action as provided by law. If the U.S. Equal Employment Opportunity Commission or HUD has jurisdiction, a copy of the complaint shall be forwarded to that agency. The complainant shall be informed of all such referrals.
 3. If state and federal agencies are without jurisdiction, the Equal Opportunities Commission shall follow the procedure provided in Sec. 39.03(10)(c) of this ordinance.
(Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,322 Adopted 2-2-99)
(Sec. 3.23(10)(e) R. by ORD-06-00078, 6-30-06)
- (11) Clerk to Register Domestic Partnerships.
- (a) The City Clerk shall register as domestic partnerships all those persons who state, in an application, which shall be verified, that they meet the requirements contained in Sec. 39.03(2)(o) of this ordinance, and pay a registration fee of twenty-five dollars (\$25) to cover record keeping and other costs related to such registration.
 - (b) The application shall include the applicants' agreement to notify the City Clerk of any change in the status of their domestic partner relationship.

- (c) The Clerk shall provide each domestic partnership with a registration certificate, but no registration shall be made nor certificate issued, before the third working day after the date of the application.
- (d) Registration as a domestic partnership is terminated on the 30th day after the Clerk receives and files written notice of termination from one or both domestic partners.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

- (12) Title. This ordinance shall be known as the Equal Opportunities Ordinance.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

- (13) At any time after a complaint is filed, the Director of the Department of Civil Rights may request the City Attorney to file a civil action in the circuit court for Dane County, seeking appropriate temporary relief against the respondent, pending final action by the Commission under this section. Such relief may include an order or decree restraining the respondent from performing an act tending to render ineffectual an order the Commission may enter with respect to the complaint. The court may grant such temporary relief or restraining order as it deems just and proper.

(Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-06-00078, 6-30-06)

- (14) Severability. The provisions of this ordinance shall be severable and if any of the provisions shall be held in contravention of the Constitution and Laws of the State of Wisconsin, or of the United States, the validity of the rest of the ordinance shall not be affected. It is hereby declared to be the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

- (15) Penalty.

- (a) Any person violating any of the provisions of this section shall upon conviction be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (b) Any person who shall fail or neglect to comply with any lawful order of the Equal Opportunities Commission issued pursuant to the provisions of this section shall be deemed guilty of a violation of this section, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense. If the order is based upon a finding of public accommodation discrimination under Sec. 39.03(10)(c)2.b., Madison General Ordinances, by the holder of an alcohol beverage license issued pursuant to Chapter 38, Madison General Ordinances, the Director of the Department of Civil Rights shall also relay the Equal Opportunities Commission's findings of failure or neglect to comply with the order to the City Attorney who shall commence a proceeding pursuant to Sec. 38.10 of these ordinances. (Am. by Ord. 11,183, Adopted 2-21-95; ORD-06-00078, 6-30-06)

(Renumbered by Ord. 12,039, Adopted 2-17-98)

39.04 COMMISSION ON PEOPLE WITH DISABILITIES.

- (1) Organization. There is hereby created a Commission on People with Disabilities. (Am. by Ord. 12,880, 8-24-01)
- (2) Membership. The Commission shall consist of thirteen (13) members. Twelve (12) citizen members and one alderperson shall be appointed by the Mayor, subject to confirmation by the Common Council. Citizen members shall be residents of the City of Madison and shall be knowledgeable and sensitive to the service needs, rights, and responsibilities of citizens with disabilities. First priority for membership shall be given to people with disabilities, family members, and advocates. (Am. by ORD-05-00168, 11-8-05; ORD-07-00195, 12-20-07)
- (3) (a) Terms. All members shall serve terms of three (3) years, commencing May 1, and expiring April 30, except that the term of the Alderperson member of the Commission shall expire with the expiration of her/his term as Alderperson. At the first regular Common Council meeting in April of each year, the Mayor shall appoint persons to fill terms which expire the following May 1. The Common Council shall either reject or confirm the appointments. Should the Council reject any appointment, the Mayor shall submit an alternative appointment as soon as possible. All members shall serve until a successor is appointed and qualifies. Vacancies shall be filled in the manner prescribed for original appointments but the vacancies shall be filled for the unexpired term only.
 - (b) (Repealed by ORD-05-00168, 11-8-05)
(Am. by Ord. 10,978, 9-14-94; Ord. 12,880, 8-24-01)
- (4) Duties. The Commission on People with Disabilities shall have the following responsibilities:
 - (a) Recommend policy to the Mayor, Common Council and Department of Civil Rights in all areas that affect people with disabilities and their families. (Am. by Ord. 10,498, Adopted 8-18-92; Am. by ORD-06-00078, 6-30-06)
 - (b) Study and make recommendations to all City departments, committees, and commissions on proposals to provide better access to facilities and services for people with disabilities and their families.
 - (c) The Commission shall monitor and report violations of city ordinances and state laws pertaining to citizens with disabilities to the appropriate agency.
 - (d) The Commission shall solicit comments and suggestions from citizens and organized groups regarding the concerns of citizens with disabilities.
 - (e) The Commission shall establish close working relationships with other City Boards, Commissions and Committees whose activities may affect people with disabilities.
(Am. by Ord. 12,880, 8-24-01)
- (5) Meetings. The Commission shall meet at least once each month and shall conduct its business in accordance with rules which it may establish.
- (6) Executive Committee. Each year the Commission shall meet as soon after May 1 as possible to elect a Chair and Vice-Chair and such other officers as the Commission may determine. The Commission Chair shall appoint a Commission member as Chair of any other committees. The Executive Committee shall consist of all Commission officers, committee Chairs and other commission members as appointed by the Chair. The Executive Committee shall have responsibilities as assigned by the Commission. (Am. by Ord. 12,880, 8-24-01)
- (7) Staff. The Commission shall receive staff services from the Department of Civil Rights. (Am. by Ord. 10,498, Adopted 8-18-92; ORD-06-00078, 6-30-06)
(Sec. 3.62 R. & Re-Cr. by Ord. 10,246, 4-26-91; Am. by Ord. 12,880, 8-24-01)

39.05 NONDISCRIMINATION BASED ON DISABILITY IN CITY FACILITIES AND CITY-ASSISTED PROGRAMS AND ACTIVITIES.

- (1) Nondiscrimination. No qualified person with a disability shall, by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by City facilities, or under any program or activity which receives or benefits from City financial assistance.
- (2) Declaration of Policy. It is the intention of the Mayor and Common Council to impose upon City facilities and upon recipients of City financial assistance, nondiscrimination requirements which are the same as, and consistent with, the nondiscrimination requirements which are imposed upon recipients of federal funding by the Rehabilitation Act of 1973, as amended, and applicable federal regulations.

The Council intends that the complaint procedure provided in Subsections (10) to (13) of this ordinance shall constitute the grievance procedure required by applicable federal regulations, and further intends that any time limits required by applicable federal regulations for complaints to federal agencies be tolled when a complainant pursues the complaint procedure provided in this ordinance, provided the complaint is timely under Subsection (10). Subsections (11) to (17) shall not apply to complaints filed with federal agencies. Subsections (14) to (17) shall not apply to complaints filed with the Department of Affirmative Action against federally funded City facilities.

- (3) Definitions.
 - (a) “City facilities” includes all property owned or leased by the City, all operations of City departments and divisions, and all services rendered by the City for the welfare of its inhabitants, except that it does not include City employment.
 - (b) “City financial assistance” means any grant, cooperative agreement, loan, contract (other than a public works contract, a supply procurement contract, a contract of insurance or guaranty or a collective bargaining agreement) or any other arrangement by which the City provides or otherwise makes available assistance, in the form of
 1. Funds
 2. Services of City personnel
 3. Real and personal property or any interest in or use of such property, including:
 - a. Transfers or leases of such property for less than the fair market value, or for reduced consideration; and
 - b. Proceeds from a subsequent transfer or lease of such property if the City’s share of its fair market value is not returned to the City.
 4. The sale and lease of, and the permission to use (on other than a casual or transient basis) City property or any interest in such property, the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient, and
 5. Any City agreement, arrangement or other contract which has as one of its purposes the provision of financial assistance, including purchase of service agreements.
 - (c) “Program or activity” includes any program, project, or activity for the provision of facilities or services, financial aid, or other benefits to individuals (including education or training, health, welfare, cultural activities, rehabilitation, housing, or other services), whether provided through an employee of the grantee or provided by others through contracts or other arrangements with the grantee, and including the provision of facilities, for furnishing services, financial aid, or other benefits to individuals, but not including employment.

- (d) “A Person with a Disability” is a person who either:
 1. Has a physical or mental impairment which substantially limits one or more of such person’s major life activities;
 2. Has a record of such an impairment; or
 3. Is regarded as having such an impairment.
- (e) “Qualified Person with a Disability” means a person with a disability who, with or without reasonable modifications to rules, policies, and practices, the removal of architectural, communication, and transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities or facilities provided by the City, or by a recipient of City financial assistance.
- (f) “Recipient” means any public or private agency, institution, organization, or other entity, or any person to which City financial assistance is extended for any program or activity, directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(Sec. 3.72(4) Renumbered to (3) by ORD-06-00078, 6-30-06)

(4) Discriminatory Actions Prohibited.

- (a) The City, in its facilities, and recipients in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability:
 1. Deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
 2. Afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service, or the City facility, that is not equal to that afforded others;
 3. Provide a qualified person with a disability with a City facility or an aid, benefit, or service that is not as effective as that provided to others;
 4. Provide different or separate City facilities, or aid, benefits, or services to persons with a disability or to any class of persons with disabilities unless such action is necessary to provide qualified persons with a disability with City facilities, aid, benefits, or services that are as effective as those provided to others;
 5. Aid or perpetuate discrimination against a qualified person with a disability by providing significant assistance to any agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the recipient’s program;
 6. Deny a qualified person with a disability the opportunity to participate as a member of planning or advisory boards; or
 7. Otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service from a recipient, or by others using City facilities.
- (b) For purposes of this ordinance, City facilities, aids, benefits, and services, to be equally effective, are not required to produce the identical result for persons with disabilities and without disabilities, but must afford persons with a disability an equal opportunity to obtain the same result, or to gain the same benefit. In choosing among available methods for meeting the requirements of this ordinance, the City facility or recipient of City financial assistance shall give priority to those methods that offer programs and activities to qualified persons with disabilities in the most integrated setting appropriate to the person’s needs. (Am. by ORD-06-00099, 8-2-06)

- (c) Despite the existence of separate or different programs or activities provided in accordance with this ordinance, recipients and City facilities may not deny a qualified person with a disability the opportunity to participate in such programs or activities that are not separate or different.
- (d) A recipient or City facility may not, directly or through contractual or other arrangements, utilize criteria or methods of administration
 1. That have the effect of subjecting qualified persons with a disability to discrimination because of such disability.
 2. That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the City facility or the recipient's program with respect to persons with a disability, or
 3. That perpetuate the discrimination of another recipient if both recipients are subject to common administrative control.
- (e) In determining the site or location of a facility, the City, or an applicant for City financial assistance or a recipient may not make selections
 1. That have the effect of excluding persons with a disability from, denying them the benefits of, or otherwise subjecting them to discrimination under any City facility or any program or activity that receives or benefits from City financial assistance or
 2. That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the City facility or of the program or activity with respect to persons with a disability.
- (f) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from City financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with City financial assistance for the period during which the facility is used for a purpose for which the City financial assistance is extended, or for another purpose involving the provision of similar services or benefits.
- (g) Nothing in this ordinance is to be construed as affecting any landmark, as that term is defined in Section 33.19(2) of these ordinances or as affecting wilderness areas.
- (h) Programs limited to persons with a disability. The exclusion of persons without disabilities from the benefits of a program limited to persons with disabilities, or the exclusion of a specific class of persons with a disability from a program limited to a different class of persons with a disability is not prohibited by this ordinance.
- (i) Recipients and City facilities shall post notices in an accessible format to applicants, beneficiaries and other persons, describing the applicable provisions of this ordinance, in the manner prescribed by section 711 of the Civil Rights Act of 1964 (42 USCA sec. 2000e-10).

(Sec. 3.72(5) Renumbered to (4) by ORD-06-00078, 6-30-06)

- (5) Program Accessibility and Existing Facilities.
- (a) City facilities and recipients of City financial assistance shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by persons with disabilities. This paragraph does not:
1. Necessarily require the City facility or recipient of City financial assistance to make each of its existing facilities accessible to and usable by persons with disabilities;
 2. Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where a City department head or the Board of Directors of a recipient of City financial assistance believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Department head or recipient has the burden of proving that compliance with this ordinance would result in such alterations or burdens.
- (b) The City facility or recipient of City financial assistance may comply with the requirement of this ordinance through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to clients, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, or any other methods that result in making its programs or activities readily accessible to and usable by persons with disabilities. The City facility or recipient of City financial assistance is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this ordinance.
- (Sec. 3.72(6) Renumbered to (5) by ORD-06-00078, 6-30-06)
- (6) Standards. A building or structure is readily accessible to and usable by persons with disabilities if it fulfills the applicable standards, guidelines and requirements issued by the federal Architectural and Transportation Barriers Compliance Board, including such amendments as the Board may issue from time to time.
- (Sec. 3.72(7) Renumbered to (6) by ORD-06-00078, 6-30-06)
- (7) Assurances Required. Applicants for City financial assistance shall submit a written assurance of compliance with this subsection on a form specified by the Director of the Department of Civil Rights or her/his designee. The assurance shall be incorporated into any contract between the recipient and the City. No City financial assistance shall be granted unless such an assurance is provided by the applicant or recipient prior to the granting of the City financial assistance. The foregoing requirement does not apply to City financial assistance provided without a written contract, but all of the other provisions of this ordinance do apply to such financial assistance.
- (Sec. 3.72(8) Renumbered to (7) & Am. by ORD-06-00078, 6-30-06)
- (8) Compliance Reviews. The City's Director of the Department of Civil Rights or his/her designee may periodically review the practices of recipients to determine whether they are complying with this ordinance, and may require recipients to provide relevant information.
- (Sec. 3.72(9) Renumbered to (8) & Am. by ORD-06-00078, 6-30-06)

- (9) Complaints. Any person who believes this section has been violated by a City facility or a recipient of City financial assistance may bring the alleged violation to the attention of the Director of the Department of Civil Rights or his/her designee. Such complaints shall be filed within three hundred (300) days of the alleged violation. The Director of the Department of Civil Rights or his/her designee shall post notices in accessible format of the complaint procedure. Any complaint shall be a public record available to any person for inspection and copying.
(Sec. 3.72(10) Renumbered to (9) & Am. by ORD-06-00078, 6-30-06)
- (10) Investigation. The Director of the Department of Civil Rights or his/her designee shall promptly investigate whenever a compliance review or complaint indicates a possible violation of this section. The Commission on People with Disabilities shall establish rules governing complaint processing and compliance review procedures, and such rules shall be approved by the Common Council.
(Sec. 3.72(11) Renumbered to (10) & Am. by ORD-06-00078, 6-30-06)
- (11) Determination. After investigating, the Director of the Department of Civil Rights or his/her designee shall issue a written determination of compliance or noncompliance and shall provide copies of the determination to the Commission on People with Disabilities, to the recipient or City Department or Division head responsible for the City facility and to the complainant, if any. Any determination of noncompliance shall contain a proposal for a reasonable remedy, and a reasonable deadline for compliance with the remedy. The written determination shall be a public record available to any person for inspection and copying.
(Sec. 3.72(12) Renumbered to (11) & Am. by ORD-06-00078, 6-30-06)
- (12) Voluntary Compliance. If, after investigation, the Director of the Department of Civil Rights or his/her designee has found the recipient or the City facility not to be in compliance with this Section, the Director of the Department of Civil Rights and the recipient, or, in the case of a City facility, the responsible Department head, may agree upon an informal resolution of the matter by a voluntary compliance agreement. Informal resolutions shall remedy any violation of the rights of a complainant and shall assure elimination of the violation and the prevention of its recurrence. Such voluntary compliance agreements shall be in writing, and shall be approved by the Commission on People with Disabilities. The agreement shall be signed by the recipient and by the Mayor, or, in the case of a City facility, by the Mayor and the responsible Department head. It shall be available for public inspection and copying.
(Sec. 3.72(13) Renumbered to (12) & Am. by ORD-06-00078, 6-30-06)
- (13) Enforcement Procedure. If a recipient, after receiving a written determination of noncompliance, fails to meet the deadline established for compliance and remedy, and fails to enter into a voluntary compliance agreement, or fails to comply with such an agreement, the Director of Department of Civil Rights or his/her designee shall notify the City Attorney. The City Attorney shall proceed to terminate and, if she/he deems it necessary and appropriate, to recoup the recipient's financial assistance. The City Attorney may also seek other remedies. The City Attorney shall inform the recipient of the action proposed to be taken, the matters of fact and law asserted as the basis for the action, and shall inform the applicant that a hearing may be requested by notifying the City Clerk within fifteen (15) days. The City Attorney shall also attempt to negotiate a voluntary compliance agreement. Such an agreement shall remedy any violation of the rights of a complainant and shall assure elimination of the violation and the prevention of its recurrence. Such a voluntary compliance agreement shall be in writing, shall be signed by the Mayor, approved by the Commission on People with Disabilities, and shall be reported to the Common Council.
(Sec. 3.72(14) Renumbered to (13) & Am. by ORD-06-00078, 6-30-06)

- (14) Hearing Committee. If a hearing is requested, the City Clerk shall notify the Mayor and a Hearing Committee shall be constituted. The Hearing Committee shall consist of three (3) members of the Common Council, designated by the Mayor; three (3) persons designated by the Chair of the Commission on People with Disabilities; and the Chair of the Equal Opportunities Commission, or her/his designee. The Mayor shall establish rules governing hearing procedures.

(Sec. 3.72(15) Renumbered to (14) by ORD-06-00078, 6-30-06)

- (15) Hearing. At the hearing, the Director of the Department of Civil Rights or her/his designee shall have the burden to persuade the Committee that the recipient has violated this Section, or the provisions of a voluntary compliance agreement. Each party shall have the right to appear in person and by counsel, to call and examine all witnesses, and to introduce exhibits. The Committee shall determine both fact and law, and shall issue a written decision and order, including, in case it finds that the recipient has violated this Section, an appropriate remedy. The Committee's decision shall be a final administrative determination, subject to appeal as by law may be provided. The City Attorney may institute court action to enforce the Committee's order.

(Sec. 3.72(16) Renumbered to (15) and Am. by ORD-06-00078, 6-30-06)

- (16) Enforcement Procedure for City Facilities. If a Department head, after receiving a written determination that a City facility for which she/he is responsible is not in compliance with this ordinance, fails to meet the deadline for compliance and remedy, fails to enter into a voluntary compliance agreement, or fails to comply with such an agreement, the Director of the Department of Civil Rights or her/his designee shall notify the Commission on People with Disabilities, and the Mayor. The Commission on People with Disabilities shall submit to the Board of Estimates a written report on the noncompliance, and such report shall contain a recommendation for action. The Mayor shall convene a special meeting of the Board of Estimates to consider the issue, and shall publish a notice at least twenty-one (21) days prior to the meeting. At the meeting, the Board shall hear the Department head, other City officials and employees, and members of the public. The meeting may be adjourned and reconvened as the Board may deem appropriate.

The meeting shall be considered legislative and not quasi-judicial and shall be conducted in open session. The Board of Estimates shall recommend a resolution of the issue to the Common Council for its approval.

(Sec. 3.72(17) Renumbered to (16) and Am. by ORD-06-00078, 6-30-06)

- (17) Enforcement Procedure for Federally Funded City Facilities. If a Department head, after receiving a written determination that a federally funded City facility for which s/he is responsible is not in compliance with this ordinance, fails to meet the deadline for compliance and remedy, fails to enter into a voluntary compliance agreement with the Director of the Department of Civil Rights or his/her designee, or fails to comply with such an agreement, the Director of the Department of Civil Rights or her/his designee shall promptly notify the federal agency, from which the funds are provided, of the complaint. The complaint will then be addressed in accordance with the federal agency's Rehabilitation Act of 1973 complaint procedure.

(Sec. 3.72(18) Renumbered to (17) and Am. by ORD-06-00078, 6-30-06)

(Sec. 3.72 Am. by Ord. 10,498, Adopted 8-18-92)

39.06 REVEREND DOCTOR MARTIN LUTHER KING, JR. HUMANITARIAN AWARD.

- (1) There is created the Reverend Doctor Martin Luther King, Jr. Humanitarian Award or Awards to be presented annually to the person or persons who have made outstanding and significant contributions in the spirit of sisterhood, brotherhood, and harmony toward making our City an ideal place in which to live. The award or awards shall be presented at the annual celebration of the birth of Dr. King. (Am. by Ord. 8989, 10-15-86; ORD-05-00169, 11-8-05)
- (2) The Mayor shall appoint a Committee, which shall consist of the Mayor or her/his designee as an ex officio nonvoting member; the City's Affirmative Action Division Head; the Equal Opportunities Division Head; and one delegate from each of the following commissions/committees: the Madison Equal Opportunities Commission, the Affirmative Action Commission, the Community Block Grant Development Commission, the Community Service Commission and the Commission on People with Disabilities. This Committee shall annually seek candidates and select the recipient or recipients of this award. (Am. by Ord. 10,498, Adopted 8-18-92; Ord. 13,340, 6-7-03; ORD-06-00078, 6-30-06)
- (3) The Mayor shall convene the Committee on or before August 15 of each year. The Committee shall select a chairperson and may establish rules and procedures. (Am. by Ord. 8397, 7-25-84)

- (d) If an employee's spouse accompanies the employee on a trip, the City will reimburse only that portion of travel expenses that would have applied if the employee had traveled alone.
- (e) Any employee or official seeking a waiver of these monetary restrictions may do so by indicating a request for waiver on the "Request for Absence From the City" forms.
- (f) The travel expense restrictions may be adjusted periodically to compensate for price changes. (2)
All expenditures related to travel shall be reported to the City Comptroller within ten (10) working days of the return to the City by filing a "trip settlement worksheet" as established in Administrative Procedure Memorandum No. 2-5. If the report is not received within that time, any travel advance shall be deducted from the next paycheck of the employee or official.
- (3) Each employee who attends a meeting, conference, or convention at City expense shall verbally report to his or her department head on the information gained from the trip. The department head shall determine whether or not a written or oral report is needed and shall be responsible for disseminating such information to all parties who might benefit from such information.
- (4) Violation of expenditure standards contained herein, Administrative Procedure Memorandum No. 2-5 and the General Travel Guidelines published by the Comptroller's Office, shall be corrected by deducting the appropriate amount from the next paycheck of the employee. This shall not apply to hotels and meals if the employee has been granted a waiver under Section 3.52(1)(e).

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.34 Am. by Ord. 5719, 1-18-77)

3.53 CIVIL SERVICE SYSTEM.

- (1) Civil Service Created - Exceptions Therefrom. There is hereby created a civil service system for the City of Madison. The term Civil Service System is defined as those provisions contained in or promulgated pursuant to Section 3.53 of the Madison General Ordinances. All City officers and employees except those specified below shall be selected, hold their status and be subject to Section 3.53 of the Madison General Ordinances.
 - (a) Officials elected by the people.
 - (b) All employees of the Madison Board of Education including the teaching staff and school librarians.
 - (c) The Mayor.
 - (d) Members of committees, boards and commissions who do not otherwise hold civil service status.
 - (e) Election officials who do not otherwise hold civil service status.
 - (f) Commissioned personnel of the Police and Fire Departments subject to Section 62.13 of the Wisconsin Statutes.
 - (g) Crossing guards except where named in specific provisions. (Am. by Ord. 12,099, 4-20-98; Renum. by ORD-07-00048, 4-12-07)
 - (h) Assistant to the Mayor. (Editor's Note: See Section 3.04).
 - (i) Executive Director, Madison Redevelopment Authority.
 - (j) Executive Director, Madison Housing Authority.
 - (k) Director of Equal Opportunities Commission.
 - (l) City Attorney. (Cr. by Charter Ord. 52, 10-7-74; Renum. by ORD-07-00048, 4-12-07)
This is a Charter Ordinance and shall be effective upon sixty days from passage and publication subject, however, to the referendum procedures of Sec. 66.0101(5), Wis. Stats.
 - (m) Secretary to Mayor. (Cr. by Ord. 4783, 11-6-74)
 - (n) Managing Director - Overture Center. (Cr. by Ord. 4904, 2-25-75; Am. by ORD-05-00043, 2-25-05; Renum. by ORD-07-00048, 4-12-07)
 - (o) Legislative Analyst.
 - (p) Mayor's Committee Coordinator.
 - (q) City Assessor.
This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Sec. 66.0101(5), Wis. Stats.

- (r) Research Assistant.
- (s) Director of Department of Employment and Training. (Am. by Ord. 7898, 12-29-82; Renum. by ORD-07-00048, 4-12-07)
- (t) Executive Director, Community Development Authority. (Cr. by Ord. 6672, 7-10-79; Renum. by ORD-07-00048, 4-12-07)
- (u) Water Utility General Manager. (Cr. by Ord. 6667, 7-10-79; Am. by Ord. 12,328, 2-26-99; Renum. by ORD-07-00048, 4-12-07)
- (v) Director of Planning and Community and Economic Development. (Cr. by Ord. 6695, 8-3-79; Renum. by ORD-07-00048, 4-12-07)
- (w) Director of Affirmative Action. (Am. by Ord. 10,498, Adopted 8-18-92)
- (x) Director of Public Health for Madison and Dane County. (Am. by ORD-06-00176, 12-8-06; Renum. by ORD-07-00048, 4-12-07)
- (y) Civil Engineer Trainee - DOT. (Cr. by Ord. 6981, 5-15-80; Renum. by ORD-07-00048, 4-12-07)
- (z) Fleet Service Superintendent. (Cr. by Ord. 7511, 9-11-81; Am. by ORD-06-00097, 8-2-06; Renum. by ORD-07-00048, 4-12-07)
- (aa) R. by Ord. 10,729, 9-17-93)
- (bb) Human Resources Director. (Cr. by Ord. 9865, 10-13-89; Renum. by ORD-07-00048, 4-12-07)
- (cc) Housing Monitors employed under Section 3.54(4) of these ordinances to provide security services at public housing sites owned and operated by the Community Development Authority. (Cr. by Ord. 10,164, 12-28-90; Renum. by ORD-07-00048, 4-12-07)
- (dd) Library Director. (Cr. by Ord. 11,527, 2-16-96; Renum. by ORD-07-00048, 4-12-07)
- (ee) Overture Center Director. (Cr. by Ord. 11,631, 7-12-96; Am. by Ord. 13,379, 8-2-03; Renum. by ORD-07-00048, 4-12-07)
- (ff) The Monona Terrace Sales/Public Relations Manager and Monona Terrace Sales Associates employed under Sections 3.19(18) and 3.54(1)(i)1. of these ordinances. (Cr. by Ord. 11,693, 10-14-96; Renum. by ORD-07-00048, 4-12-07)
- (gg) The Monona Terrace Gift Shop Manager employed under Sections 3.19(19) and 3.54(1)(i)1. of these ordinances. (Cr. by Ord. 11,737, 12-13-96; Renum. by ORD-07-00048, 4-12-07)
- (hh) Special Code Enforcement Officers employed under Section 3.54(2)(d) of these ordinances. (Cr. by Ord. 11,801, 3-4-97; Renum. by ORD-07-00048, 4-12-07)
- (ii) Overture Center Sponsorship & Group Sales Associate. (Cr. by Ord. 13,611, 5-21-04; Renum. by ORD-07-00048, 4-12-07)
- (jj) City Treasurer. (Cr. by CHA-06-00005, 6-3-06--Non-Charter Provision)
- (kk) City Clerk. (Cr. by CHA-06-00005, 6-3-06--Non-Charter Provision)
- (ll) Director of the Department of Civil Rights. (Cr. by ORD-06-00176, 12-8-06; Renum. by ORD-07-00048, 4-12-07)
- (2) (R. by Ord. 9865, 10-13-89; Renum. by ORD-07-00048, 4-12-07)
- (3) Personnel Board.
 - (a) A Board of Personnel is hereby established which shall consist of five (5) members to be appointed by the Mayor, subject to confirmation by a majority of the members of the Council. No person shall be appointed to said Board who holds any office or employment in the City government. The members of said Board shall be qualified electors of said City and shall serve without compensation. The members of said Board shall be individuals who are in sympathy with the merit system; and at least one (1) of such members shall be a representative of organized labor.
 - (b) Upon expiration of the term of office of any member of the Board of Personnel, the Mayor shall on the third Tuesday of April of each year appoint, subject to confirmation by a majority of the members of the Council, successor members of said Board to hold office for a term of three (3) years from the first day of May next succeeding appointment

and until a successor is appointed and qualified. The Board shall elect one (1) of its members as Chairman of the Board who shall be a voting member of the Board in all matters.

- (c) Vacancies shall be filled by appointment in the original manner for the unexpired term. Each member of the Board shall serve until a successor is appointed and qualified.
- (d) A two-thirds (2/3) vote of all members of the Council shall be required to remove any member of said Board from office prior to the expiration of his term of office.
- (e) Upon appointment each member shall take the official oath required by Section 19.01 of the Wisconsin Statutes, which shall be filed with the City Clerk.
- (f) The Board shall hear appeals in any matter authorized pursuant to Section 3.53 or the Personnel Rules in accordance with the appeal procedures set forth therein; provided, however, that there shall be no appeal to the Personnel Board in any matter which is grieved or grievable under a labor agreement with the City.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.35(3) Am. by Ord. 9865, 10-13-89)

(4) Rules and Regulations. The Personnel Board shall formulate rules and regulations for the administration of said civil service system, which, with amendments thereto, shall be subject to approval by the Common Council. The provisions of all such rules and regulations shall be construed to be consistent with the provisions of the Madison General Ordinances. Such rules shall provide for the following matters:

- (a) The classification of all positions in the civil service on the basis of duties and qualifications.
- (b) The selection, employment, training, probation, promotion, suspension, demotion and discharge of all persons in the civil service.
- (c) The establishment of standards for and the holding of examinations to test the relative capacity and fitness of persons to discharge the duties of the position to which appointments are sought.
- (d) The nature, use, and duration of eligible lists.
- (e) Rules for the conduct of hearings by the Board of Personnel.

(5) Types of Positions.

- (a) Permanent Position: A budgeted part-time or full-time position of indefinite duration requiring one continuous performance of a set of functions anticipated to last more than four (4) years for at least fifty percent (50%) of the regularly established full-time work week.
- (b) Limited Term Position: A budgeted part-time or full-time position which requires continuous employment for at least fifty percent (50%) of the regularly established full-time work week for the duration of a project or projects which is/are anticipated to last less than four (4) years.
- (c) Hourly Position: A part-time or full-time position used to perform work of a short-term, peak workload, cyclical/seasonal, or other nonpermanent nature which would 1) require less than two years of half-time or more employment or 2) require less than half-time employment on a continuous basis. Any extensions or exceptions to these provisions must be approved by the Board of Estimates. This definition shall be effective January 1, 1985, and shall apply to any position meeting that requirement after that date. (Am. by Ord. 8408, 9-4-84; Renum. by ORD-07-00048, 4-12-07)

(6) Types of Appointments.

- (a) Civil Service Appointment: An appointment in accordance with the selection procedures prescribed herein.
- (b) Non-Civil Service Appointment: An appointment made to fill a vacancy or a newly created position which has been previously specifically excluded from the civil service system.
- (c) Limited-Term Appointments:
 - 1. An appointment during the leave of absence of a permanent employee to a permanent, budgeted position as defined in Section 3.53(5)(a) above, or

2. An appointment to a limited-term position as defined in Section 3.53(5)(b) above.
- (d) Emergency Appointment: An appointment for a period not exceeding ten (10) days for work for which the need cannot be anticipated.
- (e) Provisional Appointment: An appointment to a position for which there is no eligible list. The Human Resources Director may approve provisional appointments on a limited basis while a position is being studied or while the Human Resources Department is actively working to fill a position on a permanent basis. Provisional appointments in excess of six months shall require council approval. (Am. by ORD-08-00107, 9-18-08)
- (f) Acting Appointment: An appointment to a position in Compensation Group 17, 18, 43 or 44 which is made to fill a vacancy directly or indirectly created under circumstances when an employee holding a permanent position shall have secured a leave of absence of at least six (6) months duration and/or in the event that such employee shall have been absent because of illness or injury for thirty (30) days and it is reasonable to expect such employee will not return for an additional one hundred fifty (150) days. Such vacancies shall be filled in the same manner as “permanent” position vacancies and employees filling such vacancies shall in all ways be treated as other promoted employees except that such employees shall have the title of “acting” added to their job title. Should the employee in Compensation Group 17, 18, 43 or 44 holding permanent status in the position to which the acting appointment was made return to work in that position, the “acting” employee shall return to the position held prior to the acting appointment and pay and other benefits to that employee shall be as though no promotion to an acting appointment had occurred. In the event that it is determined that the “permanent” employee will not return, the “acting” appointment will automatically become a permanent appointment. (Am. by Ord. 8543, 3-18-85; Renum. by ORD-07-00048, 4-12-07)
- (g) Appointments under the foregoing definitions shall be subject to provisions of this section so far as applicable, but to the extent the Personnel Board finds it necessary to permit variances to meet temporary or recurring exigencies, it may establish rules permitting modifications in procedure, provided that any such rules shall be based on the principles of merit.
- (h) The Human Resources Director, with the approval of the Mayor, and of the Common Council if the action requires the expenditure of more than \$2000 and/or is for longer than 30 days, is authorized to double-fill any position for a period not to exceed forty-five (45) calendar days unless such period is extended by action of the Common Council. (Am. by Ord. 9929, 1-11-90; Renum. by ORD-07-00048, 4-12-07)
- (7) Selection Process. The selection process is defined as the process by which a vacant position is filled. A vacant position is either a newly created position or an existing position no longer occupied by an incumbent. The selection process includes recruitment, candidate evaluation, certification and final appointment.
- (a) The City may contract or otherwise arrange for such technical services as may be desired, including the giving of examinations, in connection with personnel selection and administration.
- (b) The Council shall appropriate funds as, in its judgment, are necessary to carry out the provisions of this ordinance. Every City office, division, or department shall upon request cooperate in the operation of the civil service system, including the temporary loan of personnel.
- (c) The Human Resources Director shall require persons applying for admission to any examination provided for by Section 3.53 or by the personnel rules, to file a completed formal application for employment on the form provided in the Office of the Human Resources Department at a specific time prior to the proposed examination. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

- (d) The Human Resources Director may, in connection with such application, require such certificates of immigration or visa status, physician's certificates, license certificates, educational achievement certificates, or any other documentation which bears upon an applicant's qualifications or eligibility. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
 - (e) The Human Resources Director may refuse to examine an applicant, or after examination may refuse to certify as eligible any applicant who is found to lack any of the requirements established for the position of employment for which the person has applied; or any applicant who had made a false statement of any material fact; or who directly or indirectly gave, paid or promised to give any money, service or other valuable thing to any person for or on account of, or in connection with, her/his selection process or appointment; or has secured or attempted to secure any improper advantage in the examination process; or has practiced, or attempted to practice any deception or fraud in the selection process of any such application, certificate filed in connection with or in securing eligibility or appointment, or who refuses to furnish testimony as required by law, and any applicant who commits any such act or acts shall, if hired, be subject to dismissal. (Am. by Ord. 10,167, 12-28-90; Renum. by ORD-07-00048, 4-12-07)
 - (f) No person shall be given employment in the civil service until the appointment authority shall have notified the Human Resources Director in writing of the need for such employee in such manner as the personnel rules and other lawful regulations may prescribe, and the Human Resources Director shall have in writing certified such person as eligible for appointment. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
 - (g) If there are any changes in the duties of a position that would affect the classification, compensation, or training and experience requirements of the position between the time of initial posting of the position opening and the time of selection, the position shall not be filled; rather, the position as changed shall be posted again and a new application and selection process will be started. (Cr. by ORD-06-00136; Renum. by ORD-07-00048, 4-12-07)
- (8) Certification Process.
- (a) Certification is the process by which the Human Resources Director officially declares on forms provided for such purpose that candidates so certified are eligible and qualified for selection, from appropriate eligibility lists, for the position to which certification is made. No appointing authority shall make a selection without such certification in writing from the Human Resources Director. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
 - (b) Certification Procedure. Upon receiving written notice that a position in the civil service is to be filled, the Human Resources Director, or designee, shall forthwith certify the names and addresses of the four (4) highest ranking eligible candidates from the most appropriate eligible list, or of qualified candidates eligible through transfer, reinstatement, or demotion. In case of two (2) vacancies in the same classification, two (2) additional ranks shall be certified for each additional vacancy up to a maximum of twenty (20) ranks.
In situations where a position falls in a job family that is underutilized, the Human Resources Director, or designee, shall certify the names and addresses of the eight (8) highest ranking eligible candidates from the most appropriate eligible list as provided above. In case of two (2) vacancies in the same classification, two (2) additional ranks shall be certified for each additional vacancy up to a maximum of twenty (20) ranks. The Human Resources Director and Director of Affirmative Action shall annually update the job family utilization data. (Am. by Ord. 10,984, 9-14-94; Renum. by ORD-07-00048, 4-12-07)

(9) Appointment Procedure.

- (a) The term “appointing authority” shall mean the Mayor, Department/Division Head, Commission, Committee, Board or body having the power of appointment to, or removal from, any subordinate position in the civil service system. An appointing authority may delegate the power of appointment to a subordinate officer providing such delegated authority is in writing and a copy filed with the Human Resources Director. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
- (b) The appointing authority may appoint one (1) of the persons whose name is so certified to any such position. When there are less than four (4) names on the eligible list, certification of those on said list shall be made and unless the appointing authority makes written objection to the certification, appointment shall be made under the Personnel Rules.
- (c) The Mayor upon recommendation of the respective heads of offices, divisions or departments, shall appoint or reinstate from certified persons on eligible lists, which lists have been established pursuant to the rules and regulations adopted under the authority of this ordinance. In those cases where such appointing authority is by state law vested in a board or commission, such body shall function as the appointing authority. In case any statute or other law requires certain standards of any appointee, only those persons who can meet such standards as well as qualify under this ordinance shall be eligible for appointment.

(10) Appointments in the Civil Service.

- (a) Residency. Every person appointed to any permanent position in the classified civil service in Compensation Groups 18 and 44, and 19 other than mayoral aides, Secretary to the Mayor or Library Development Director, shall establish residence within Dane County within sixty (60) days after the completion of his or her probationary period. An employee who moves by any City personnel transaction from a position which does not require residence within Dane County to one which requires such residence shall establish residence within Dane County within two hundred forty (240) days of the change in position.

All persons who are required to reside within Dane County shall maintain such residence during the period of his or her City employment unless permission to reside outside Dane County is granted in writing by the Mayor. In the event any City employee required to reside in Dane County ceases to maintain residence therein, his or her position shall be deemed vacated. The vacancy shall be filled in accord with standard City procedures.

For purposes of layoff, if employees have equal lengths of service, those employees who reside in the City of Madison shall be laid off only after employees who do not reside in the City of Madison.

- (b) Reinstatement. The former incumbent of a permanent non-represented position may apply for reinstatement to his or her former position within one (1) year of the date of his or her resignation. The position must be a currently authorized vacancy and the former incumbent must compete for the vacant position in accordance with the normal civil service selection process. If the former incumbent is selected, all rights and benefits in effect as of the date of his or her resignation shall be restored, but with no further accrual of benefits during the period of absence from City employment.

(Sec. 3.35(10) Am. by Ord. 11,875, 6-13-97; R. & Recr. by Ord. 13,700, 9-29-04; Am. by Ord. 13,761, 1-5-05; Renum. by ORD-07-00048, 4-12-07)

- (11) Notice of Vacancies.
- (a) Upon receiving notice of a vacancy of any position in the civil service, the Human Resources Department shall forward written notice of such vacancy or vacancies to every member of the Common Council prior to the commencement of recruitment or the taking of any other action to fill such positions. (Am. by Ord. 10,052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
 - (b) The Police Chief and the Fire Chief shall each forward a written notice of all vacancies occurring in their respective departments which are to be filled pursuant to the provisions of Sec. 62.13, Wisconsin Statutes, by either recruitment, promotion or otherwise, to every member of the Common Council prior to the commencement of recruitment or the taking of any other action to fill such vacancies.
 - (c) The filing of written notice of vacancies in the Office of the Secretary of the Common Council for posting and distribution pursuant to administrative directive shall fulfill the requirements of forwarding written notice of vacancies to every member of the Common Council as set forth above.
- (12) (a) Promotions. Promotion is defined as the movement of an employee from one classification to another classification having a higher salary range. The Personnel Board shall establish rules for the administration of promotion to assure that promotional criteria are based on principles of merit and equal opportunity.
- (b) Trial Period. In cases of promotion, lateral transfer, or competitive demotion to a permanent position, the employee shall serve a minimum trial period of six (6) months following the date of promotion, lateral transfer, or competitive demotion during which time, the employee shall be returned to her/his former position, if either the employee or employer so decides. Upon successful completion of the trial period, the employee shall be “permanent” in the new position. (Am. by Ord. 10,183, 1-31-91; Renum. by ORD-07-00048, 4-12-07)
- (13) Transfers. Transfer is defined as the movement of an employee from one classification to another classification in the same or similar salary range or from one position to another in the same salary range in a different division or department.
- (a) Transfers to positions with essentially identical job duties and qualifications may be accomplished with the agreement of the appointing authority(s), the Human Resources Director and the affected employee. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
 - (b) Transfers to positions in the same salary range but with differing job duties and qualifications may be accomplished with the agreement of the appointing authority(s), the Human Resources Director and the affected employee. (Am. by Ord. 10052, Adopted 6-19-90)
- (Renum. by ORD-07-00048, 4-12-07); (Sec. 3.35(13) Am. by Ord. 6293, 6-27-78)
- (14) (R. by Ord. 8735, 11-29-85)
- (15) Demotion. Demotion is defined as the movement of an employee from one classification to another classification having a lower salary range.
- (a) Involuntary Demotion. Involuntary demotions may be accomplished without resorting to the selection procedures set forth herein and may be appealed pursuant to Sec. 3.53(16).
 - 1. In instances of involuntary demotion, a new probationary period must be served by the affected employee in accordance with Sec. 3.53(17).
 - 2. An employee who has been involuntarily demoted shall have his/her salary set at the same step in the new salary range.

- (b) Voluntary Demotion. Voluntary demotions may be accomplished without resorting to the selection procedures set forth herein upon agreement of the appointing authority(s), the Human Resources Director and the affected employee. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
1. Employees who agree to voluntary demotion shall not be required to serve a new trial or probationary period.
 2. Salary shall not be reduced as a result of voluntary demotion without agreement of the employee. Base rate salary shall be frozen in the amount existing at the time of such voluntary demotion and until such time as the base rate salary of the new position of the affected employee increases above the employee's frozen salary rate.
- (c) A competitive demotion is defined as and shall be accomplished by the movement of an employee from a permanent position to another permanent position in a lower salary range through regular civil service selection procedures. In cases of competitive demotion, the employee's new salary shall be at the step closest to her or his previous salary not exceeding the maximum of the range. The employee shall serve a trial period in the new position. (Cr. by Ord. 10,183, 1-31-91; Renum. by ORD-07-00048, 4-12-07)
- (16) Removals, Suspensions, Discharges, Reductions, Dismissals, Layoffs, Resignations and Procedure for Appeal.
- (a) Disciplinary Authority. Any appointing authority or department head in whom is vested disciplinary or removal power, shall be allowed full freedom in his or her action on such matters, it being the intent and spirit of this ordinance to provide a fair and just approach to municipal employment for every inhabitant of the City in order that City employees may be selected on a basis of merit, but in no sense, to handicap or curtail responsible administrative officers in securing efficient service. With the concurrence of the Human Resources Director, an appointing authority may place an employee on paid off-duty status in order to secure the workplace and/or the safety of employees during an investigation of any alleged misconduct. All persons holding positions in the civil service shall be subject to suspension without pay for a period of not exceeding ninety (90) working days within one (1) year, except that employees who are exempt from the provisions of the Fair Labor Standards Act shall not be subject to disciplinary suspensions of less than one week and, except that extensions of such suspension may be made pending any investigation and hearing, or to demotion or removal from office or employment or reduction in pay by their appointing authority, division, or department head for misconduct, incompetence, inefficiency, or failure to perform duties, or to observe the rules and regulations of the department, office or board. In all such cases, the affected permanent employee may appeal the action taken in the manner prescribed in Subdivision (b) hereof. (Am. by Ord. 11, 889, 6-27-97; Renum. by ORD-07-00048, 4-12-07)
- (b) Appeals.
1. Any permanent employee who has completed his or her probationary period shall receive a written statement of the reason for any such action taken against him or her, a copy of which shall be supplied by the disciplining or discharging person to the Human Resources Director, not later than three (3) days after the effective date of such action. The employee shall have ten (10) days from the date of the presentation of such statement to file a written reply thereto with the Human Resources Director as an answer or protest to the taking of such action. Any employee against whom such action has been taken and who has filed a written answer or protest, may, within three (3) days after filing such answer or protest, file a written notice with the Human Resources Director requesting a review of such action. The Human Resources Director shall, without delay, file a copy of said reasons, the answer or protest of the employee and the notice requesting review, together with such other information as may be provided for in the rules and regulations, with the Personnel Board, for its information.

2. Within ten (10) days of the receipt of the notice, the Human Resources Director shall schedule a conference for the selection of an Appeal Examiner by the parties. At this and all subsequent proceedings, the affected employee may be represented by counsel and the appointing authority, division or department head, shall be represented by the City Attorney or his assistant. An Appeal Examiner may be agreed upon by the parties. If no agreement is reached, the Human Resources Director shall, by lot, select five (5) names from the Appeal Examiner panel. The parties shall alternately eliminate names until the Appeal Examiner is selected. The flip of a coin shall determine which party is to eliminate the first name. The Human Resources Director shall immediately contact the selected person to ascertain the person's availability and willingness to undertake the hearing and shall notify the parties of acceptance. In the event of non-acceptance, the selection process will be repeated until an Appeal Examiner is selected.
3. The Human Resources Director shall transmit all documents to the Appeal Examiner within five (5) days of acceptance of the hearing. As soon as is practicable thereafter, the Appeal Examiner shall schedule dates and proceed with the hearing. All hearings shall be held in a public building. The Appeal Examiner shall have the authority to administer oaths and to issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. All testimony shall be taken under oath and shall be recorded stenographically or by a recording machine under the supervision and control of the Appeal Examiner. The City shall have the burden of proof to substantiate and justify the action taken against the employee by the preponderance of the evidence. The Appeal Examiner shall submit his or her determination affirming or reversing the action with the reasons therefore in writing to the Human Resources Director within thirty (30) days of the close of the hearing or the submission of the parties' briefs, if any, whichever is later, and the Human Resources Director shall immediately mail in the normal course of business a copy of the determination and reasons therefore to the last known address of each of the parties.
4. Within fourteen (14) days of such mailing, either party may file with the Human Resources Director a written notice of appeal of the Appeal Examiner's determination to the Personnel Board. Any such appeal shall be on the written record, the preparation of which shall be the responsibility of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the Human Resources Director within twenty (20) days of the notice of appeal unless such time is extended by the Personnel Board. The Personnel Board shall receive no further evidence on the matter but may request additional briefs of the parties.
5. Within sixty (60) days of the receipt of the written record, the Personnel Board shall make and file its Decision and its reasons therefore with the Human Resources Director who within five (5) days thereafter shall mail in the normal course of business a copy of the decision and reasons therefore to the last known address of each of the parties. The Appeal Examiner's determination shall be affirmed if it is supported by the credible evidence in the record. If the determination is found not to be so supported by a majority of the Board, the Board may reverse the determination or modify it to serve the best interest of the City service. Either party may within thirty (30) days of the mailing of the Board's decision commence judicial action to review the decision of the Board, after which time the decision shall become final.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.35(15)(b) Am. by Ord. 10052, Adopted 6-19-90)

- (c) Appeal Examiner.
1. The City may engage an Appeal Examiner to hear and determine appeals of disciplinary or discharge actions against City employees by any appointing authority, division or department head taken pursuant to this section. Any Appeal Examiner so engaged shall not be a City employee nor entitled to any compensation or benefits other than those described herein.
 2. The Human Resources Director shall maintain a panel of at least fifteen (15) individuals who have indicated a willingness to serve in such capacity and who are experienced in personnel matters or who are attorneys, retired members of the judiciary, or currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission. When required, an Appeal Examiner shall be selected from such panel as provided in Subdivision (b) for the purposes described therein. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
 3. The Appeal Examiner shall be compensated at an hourly rate established by the Common Council for time devoted to these proceedings and shall be reimbursed for reasonable expenses related thereto. Funds shall be provided and distributed through the Human Resources Department. The Personnel Board shall periodically review this rate to keep it current and equitable. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
- (d) During the period of suspension of an employee or pending final action on proceedings to review a suspension, demotion, or dismissal of an employee, the vacancy created may be filled by the appointing authority only by temporary or provisional appointment.
- (e) In case of a reduction in force because of a stoppage of work or funds or because of material change in duties or organization, permanent employees shall be laid off in accordance with Subsection (24). Before affecting a proposed layoff, the appointing authority shall confer with the Human Resources Director a reasonable time before the effective date thereof in order to assure compliance with the provisions of this ordinance and the Personnel Rules. Persons so laid off shall be placed on the appropriate reinstatement list. Resignations from the civil service shall be regulated by the rules of the Personnel Board. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
- (f) Emergency employees and provisional employees defined in Sec. 3.53(6) may be dismissed or laid off at any time.
- (g) The provisions of this subsection shall apply to persons occupying the position of Crossing Guard.
- (h) The procedure contained in this subsection shall not apply to matters involving the interpretation of labor contracts nor to matters of alleged discrimination nor to amounts of salary increases made pursuant to Section 3.54(6). (Am. by Ord. 8323, 5-11-84; Renum. by ORD-07-00048, 4-12-07)

- (17) Probationary Period. The probationary period which shall be for a minimum of six (6) months is the time during which a newly hired employee's performance, conduct and general suitability are critically evaluated to determine whether such employee shall be continued in the service. The probationary period may be extended for up to an additional six (6) months by the appointing authority. For certain complex supervisory, administrative or professional positions, a probationary period of one (1) year may be recommended by the appointing authority subject to the approval of the Human Resources Director at the time of appointment. This probationary period may be extended for up to an additional twelve (12) months by the appointing authority. The appointing authority shall notify the Human Resources Director of any extension of probation. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
- (a) Employees may be terminated at any time during the probationary period or an extension thereof and such decision shall not be appealable.
 - (b) The decision to extend a probationary period shall not be appealed.
 - (c) A leave of absence without pay for employees on probation shall act to extend the probationary period by the length of time on leave. (Cr. by Ord. 6291, 6-27-78; Renum. by ORD-07-00048, 4-12-07)

(Am. by Ord. 8267, 3-5-84; Renum. by ORD-07-00048, 4-12-07)

- (18) Efficient and Effective Performance.
- (a) Policy. It is the policy of the City of Madison to maintain efficient and effective performance by all employees, to make reasonable accommodations for employees with disabilities due to age, and to do everything possible to bring injured employees or employees with disabilities back to work as soon as their physician permits. (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)
 - (b) Temporary Disabilities. Where a physician certifies that an employee is unable to perform his/her regular duties because of a temporary disability, but certifies that he/she would be able to work part-time or to perform less arduous duties, the appointing authority shall assign the employee to perform light duty work, according to procedures which the Mayor shall establish. These procedures may include temporary transfer to another work unit when that is feasible. For the purpose of this ordinance, and of these procedures, any temporary disability related to pregnancy shall be treated the same as other temporary disabilities.
 - (c) Employees with Disabilities. For the purpose of this subsection the term "person with a disability" has the same meaning as "person with a disability " in Section 3.58 of these ordinances. The Mayor shall establish procedures for the provision of reasonable accommodations for qualified applicants and employees with disabilities. Such reasonable accommodation shall, at minimum, provide for feasible adjustments in testing, and in equipment, schedule, accessibility of work areas and facilities, and for feasible task modifications. For employees who acquire a disability after their employment with the City, these procedures shall include the options of transfer to other City jobs which the employee is able and qualified to perform, in accordance with Section 3.53(15) of these ordinances, and of demotion, in accordance with Sections 3.53(15) and (16) of these ordinances. (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)
 - (d) Termination. If the employee's physical or mental disability results in his/her being unable to perform his/her duties efficiently and effectively, with reasonable accommodation, he/she may be terminated, in accordance with the provisions set forth in Section 3.53(16) of these ordinances. If an employee who is terminated due to physical or mental disability under this section is eligible for retirement benefits, he/she shall be deemed to have retired. Notwithstanding any other provision to the contrary, he/she is eligible for payment of accumulated unused sick leave credits, unused vacation credits and all other retirement-related benefits. Compulsory retirement is abolished.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.35(18) R. and Re-Cr. by Ord. 8650, 8-2-85)

- (19) Part-Time Work Restrictions. No permanent full-time City employee shall be permitted to hold more than one position in the City service except as approved by the Mayor. (Am. by Ord. 13,084, 6-25-02; Renum. by ORD-07-00048, 4-12-07).

- (20) (R. by Ord. 7903, 12-29-82; Renum. by ORD-07-00048, 4-12-07)
- (21) Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- (22) Repeal of Conflicting Ordinances. All conflicting ordinances or inconsistent provisions found in different sections of the general ordinances are hereby repealed.
- (23) Penalty.
- (a) Any willful violation or violation through culpable negligence of this section or rules established thereunder, shall be sufficient grounds to authorize the discharge of any officer or employee.
- (b) Any person, firm or corporation that shall violate any of the provisions of this section shall be fined not more than two hundred dollars (\$200).
- (24) Layoff. Layoff is defined as a reduction in work force for any reason excepting discipline.
- (a) Definitions. The following definitions shall be applicable to these layoff provisions. Other definitions contained in this Chapter 3 are hereby incorporated but only to the extent that those incorporated definitions are not contrary to the definitions which follow.
1. "Employment options" and "capacity to work" refer to those employment situations which are clearly related to an employee's education, preparation, background, and skills.
 2. "Evaluation Period" shall mean that period of time following an employee displacement during which the employer shall determine if the employee is performing at acceptable levels.
 3. "General Seniority" shall be defined as an employee's total continuous time of service with the City less any time on leave of absence without pay or any time on layoff status.
 4. "A person with a disability" is one who, for purposes of this section:
 - a. Meets the qualification for the position in question; and,
 - b. Has a physical or mental impairment which substantially limits or is likely to limit employment options; the capacity to work; and/or the ability to secure, retain, and/or advance in employment situations (e.g., impairments which affect speaking/communicating, hearing, seeing, mobility, ability to learn and/or retain information, etc.); or,
 - c. Has had a physical or mental impairment which has been cured or brought under control, but whose history of such impairment still limits or is likely to limit employment options and/or the ability to secure, retain, and/or advance in employment situations (e.g., cancer, mental illness, epilepsy, etc.); or,
 - d. Is considered by others (particularly those in control of employment opportunities) to be a person with a disability whether or not such a condition exists), such that it substantially limits or is likely to limit the person's employment options and/or the ability to secure, retain, and/or advance in employment situations.
 5. "Job Family" is a group of jobs closely related by similarities in wages or salaries, level of responsibility and comparability to existing federal job family definitions. The composition of each job family shall be that determined by the Director of Affirmative Action as of the effective date of this ordinance. Thereafter, each job family shall be annually updated, reviewed and reestablished by the Human Resources Director after consultation with the Director of Affirmative Action. (Am. by Ord. 10,498, Adopted 8-18-92; Renum. by ORD-07-00048, 4-12-07)
- (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)

6. “Lower Classification” shall mean a classification established in Sec. 3.54 of these ordinances whose biweekly base rate salary schedule for step one is lower than the biweekly base rate salary for step one for another classification.
7. “Minority” shall be defined in accordance with Sec. 3.58(8) of the Madison General Ordinances.
8. “Protected Group Employee” shall mean an employee who is one or more of the following:
 - a. Female;
 - b. Minority; or
 - c. Person with a disability (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)
9. “Recall List” is a list compiled and kept by the Human Resources Director or his or her designee. Such list shall be kept by layoff unit in the event of layoff or displacement and shall contain the name(s) of each employee laid off or displaced, the employee’s address, and the date the employee’s name is placed on the list. Such list shall be periodically updated. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
10. “Service Credits” are a measure of an employee’s time on the City payroll including time off for compensable periods of absence from duty such as vacation and sick leave.
11. “Layoff Unit” shall mean the smallest organizational structure established by ordinance. However, no single position established by ordinance shall be construed as a smallest organizational structure.

(Sec. 3.35(24)(a) Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)

(b) Layoff shall be by classification within the layoff unit. The employee with the least general seniority in the classification being reduced shall be displaced first. Such displaced employee may in turn displace the employee with the least general seniority in a lower classification within the layoff unit, provided that the displacing employee has more general seniority than the least senior employee in the lower classification and so long as the displacing employee meets all of the following conditions:

1. The minimum training and experience requirements as established in the official job description as maintained by the Personnel Department. The Human Resources Director or his or her designee shall after consultation with the employee’s department head determine whether the displacing employee meets said requirements. The determination of the Human Resources Director shall be based upon the official personnel record on file in the Human Resources Department at the time and shall include but not be limited to the employee’s original application for employment, any subsequent applications filed and kept, and records of training and education received while employed by the City. Each employee has a continuing duty to inform the Human Resources Director or his or her designee of any other relevant experiences, training and education which was not City-sponsored. However, an employee shall have twenty-four (24) hours from the time of notification of displacement to present to the Human Resources Department any additional information regarding relevant experiences, training, and education. There shall be no appeal from the decision of the Human Resources Director. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
2. Successfully completes an examination if any has been established for the position selected by the employee and the exam is determined by the Human Resources Director to be necessary to establish the employee’s ability to perform the duties of the new position. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

- (c) Each employee who displaces into a lower classification as a result of a layoff shall serve a six-month evaluation period. If at any time during the evaluation period, the appointing authority determines that performance is unsatisfactory, said employee shall be permitted to displace into any other eligible lower classification pursuant to Sec. 3.53(24)(b) and (c) of this ordinance. A displaced employee who fails to perform satisfactorily during an evaluation period in the lower classification, who has no other positions into which he or she may displace pursuant to this subsection (24), shall be terminated from City employment. However, such terminated employee shall retain recall rights pursuant to Sec. 3.53(24)(h) below. The decision by the employer not to retain an employee during the evaluation period shall not be appealable. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
- (d) Employees whose positions are being eliminated shall be given written notice of the action not less than five (5) calendar days prior to the effective date; provided, however, a junior employee shall receive no prior notice in case of a senior employee displacing a junior employee. Displaced employees shall have forty-eight (48) hours after receiving notice to exercise whatever options may be available to them. If a decision is not made within the 48-hour period, said employee shall be deemed to have been laid off by the City. Employees who cannot displace into a lower position and therefore are to be laid off shall receive written notice of the action not less than fourteen (14) calendar days prior to the effective date.
- (e) An employee who displaces into a position in a lower classification shall be placed at the salary step in the lower classification which most closely corresponds with but does not exceed the employee's salary at the time of displacement.
- (f) Employees serving their initial probationary period who are displaced or laid off shall be terminated without displacement or recall rights.
- (g) No permanent employee shall be laid off from any position while any emergency, limited-term, temporary, provisional or probationary employee is continued in a position of the same classification in the layoff unit.
- (h) Recall Provisions.
 1. Employees who are laid off or displaced shall be placed on a recall list for a period of twenty-four (24) months, after which time all recall rights are terminated. Should a vacancy authorized to be filled occur in the classification in the unit from which an employee(s) was laid off or displaced, said employee(s) shall be recalled in order of their general seniority; that is, the employee with the most general seniority shall be recalled first. If the classification vacancy occurs in a different layoff unit from that which the employee was originally laid off or displaced, that employee shall be recalled to said position. If a recall list for a classification within one department, division, or unit exists and a vacancy authorized to be filled occurs in the same classification in a different department, division, or unit with no recall list, then the existing recall list shall be used to fill said vacancy.

2. Employees to be recalled shall be notified by certified mail addressed to the most recent address appearing on the City's records. Laid off employees shall notify the Human Resources Department of any change of address. Employees so recalled shall notify the City of their acceptance or rejection of recall within seven (7) calendar days from the date of the employee's receipt of the certified letter of recall and shall report for work within fourteen (14) calendar days of the date of mail certification of the recall letter. Failure to so notify or failure to so report or the refusal of an offer of reemployment shall terminate an employee's rights to recall. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
3. Employees on layoff status shall not lose service credits accumulated at the time of layoff nor shall continuous service be considered interrupted if the employee is recalled and/or rehired within twenty-four (24) months of layoff. However, time spent on layoff status shall not be counted in subsequently computing service credits. (Am. by Ord. 9103, 2-27-87; Renum. by ORD-07-00048, 4-12-07)
4. An employee placed on layoff status and recalled and/or rehired within twenty-four (24) months shall be credited with the sick leave accumulated as of the date of layoff. (Am. by Ord. 9103, 2-27-87; Renum. by ORD-07-00048, 4-12-07)
5. An employee placed on layoff status and recalled to his or her former position within twenty-four (24) months shall have his or her salary set at the same step and longevity percentage in effect at the time of the layoff. The salary range shall be that established for the position at the time of recall. An employee placed on layoff status and rehired to a position within twenty-four (24) months, shall have his or her salary set at the same longevity percentage in effect at the time of layoff and at a salary step as determined by applicable personnel rules or labor agreement provisions. (Am. by Ord. 9103, 2-27-87; Renum. by ORD-07-00048, 4-12-07)
6. The word "employee" as used in this recall provision shall not be construed to extend to such "employee", any rights or privileges not granted in this Sec. 3.53(24)(h). (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
 - (i) Appeals. The decision to layoff or displace cannot be appealed. The manner in which the layoff or displacement is applied is appealable only if it is contrary to the provisions contained herein. Such appeal shall not delay the effective date of the layoff or displacement.
 - (j) Affirmative Action Provisions. The City recognizes that past discrimination in hiring and promotion which prevented protected group employees from acquiring seniority on the one hand and the relative youth of affirmative hiring efforts since the inception of the City's affirmative action program which has resulted in newly hired protected group employees earning little seniority on the other hand, results in a work force of protected group employees with relatively little general seniority who will bear the brunt of a system of employee reductions based substantially on seniority. The City recognizes the need to balance work force reductions with a level of protection for its past affirmative action efforts. Such a balanced system of employee reductions is deemed to be of benefit to the welfare of the community. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)

1. In order to effectuate this purpose and policy, protected group employees subject to layoff through the provisions of this ordinance, shall be exempted from termination of employment when such action would create or increase significant underutilization in any of the City's official 26 job families. Handicapped employees, however, shall also be protected from displacement if the position into which the handicapped employee would be placed is one in which accommodation to the employee's handicap cannot be reasonably achieved. Significant underutilization for protected group employees shall be deemed present when a given job family's actual percentage representation of protected group employees is less than eighty percent (80%) of the parity percentage established for each of the protected groups in each of the 26 job families. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
 2. These affirmative action provisions shall only protect employees from possible termination of employment, but not from displacement except that handicapped employees shall be protected from displacement to the extent specified in Sec. 3.53(24)(j)1. above. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
 3. These affirmative action provisions shall not be applicable when all the positions in a given classification are deleted.
 4. Termination actions which force a choice between protected group employees shall be made so as to protect the employee whose termination would create or increase significant underutilization to the greatest degree. In all cases where significant underutilization has been established, the employee with membership in the greatest number of significantly underutilized protected groups shall be retained. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
 5. (R. by Ord. 8482, 12-10-84; Renum. by ORD-07-00048, 4-12-07)
- (k) Technical Correction. The provisions of Section 3.53(24) in effect as of 11/01/82 shall apply to positions and employees included in bargaining units certified by the WERC in case LXXXVI, No. 29220, ME-2084, and case LXXXIX, No. 29422, ME-2095. (Cr. by Ord. 7894, 12-29-8; Renum. by ORD-07-00048, 4-12-07)
- (l) Employees who are displaced and become unemployed as a direct cause of the transfer of a Department/Division operation to another government or the subcontracting of said operation to a private entity shall be eligible to receive up to the equivalent value of their accumulated unused sick leave credits computed at their prevailing rate (including longevity pay) in effect at the time of the employee's layoff not to exceed the value of six (6) months of the employer's normal contribution toward health insurance. These funds will be placed in an escrow account administered by the City and will be used to continue the City's normal contribution toward health insurance premiums for a period not to exceed six (6) months following the date of layoff or until such time as he/she becomes employed or until such funds are exhausted whichever occurs first. If the eligible employee is recalled or rehired by the City of Madison within twenty-four (24) months of the layoff the accumulated unused sick leave credits not converted to the escrow account for health insurance contributions pursuant to this article shall be restored to the employee. (Cr. by Ord. 9103, 2-27-87; Renum. by ORD-07-00048, 4-12-07)
- (Renum. by ORD-07-00048, 4-12-07); (Sec. 3.35(24) Cr. by Ord. 7577, 11-27-81)

SUBJECT: WORKPLACE ACCOMMODATIONS

Designation: The Director of Human Resources is designated to administer and coordinate the City's employment obligations under the Americans with Disabilities Act (ADA). S/he shall consult regularly with the City Attorney and the Affirmative Action Director to ensure that the City's employment policies and procedures are in compliance with the ADA and related legislation.

Background: It has been a long-standing policy and practice of the City of Madison to provide accommodations for employees with disabilities and to return injured employees to work as soon as they are able to perform their assigned duties safely, efficiently, and effectively. This policy is established in Section 3.35 (18) of the Madison General Ordinances. Additionally, the Human Resources Department regularly accommodates applicants and employees with disabilities in the employment process to provide an equal opportunity to compete for employment and advancement within the City's workforce.

Policy: The City of Madison is committed to the spirit and intent of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Wisconsin Fair Employment Act, the Madison Equal Opportunities and Civil Service Ordinances, and other relevant laws affecting individuals with disabilities and their rights to enjoy equal opportunity. Therefore, it is the policy of the City to provide reasonable workplace accommodations to qualified City employees and applicants with disabilities.

Accommodation Request Procedure: The employee or applicant for employment has the responsibility for requesting a reasonable accommodation. The request can be made as follows:

1. Applicants or employees participating in a selection process may check the appropriate box on the City of Madison Employment Application and provide details of the accommodation being requested.
2. Employees may submit a Request for Reasonable Accommodation form to their immediate supervisor, Department/Division Head, or to the Occupational Accommodations Specialist. This form permits the employee to provide information regarding the accommodation being requested and the disability which makes an accommodation necessary. Forms are available in the Human Resources Department and will be made available in alternate format as requested.
3. Employees and applicants may contact the Occupational Accommodations Specialist directly if they have questions, concerns, or are unsure of the applicability of the City's reasonable accommodation policy to their particular situation.

Determination of Disability: Upon receiving a request for a reasonable accommodation, the Occupational Accommodations Specialist will determine whether the individual meets the benefit eligibility requirements under the law(s). In making this determination, additional information may be required. In the event that additional information is needed, the individual requesting the reasonable accommodation may be required to provide the necessary information directly, or authorize the Occupational Accommodations Specialist to secure the required information by signing an Authorization For The Release of Confidential Information form. Information requested will be used to assist the Occupational Accommodations Specialist in ascertaining the precise job-related limitations imposed by the individual's disability and how those limitations might be overcome through reasonable accommodation. For the purpose of this Administrative Procedure Memorandum, an individual with a disability is a person who:

1. Has a permanent physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such impairment; or
3. Is regarded as having such an impairment.

Confidentiality: All medical information pertaining to accommodation requests shall be maintained in separate, secured files. They will be treated as confidential medical records, except that:

1. Supervisors and managers will be informed regarding necessary work restrictions or accommodations; and
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

Determination of Qualifications: A review will be conducted by the appropriate Human Resources Department staff when necessary, to determine if the individual requesting the reasonable accommodation is a Qualified Individual with a Disability. For the purpose of this Administrative Procedure Memorandum a Qualified Individual with a Disability is one who satisfies the requisite knowledge, skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. If no current classification specification exists for the position in question, the Human Resources Department will work with the Appointing Authority, or designee, to prepare a list of essential functions for the position.

Determination of Reasonable Accommodation: The following steps will be taken in determining a reasonable accommodation:

1. The Occupational Accommodations Specialist will meet with the employee or applicant to explore how work-related limitations might be overcome through reasonable accommodation. During this meeting, the Occupational Accommodations Specialist will establish and communicate timelines, and provide information regarding rights and responsibilities to the individual requesting the reasonable accommodation. The Occupational Accommodations Specialist will also consult with the Appointing Authority or designee and, as necessary, with health care providers, vocational rehabilitation specialists, and/or other individuals whose expertise may bear on the matter at hand.
2. An analysis of the particular job may be performed to determine its purpose and essential functions. This analysis may include a review of the Position Description, the Classification Specification, Physical and Environmental Demands Analysis, and interviews with other employees and management as required.
3. Additional meetings may be conducted to secure additional information, explore potential accommodations, and to make recommendations for what, if any, reasonable accommodations will be provided.


Reasonable accommodations may include, but are not limited to, job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquisition or modifications of equipment or devices. The City is not required to reallocate the essential functions of a job, but may restructure a job by altering when and/or how an essential function is performed. Whenever possible, the applicant's or employee's preferred method of accommodation will be considered. The final decision, however, rests with the Appointing Authority.

Implementation: Once a decision has been made, the Appointing Authority, or designee, will review the proposed reasonable accommodation with the Occupational Accommodations Specialist. Following this review, the Appointing Authority, or designee, shall complete a Reasonable Accommodation Summary form detailing the specific reasonable accommodation to be made, timeline for implementation, and follow-up plan. A copy of this summary will be provided to the individual requesting the accommodation and to the Occupational Accommodations Specialist.

When a determination has been made that the employee cannot be reasonably accommodated in their current position, the Appointing Authority shall look for vacant positions at an equal or lower range within their agency to determine if there are any positions for which the employee would be eligible. If there are no available positions within the agency, the Employment Services Manager will be contacted to review all vacant positions within the City, equal to or lower in salary range, which are authorized to be filled. If such position(s) exists, the Employment Services Manager will determine if the employee meets the minimum training and experience requirements for the position as established by the official classification specification. If the employee meets the minimum training and experience requirements, s/he will be invited to complete the appropriate examination for the position. If the employee successfully passes the examination, the Employment Services Manager shall then certify the individual for interview. Placement will be mandatory unless it can be demonstrated that any necessary accommodations would cause an undue hardship. This determination will be made by the Human Resources Director after consultation with the Department/Division Head and the City Attorney's Office. Employees placed in new positions will be required to complete a six month evaluation period. If, during the six month evaluation period, an employee has not performed the essential functions of the position in a satisfactory manner, with or without reasonable accommodation(s), the placement will be terminated. The Employment Services Manager will once again review all vacant positions within the City, equal to or lower in salary range, which are authorized to be filled. Performance problems which are unrelated to accommodation issues will be handled through the appropriate disciplinary process(es). An employee who displaces into a position in a lower classification shall be placed in a salary step in the lower classification which most closely corresponds with, but does not exceed, the employee's salary at placement. The Employment Services Manager will conduct the review for an appropriate placement for 60 days. If there are no authorized vacant positions for which the employee is eligible, the Appointing Authority and the Human Resources Director will proceed jointly in terminating the employee under Section 3.36 (16) of the Madison General Ordinances.

Follow-up: Ongoing follow-up will be provided as needed by the Occupational Accommodations Specialist and will be handled on a case by case basis to ensure communication among all affected parties.

Denial: When a decision is made to deny a request for reasonable accommodation, the Appointing Authority will review the proposed denial with the Occupational Accommodations Specialist. Upon completion of this review, the Appointing Authority will notify the individual requesting the reasonable accommodation of the denial in writing specifying the reason(s) for denial, and provide a copy to the Occupational Accommodations Specialist. This notification will include a copy of the City of Madison Affirmative Action Department informal complaint process, as well as names, addresses and telephone numbers of civil rights enforcement agencies, including any relevant time limits.


Susan J.M. Bauman
Mayor

APM No. 2-22
June 6, 1997

Previous Revision Date: 4/19/94

SUBJECT: PROHIBITED HARASSMENT AND/OR DISCRIMINATION POLICY

The City of Madison is committed to providing equal employment opportunities for all persons and to providing a work environment free from harassment and discrimination. The goal is to achieve and maintain a respectful and welcoming workplace for all members of the community. To that end, this policy will be liberally construed and strictly enforced so as to achieve these goals. Harassment, discrimination and retaliation are prohibited conduct and violations of this policy will not be tolerated.

This policy applies to the delivery of City services/goods and to the official interactions of City employees with other members of our community. This policy also applies to conduct that occurs at the workplace and at any location that can be reasonably regarded as an extension of the workplace.

Managerial and supervisory employees are expected to serve as role models and to demonstrate their commitment to this policy in their everyday conduct. Any such employee who fails to take appropriate action upon observing an act prohibited by this policy, or who fails to take appropriate action upon receiving a complaint of a violation of this policy, is guilty of misconduct. Managerial employees are required to promptly notify their Department/Division Head, in writing, of all instances of known, observed and/or reported discrimination, harassment and/or retaliation.

All employees are required to cooperate fully with any investigation into alleged violations of this APM. Although a pattern of conduct is usually required for purposes of civil liability, the City does not condone any act of harassment, discrimination or retaliation. Engaging in any such prohibited conduct could result in disciplinary action being taken against the offender, up to and including discharge from City employment.

Definitions

“Complainant” is any person that reports a violation of or who files a complaint under this policy.

“Discrimination” occurs when any employment decision that affects the terms or conditions of employment, such as recruitment/hiring, lay-offs/firings, pay, promotions/demotions, training, transfers/assignments, or leave/benefits is motivated, at least in part, by the employee’s membership in a protected class.

“Harassment” includes verbal abuse, epithets, and vulgar or derogatory language, display of offensive cartoons or materials, mimicry, lewd or offensive gestures and telling of offensive jokes motivated by a person’s membership in a protected class. The behavior can be any of the three following subcategories: “**quid pro quo**” the request for sexual favors in exchange for some other favorable employment action or in exchange for the promise to refrain from taking negative employment action; “**hostile environment**” coworker to coworker behavior composed of abusive and degrading conduct directed against a protected class member that is sufficient to interfere with their work or create an offensive and hostile work environment, and finally, “**respondeat superior**” which occurs whenever a Department/Division Head, manager or supervisor, engages in any act of harassment. Harassment becomes a violation of this policy whenever an employee engages in any of the activities described above or in any similar behavior based upon a person’s membership in a protected class.

“Protected Class” means a person’s race, sex (gender), religion, creed, color, age, disability/handicap, marital status, HIV status, source of income, familial status, ancestry or national origin, sexual orientation, arrest record, conviction record, current or past military service, less than honorable discharge, use or non-use of lawful products off the employer’s premises during non-work hours (notwithstanding the exceptions noted in Sec. 111.35, Wis. Stats.), physical appearance, political beliefs, or the fact that a person is a student.

“Respondent” is any person alleged to have violated this policy.

“Retaliation” is any adverse employment action and/or any adverse action to include any act of revenge, reprisal, intimidation or coercion directed at an employee and motivated by the belief that the employee has either opposed a violation of this policy, has filed a complaint under this policy, has participated in an investigation of a complaint filed under this policy, or has exercised any other right under this policy.

“Sexual Harassment” is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to: the repeated making of unsolicited, inappropriate gestures or comments; the display of sexually graphic materials not necessary for work purposes; preferential treatment or the promise of preferential treatment in return for submitting to or engaging in sexual conduct; or repeatedly asking someone for a date after having been turned down. Such conduct is considered a violation of this policy when:

1. Submission to such conduct is made openly or by implication a term or condition of an individual’s employment; or
2. Submission to or the rejection of such conduct by an individual is used as a basis for employment decisions affecting that person; or
3. Such conduct is patently offensive and unreasonably interferes with the individual’s work performance or creates an intimidating, hostile or offensive work environment.

Reports and Investigations of Alleged Violations

1. **Confidentiality Protected:** A high degree of confidentiality is necessary to foster effective resolutions to complaints filed under this policy. Wherever possible, complaints are to be maintained and processed in a manner that can protect confidentiality of all parties within the boundaries of federal, state and local laws. These prohibitions shall not apply to communications between a City employee and their chosen representative/personal attorney.

Investigators shall maintain their notes and reports in a confidential manner that restricts access to individuals who have an official reason for accessing those materials. Upon completion of an investigation, the Investigators will forward their records to the Affirmative Action Department for storage in accordance with the City’s records retention policies; unless the complaint is against the Affirmative Action Department, in which case the records will be forwarded to the Human Resources Department.

2. **Right to File a Complaint:** All City employees are strongly encouraged to report any violations of this policy. No employment or disciplinary action will be taken against any employee who makes a good faith complaint even if the investigation fails to substantiate any or all allegations of the complaint. Employees who are witness to a violation of this policy have standing to file a complaint. At their option, employees may file their complaints with any of the following:
 - a. Their supervisor;
 - b. Their Department/Division Head
 - c. The Affirmative Action Department
 - d. The Mayor's Office, if the complaint relates to the conduct of a Department/Division Head or a Mayoral Staff person.

No person may require the employee to file a complaint with him or her nor may they prohibit an employee from filing their complaint with any other person. No employee shall be discouraged from filing a complaint under this policy. A copy of each written complaint must be forwarded to the Affirmative Action Department as soon as is reasonably practicable after it has been made. No employee may file a complaint in bad faith and without a reasonable basis to support the allegations contained in their complaint.

3. **Form of Complaint:** Complaints may be made orally or in writing. The recipient of an oral complaint shall reduce the allegations to writing. The Affirmative Action Department shall create and distribute a complaint form to facilitate the recording of complaints and to promote the uniformity of information gathered in response to such reports. The form shall also capture the resolution to the matter which the complaining employee requests. If the complaint implicates both this policy and other City policies/procedures, the relevant agencies will work together to investigate and resolve the matter. A copy of the complaint shall be forwarded to the appropriate Department/Division Head, the City Attorney, the Affirmative Action Director and, if the complaint relates to the conduct of a Department/Division Head or a Mayoral Staff person, the Mayor. A copy of the complaint form is attached to this policy (see Attachment 1).
4. **Employee Safety Assessment:** If a complaint raises serious questions regarding the safety of any employee, the Department/Division Head shall assess the need to relocate the alleged offender or to take other measures to provide for a safe and secure workplace environment. The complainant should be reassigned only as a last resort temporary measure that should be undertaken only after consultation with the City Attorney, the Human Resources Director and the Affirmative Action Department.
5. **Offer of EAP:** Any employee involved in an investigation should be notified of the availability of confidential assistance, counseling and referral through the City's Employee Assistance Program.
6. **Investigation of Complaints:** Department/Division Heads shall appoint a competent neutral member of their management team to conduct an immediate investigation into alleged violations of this policy. The Affirmative Action Director shall appoint a member of his/her staff to coordinate the investigation. Investigations of complaints filed under this policy must be given the highest priority. Such investigations should be promptly initiated and swiftly completed.

If, assuming all the allegations in a complaint are true, the complaint fails to state a basis upon which to believe a violation of this policy has occurred, the Affirmative Action Director, at his/her discretion, may refer the complaint to such other agency as he/she deems appropriate.

7. **Mayor to Appoint Investigator for Complaints Against Department/Division Heads/Mayoral Staff:** The Mayor shall be responsible for appointing an investigator for any complaint made that a Department/Division Head or mayoral staff member has violated the provisions of this policy. The Mayor may even contract with a non-city employee to conduct the investigation. The Mayor shall be responsible for developing any corrective action plan and may consult with whomever (s)he desires in that process.
8. **Complaints Regarding the Conduct of Elected Officials:** Elected officials of the City of Madison are obligated to abide by the requirements of this policy. City government has limited or no effective means of disciplining its elected officials for violations of this policy. The most effective remedies for such violations are those belonging to the electorate - i.e. the power of the ballot box. However, the City has a legal obligation to investigate any allegations of such violations by its elected officials. Persons having such complaints should file them using the procedures set forth in this policy. Any person receiving a report or a complaint alleging a violation of this policy by an elected official shall forward such information to the Director of the Affirmative Action Department, the Human Resources Director and the City Attorney who shall then jointly conduct a prompt, thorough and fair investigation into such allegations. The elected official being investigated shall receive the Notice of Investigation as set forth below. The Director of the Affirmative Action Department, the Human Resources Director and the City Attorney shall, upon completion of their investigation, issue a public report in compliance with sec. 19.356, Wis. Stats., redacting such information as necessary to protect the identity of the complainant and the cooperating witnesses.
9. **Notice of Investigation:** The Department/Division Head (or the Mayor under Para. 7) shall provide each respondent with notification that a complaint has been filed. Such person shall be provided a copy of the complaint unless doing so would present a danger of physical harm to the complainant or would present a substantial risk of impeding the investigation. The respondent shall also be reminded that such investigations are confidential and that retaliation is prohibited. The respondent shall be further advised that the complaint contains only allegations and that an investigation is being commenced to determine whether any violations occurred. A copy of the Notice of Investigation is attached to this policy (see Attachment 2).
10. **Withdrawal of a Complaint:** A complainant may withdraw their complaint at any time. However, before the City will allow such a person to withdraw their complaint, the investigators must first determine that there is no probable cause to believe that a violation of this policy has occurred and that the complainant's desire to withdraw the complaint is not motivated by a fear of retaliation or is the result of actual retaliation. The appropriate Department Head and the Director of Affirmative Action shall jointly determine whether to discontinue the investigation. In the case of a complaint against a Department/Division Head/Mayoral Staff Member, such determination shall be made by the Mayor.

11. **Final Investigative Report:** The Investigator(s) shall prepare a final report which details the allegations made, the investigative measures undertaken, a summary of witness statements and the investigators' findings and conclusions. The investigators may consult with the City Attorney and the Affirmative Action Director in preparing this report. The emphasis of this report shall be upon determining what actually happened and whether any allegations of the complaint are sustained. This report shall not make any recommendations for discipline nor for corrective action. This report is due to the Department/Division Head within 15 days of the close of the investigation. The Department/Division Head shall determine whether to accept the report or to order additional investigation. A copy of this report shall be forwarded to the City Attorney and the Director of Affirmative Action who may have 15 days to provide comment and review.

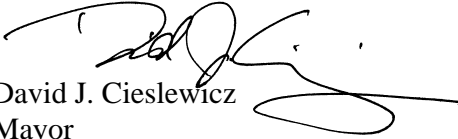
If the investigation involves allegations against a Department/Division Head, or a mayoral staff member, the report will be forwarded to the Mayor. A copy of this report shall be forwarded to the City Attorney and the Director of Affirmative Action who has 15 days to provide comment and review.

12. **Corrective Action Plan:** Within 10 days of the receipt of the Final Investigative Report the Department/Division Head shall develop a Corrective Action Plan, in consultation with the Affirmative Action Department, the Human Resources Department and the City Attorney's Office, that addresses the proper courses of action to be undertaken for any sustained allegations of a complaint. The Corrective Action Plan shall encompass steps the Department/Division Head feels are necessary to correct and/or prevent future violations of this policy. These plans may include a requirement of mediation between the Complainant and the Respondent or any other individual(s). Copies of the final plan should be provided to the Affirmative Action Director, the Human Resources Director and the City Attorney. Final responsibility for disciplinary action resides with the Department or Division Head. If the investigation involves allegations against a Department/Division Head or Mayoral Staff Member the Mayor will prepare a Corrective Action Plan.
13. **Follow Up Contact:** The Complainant and the Respondent shall be notified of the results of the investigation by the Affirmative Action Department employee responsible for coordinating the investigation. Such notification shall be made as soon as practical after the final investigative report has been approved or as soon as practical after the Corrective Action Plan has been implemented, whichever event occurs last. If any allegations of a complaint are sustained, the employee's Department/Division Head should periodically make contact with the Complainant and affected employees to determine whether any employee has been the subject of any retaliation and whether the prohibited conduct has ceased.

Training Responsibilities

1. **Obligations of Department/Division Heads:** Department/Division Heads must take affirmative steps to ensure equal employment opportunities for all City employees. While such affirmative management will take many forms, the following steps are required:
 - A. Accept and announce responsibility for equal employment opportunities for employees of her/his department, division or work unit. Announce that all reported incidents of discrimination will be fully investigated and that proven violations will be met with appropriate sanctions, including, if indicated, disciplinary actions up to and including discharge.
 - B. Circulate this memorandum to all employees, at least once a year and review this policy with all lead-workers, supervisors and managers at least once each year. Ensure that, at the earliest date that training is available, arrangements are made for current, newly appointed or temporary supervisory personnel to attend City of Madison training on Conducting Employee Misconduct Investigations.
 - C. Cooperate with the Affirmative Action Department, the City Attorney's Office and the Human Resources Department in the development and implementation of necessary orientation, training and education programs aimed at defining and preventing violations of this policy. Ensure that all employees receive this training as part of their new employee orientation training and at reasonable intervals throughout their careers with the City.

2. **Obligations of the Affirmative Action Department:** the Affirmative Action Department is the lead administrative unit for promoting the protections guaranteed under this policy. Its representatives function as a resource tool for all City employees, including managers and supervisors. The Department shall develop and provide training and education programs for all employees, including specialized training for supervisors, to help promote this policy and the goals embodied therein.


David J. Cieslewicz
Mayor

APM No. 3-5
September 26, 2005

Original APM dated 8/30/1996
(Revised 10/17/2000)