

**Minutes  
CCOC Subcommittee to Review  
City Hiring Practices & Policies  
March 3, 2009**

Members Attending: Ald. Brenda Konkell and Ald. Michael Schumacher

Staff Attending: Brad Wirtz (Human Resources Director), Lisa Veldran (Council Office), Lorri Wendorf (MPSEA), Sylvia Moss (Human Resources Department), Kelli Lamberty (MPSEA), Lorie Olsen (Human Resources Department), Karl van Lith (Human Resource Department), Mike Lipski (Human Resources Department), Chief Noble Wray (MPD), Captain Susan Williams (MPD), Sgt. Michael Koval (MPD), Chief Debra Amesqua (MFD), Carolyn Hogg (Assistant City Attorney) and Christie Hill (DCR)

The meeting was called to order at 12:08 p.m.

**Approval of January 8, 2009 minutes**

Ald. Brenda Konkell moved, seconded by Ald. Michael Schumacher to approve the minutes. Minutes were approved unanimously.

**Public Comment**

There was no public comment.

**Recruitment & Promotion Policies – Madison Fire Department and Madison Police Department**

Chief Debra Amesqua, Madison Fire Department, Chief Noble Wray, Madison Police Department, Capt. Susan Williams, Sgt. Michael Koval from the Madison Police Department and Carolyn Hogg, Assistant City Attorney were present for discussion on this agenda item.

Ald. Brenda Konkell explained that the subcommittee has been reviewing the city's hiring policies and practices to see if they were consistent across departments but knew that Madison Fire and Police Departments had different procedures and rules. The attendees were invited by the subcommittee to provide their take on what was going on and identify any issues they may have for the subcommittee to take into consideration. She had some issues with providing input for a promotion and wanted to hear from their perspective what the process and procedure was for providing that input.

Ald. Michael Schumacher stated that the goals of the subcommittee as he saw it was:

1. What does the Council need to know?
2. What procedural changes do they need to make?
3. How can other alders be more informed or engaged in this?
4. Identify parking lot issues that other departments may need to deal with.

Chief Amesqua asked Carolyn Hogg to review how the foundation for recruitment and promotion is based upon the workings of the Police & Fire Commission (PFC).

Carolyn Hogg explained that, with respect to commissioned personnel, the MFD and MPD do not function under the MGO civil service process in certain respects. For example the function of hiring, promotion and discipline is defined by [62.13](#) of the Wisconsin Statutes. The Statute reflects a balance of authority and responsibility between the PFC and the Chief of each department. This process was created to allow politics to be taken out of the issue of hiring, promotion and discipline within police and fire departments. A Chief appoints commissioned personnel both to entry-level positions and to higher ranks subject to the approval by the PFC. It is the PFC who has final authority over the application and examination process for hiring subordinates. This includes entry-level appointments and appointments to higher ranks that are posted externally. However, the Statute provides that appointments to higher ranks should be done by promotion whenever that can be done with advantage. When an internal promotion process is used, it is the Chief and not the PFC that determines the process.

Ald. Schumacher noted that last year before the budget process, the MPD Districts did a good job of going over their budget needs with alders but some alders thought that, for example, more crime analysts were needed and some alders thought that there was less need. In the end no one quite knew to what degree the alders should have been involved in budgeting for these positions. He questioned what was the role of the alder as it pertains to Council's budget authority in creating new positions.

Carolyn Hogg stated that under 62.13 there is the possibility for a municipality to grant optional powers to the PFC that would allow them to be more involved in the policy and procedures of an agency. The City of Madison has not granted these powers to the PFC. The PFC is involved in the establishment of the process of hiring, approving new hires, approving promotions and is the body that conducts disciplinary hearings. They are not authorized on an operational level in making decisions or reviewing decisions on whether the MPD needs more crime analysts. She also noted that a crime analyst is not a commissioned officer and that would be outside the PFC's jurisdiction anyway.

Chief Wray noted that there are two different processes for personnel. For non-commissioned positions HR hiring procedures are used just like any other city agency (e.g. crime analyst). For commissioned positions the Union and PFC procedures are used. Chief Amesqua concurred with Chief Wray that the process is basically the same for the Fire Department.

Chief Wray stated that Council can identify budget priorities like the crime analyst position. In the past the police department was centralized and it was easier to identify (what the Council wanted was easier to assess). With the police department being de-centralized that task is harder to accomplish due to conflicting information. Over the last two to three years the police department has addressed the Council directly or met with groups of alders (east, west, north, south).

Ald. Konkel asked if someone from the public had a concern, did they have any say about an item before the PFC. Chief Amesqua stated that person could appear before the PFC and speak. Ald. Konkel said that she has received conflicting information from Scott Herrick (staff attorney to the PFC). He told her that there was no process for her to have the PFC address her concerns. Chief Wray noted that when he is going through the promotion process and is giving the PFC his preliminary recommendations it is very clear to him that someone is providing feedback to the members of the PFC because the questions come up. He couldn't speak to what information Attorney Herrick provided to Ald. Konkel.

Carolyn Hogg noted that it was a public body, there was an agenda and people who show up to that meeting could speak to those agenda items. She thought people might be confused thinking that this would be where you would go to address operational concerns with the MFD or MPD. Ms. Hogg has seen their agenda and believed the PFC was in compliance with the Open Meetings Law. Ald. Konkel noted that she was told that they did not need to comply with having public comment and did not need to follow city committee rules. The also did not have several months minutes available to the public and they had no information on the item she was interested in. She had to go to Atty. Herrick's office to get a hard copy of the minutes. She was not able to give input on a promotion and Atty. Herrick stated that she could probably not have attended the PFC meeting to give input anyway. Ms. Hogg thought that maybe the subcommittee might want to invite Atty. Scott Herrick to speak on PFC operations/procedures for providing input. Ald. Konkel noted that she was frustrated with not knowing how to provide input on promotions. Ms. Hogg thought that if something was addressed directly to the PFC she believed that they would receive that correspondence.

Chief Wray noted that the PFC take their roles very seriously in reviewing the background files, going through previous internal investigation files, reviewing any document in the file and they also (since he has been Chief) have received comments from the public. Ald. Konkel stated that she just wanted to know the process of how alders can provide input to or interact with the PFC. Chief Amesqua noted that with Fire Department hiring process and promotions she receives letters of recommendation which she then forward to the PFC. She also noted that both departments have different rules on promotions.

Ald. Schumacher asked how the subcommittee would summarize the conversation so far.

Chief Wray noted that for a promotion of captain or above he will sit down with the Mayor and his/her staff to gather input because they tend to have a lot of contact with lieutenants.

Chief Amesqua noted that Local 311 represents firefighters, paramedics/drivers and lieutenants. Above the lieutenant level she has the option to select a hire from anywhere in the department for her management positions and they do not have to come straight up from the ranks. She also has the option to interview outside the MFD/City for management positions.

Carolyn Hogg suggested that the subcommittee invite Attorney Herrick from the PFC to address the following issues:

1. What is the process of how agendas/minutes are distributed and do they provide accurate notice?
2. Where is the appropriate point in the process for the public or alders to provide input to the PFC?

Ald. Schumacher wanted to know with all the hirings and promotions was there a list that comes out beforehand and what was the internal process where this information eventually becomes public.

Captain Sue Williams stated that the MPD promotional process is by agreement with MPPOA. It is an annual process that starts in December with an announcement of promotional opportunities that are sent to officers. The only way someone is denied access to the promotion process is if that person is facing significant disciplinary action within a 12-month period. Candidates are required to attend a promotional academy and go through an assessment process. Once this process is done it establishes their rank on the list that is good for one year (May to May). Chief then receives input from his commanders, commanders receive input from staff and personnel records, resumes, internal investigation records, training, initiatives they have been involved with, are all reviewed. The Chief makes the final designations and then they are forwarded to the PFC. At that point the information is public.

Chief Amesqua noted that the MFD promotional process is similar but a little different. Once they create an eligibility list is established by seniority/priority order and those individuals would be promoted until their list is expired. They do have some considerations for internal candidates. However they do hire a number of people from other departments that have ranking in those other departments. If they have the qualifications and education requirements they can be part of the eligibility list.

Ald. Michael Schumacher asked what the process was for civilians. Chief Amesqua noted that the MFD is understaffed in civilian positions (typically support functions). MFD has civilian positions in inspection services and are looking at creating civilian positions in their training services. Chief Wray noted that police departments in general have been trending towards more civilian positions and that is the challenge in law enforcement (example: technology positions).

Brad Wirtz asked that the department heads provide the subcommittee members with a summary of their experiences working with HR staff. Chief Debra Amesqua stated that from the Fire Department perspective they probably have one of the closest relationships with HR than any other department of the city. They rely on HR staff extensively, particularly the MFD hiring process (where they have 1,100-1,200 candidates for very few positions). Sgt. Koval noted that the MPD administers the PFC's process but has found HR staff to be very helpful in terms of keeping him up-to-date on changing employment rules/laws, e.g. employment/labor laws, American Disabilities Act and military deployments. He stated that he feels the MPD has been very supported by HR staff.

Ald. Schumacher asked if there was anything on the policy level that this subcommittee should take away. Sgt. Koval noted that the MPD is working on shifting the paradigm that only certain people can apply to be a police officer. If alders know of career fairs or other opportunities where the MPD can send a representative to promote policing as a career option they should contact him. Candidates who have a background in community activism, social work or other problem solving backgrounds would be people that the MPD would be interested in.

**Action Item: A written statement (email) from MFD and MPD that can be sent to alders on recruitment opportunities that can be used in newsletters, listservs, career fairs, neighborhood meetings (can tailor presentation to cultural needs), etc.**

Ald. Schumacher asked if there were any practices by alders in terms of hiring practices/processes that the attendees wanted the subcommittee to bring back. Chief Wray would like to get input on hires well before the budget process has started and would like a priority list from the Council earlier in the process. Chief Amesqua noted that most departments are guided by the Madison Measures in developing their budget priorities and if the Mayor, Council and the PFC and agree it would be a "good thing". Chief Wray would like any emails or letters dealing with officers be forwarded to him directly (complimentary or critical).

**Action Item: Request ongoing budget information from the MFD and MPD so that alders can develop a priority list.**

**Action Item: MPD/MFD/City Attorney's office develop preferred method how alders should give input regarding hiring and promotions.**

Meeting was recessed at 1:09 p.m. Meeting was called to order at 1:10 p.m.

#### **Email Comments on Final Report – Lorri Wendorf, MPSEA President**

The subcommittee members reviewed the email comments from Lorri Wendorf (dated 12/16/08)

Lorri Wendorf noted that some of the comments might be outdated.

The first comment she believed still applied:

*Request to add the following language to the final report:*

*"The subcommittee thoroughly reviewed both reports. While there was conflicting information between the City's report and the MPSEA report, the subcommittee did not focus on arbitrating or eradicating those differences. The Subcommittee's goal was not to be a referee of the differing views of the past, but rather create positive system changes for the future."*

Ald. Michael Schumacher believed the statement was sufficient but wanted to know if there were any other opportunities to address this issue among MPSEA members. Ms. Wendorf thought there was another opportunity on another track, the draft Personnel Rules may address many of the issues. Ald. Michael Schumacher suggested adding a reference to the new Personnel Rules in the report as part of mitigating any future issues. Kelli Lambert stated that she also thinks that many of the things coming out of this subcommittee are addressing the issues but not directly state that an issue came out of the MPSEA report and this is how we (the subcommittee) are addressing it. She thought that was a good way of legitimizing the report and MPSEA's concerns. She didn't think that the subcommittee needed to go through point-by-point review of their report. She also thinks that the new Personnel Rules will address many of MPSEA's concerns.

**Action Item: Add language as suggested by Lorri Wendorf and reference the new Personnel Rules.**

The second comment Ms. Wendorf believed they have moved beyond:

*Issue 1.2/Strategic Oversight of Classification System:*

*I fully support the recommendation listed here. My comment is about the Action Item listed. This action will not fully address the recommendation. While providing All Alders with the job announcements email, it will not inform the alders of when positions became vacant and those that remain vacant. The way the report reads, it is unclear whether the reset of the recommendation will be implemented or if it presumed that the Action Item is expected to fully address the recommendation.*

Regarding the third comment she requested that when the ordinance is introduced that MPSEA be listed as a referral. It was noted that MPSEA can't be listed as a referral but that it would be noted that MPSEA be specifically asked for input.

*Issue 15/Residency rules*

*MPSEA and the employees it represents in Comp Groups 18 & 44, greatly appreciate that there is movement on the residency issue. This is an equity issue that has needed resolution for a number of years. We have been happy to assist with the ordinance change and offer further assistance if needed. **MPSEA would appreciate being listed as a referral for review and comment on the final language being proposed once the ordinance change is entering the legislative process.** We look forward to being a partner in getting this resolved.*

**Draft Ordinance Exempting Comp Group 18 & 44 from Residency Rules**

Ald. Schumacher stated that he favors residency across the board but realized that this might be parochial today. Inequity in residency rules is the issue not residency itself. Ald. Konkel concurred. Lorri Wendorf asked that the subcommittee also address the inequality of "dings" on longevity and employee waiver requests for residency (differences noted in the personal questions asked of employees).

Requested that Brad Wirtz will report on the possible costs associated with the change (longevity).

Lorri Wendorf also stated that MPSEA employees who currently have access to a city car would not ask to take home a city car if they do not live in the city. It was noted that the CARS Committee might need to review this issue.

**Action Item: Current co-sponsors of the draft: Ald. Brenda Konkel & Ald. Michael Schumacher. Attach the draft ordinance to the subcommittee final report to CCOC. At that time CCOC members can comment on the draft and add their names as co-sponsors. After that the ordinance would be introduced and referred to CCOC for formal action.**

**Comparable Salary Data Report-**

Brad Wirtz noted that this was still in draft format and that HR is working on recommendations. He did state that the city is, in most cases, closely aligned with what other municipalities are paying their department heads.

The departments where Madison was at the lowest salary range maximums: Parks Superintendent, Library Director, City Treasurer, and IT Director. It was noted that this might have to do more with the municipality's internal structure which would be at odds with the comparable salary data collected (example: Parks Superintendent was over the City Engineer in some municipalities).

**Next meeting date**

Email out to members actions that have occurred.

Set up meeting with Attorney Scott Herrick (PFC staff attorney) and City Attorney Michael May.

**Adjournment**

The meeting adjourned at 1:47 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant