

**Report of the
Ad Hoc Committee on the
Department of Civil Rights**



City of Madison

April 2005

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Additional Information:

Further information on written public comments may be viewed by contacting

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General information can also be found on the City of Madison website at
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ACKNOWLEDGMENTS

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First, we would like to thank all of the citizens who emailed and participated in the public input forums and provided written and verbal testimony. It was important to hear what the community had to say about the changes being proposed and how these changes might impact the people who access these services.

We would also like to thank CUNA Mutual Credit Union, South Madison Boys and Girls Club, Packers Community Learning Center, and the downtown US Bank for allowing us to use their facilities to host the public input forums and our ad hoc committee deliberation meetings. Special thanks also to Madison City Channel for televising the public input forums.

We also want to thank Carol Lobes, Judy Adrian and Joe McClain from the Center for Democratic Action, Inc for providing their facilitation services at the public input forums.

Finally, we would like to thank the following city of Madison representatives who made themselves available to answer our questions as we deliberated and developed our recommendations:

*Mayor Dave Cieslewicz
Affirmative Action Department Staff
Annette Miller, Mayor's Office
Daniel Bohrod, Comptroller's Office
Equal Opportunities Commission Staff
Janet Piraino, Mayor's Office
Karl van Lith, Human Resources
Michael May, City Attorney's Office
Sheryl Mahood, Human Resources
Roger Goodwin, Human Resources*

AD HOC COMMITTEE MEMBERS

Darrell Bazzell, Chair	Community Advisory Committee
Ray Allen	Citizen Member
Lendall Alston	Committee Advisory Committee
Brian Benford	Common Council
Shiva Bidar-Sielaff	Mayor's Designee
Jeff Erlanger	Commission on People with Disabilities
Ariel Ford	EOC Staff Designee
Ramona Natera	EOC Commissioner
Enis Ragland	AA Staff Designee
Santiago Rosas	Common Council
Angela Russell	AA Commissioner
Shwaw Vang	Citizen Member

EXECUTIVE SUMMARY

At the request of the Common Council and the mayor, an ad hoc committee was formed to conduct three public input forums and make recommendations regarding the proposal to create a Department of Civil Rights. Based on input from the community and staff, the ad hoc committee developed the following recommendations.

Recommendations

- ◆ Restructure the Equal Opportunities Commission (department) and Affirmative Action Department into a single Department of Civil Rights with one Director. Continue the current missions of both the Affirmative Action (AA) and Equal Opportunity Commission (EOC) departments under the new Department of Civil Rights.
- ◆ Maintain the three commissions (AAC, EOC and Commission on People with Disabilities-CPD) and organize them with designated co-membership seats, so that all three commissions have a representative on each commission.
- ◆ Create a system of accountability for ensuring equal opportunity and affirmative action
- ◆ Provide Funding for Fair Housing Testing and language assistance and develop specific goals for each of these initiatives as part of an overall Department of Civil Rights strategic plan.
- ◆ Continue to fully support the investigative, hearing and decision-making components of the EOC complaint process.
- ◆ Co-locate the EOC and AA.
- ◆ Study the staffing and organizational structure of the Department of Civil Rights through normal City processes to ensure that administrative support; supervisory roles, position descriptions and compensation maximize the DCR's ability to effectively carry out its mission.
- ◆ Develop an ongoing dialog process with city residents to ensure that civil rights issues within the community are address and resolved.

INTRODUCTION

Per the request of the Common Council and mayor, an ad hoc committee was formed to conduct three public input forums to gather input on the proposal to create a Department of Civil Rights (DCR) within the City of Madison (Fig. 1). The committee conducted three sessions in locations away from the central city and used a facilitated “town meeting” format to foster input and discussion between the attendees. (See Appendices for detailed information on specific locations, minutes and themes generated at each meeting, along with a timeline of the overall review process.) In addition to the three meetings, additional public input was allowed at other ad hoc deliberation meetings that followed the “town meetings.” Common themes occurred at all the sessions.

Figure 1: Request of the Common Council

2005 Operating Budget: Adopted Common Council Amendment
16-Nov-4
Amend the budget narrative as follows:

Approve the Department of Civil Rights and other services regarding civil rights (fair housing testing, language assistance program, enforcement and education for minimum wage and minority recruitment) contingent upon final Council approval. Council approval will be based on a report by an ad hoc committee of 1 EOC staff person, 1 EOC commissioner, 1 AA staff person, 1 AA commissioner, 2 Mayor’s Advisory Committee members, 2 city residents, the mayor or his designee and 2 alders appointed by the Mayor and confirmed by the Common Council. The committee, which will be staffed by the interim director of human resources and the city attorney or their designees, will hold at least three public facilitated forums at locations in places other than downtown regarding the Department of Civil Rights and associated services and report back its recommendations to the Affirmative Action Commission and the Equal Opportunities Commission to be returned to the Common Council by March 1st 2005. Implementation by the Common Council of organizational changes recommended in the report will require a simple majority vote as long as the changes fall within the proposed budget parameters and general organizational structure; otherwise, a 15-vote majority will be required. **

**Mayor Cieslewicz later recommended that the Commission on People with Disabilities also receive and review the report of the ad hoc committee.

The ad hoc committee developed overarching recommendations regarding the Department of Civil Rights proposal and core values for the City of Madison activities related to civil rights.

DCR PUBLIC MEETINGS: COMMON THEMES

Between January 27, 2005 and February 17, 2005 three public meetings were held throughout Madison to gather input on the Department of Civil Rights. This section describes the common themes presented at the public meetings.

Results and Structure

- ◆ Citizens felt that actions and results of existing and proposed department towards improving civil rights were more important than organizational structure.
- ◆ Consolidated structure not seen as the only way to impact the quality of life of minority citizens.

Access

- ◆ Direct access by leadership of DCR to mayor is seen as important tool for ensuring power base and influence of department.

Advocacy

- ◆ Continuing the three commissions seen as important in ensuring a strong voice for civil rights.
- ◆ Create a Civil Rights Advisory Committee to assist the mayor in connecting with the community and keeping apprised of civil rights issues.
- ◆ The mayor needs to be a strong advocate and hold the City accountable for improving civil rights.

Independence

- ◆ The need was expressed to ensure that the DCR had a level of independence from political pressures from the mayor and Common Council.
- ◆ A commission similar to the Police and Fire Commission was proposed as a possible way to ensure this independence.

Conflicts of Interest

- ◆ Consolidated structure perceived to create possible conflicts between AA and EOC missions.

Staffing considerations

- ◆ Recruiting a person with the right mix of vision and managerial expertise seen as challenging.
- ◆ Clerical support may need to be strengthened.
- ◆ Eliminating existing “working supervisor” roles and replacing them with managerial roles only was perceived as having a negative impact on service.

Support of additional services

- ◆ Consistent support was shown for fair housing testing and additional language support services.

Continuing dialog on civil rights needed

- ◆ The need for outreach efforts to continue to foster community dialog was voiced at all the meetings.
- ◆ Periodic meetings within the community seemed the preferred format.
- ◆ Several minority community leaders saw the process for creating the DCR unfavorably, as they felt divided the community, and they felt excluded from initial discussions on the topic.
- ◆ Most attendees were thankful to the mayor for taking steps to get the community discussing the issues of civil rights again.

AA AND EOC STAFF INPUT: SUMMARY

AA staff recommendations

Four of the AA staff put forth a written proposal for consolidating various units of the current AA department with the HR and the EOC agencies. The people dealing with affirmative action reporting, sourcing and educational outreach were consolidated with HR and the contract compliance unit was consolidated with the EOC group in its new guise as the Department of Civil Rights.

Three other members of AA appeared open to the mayor's proposal for a DCR.

One member also has voiced the possibilities of consolidating a variety of departments (EOC, AA, HR, Housing, CDBG and Community Services) that deal with minority communities into a larger Civil Rights Department.

EOC staff recommendations

The entire EOC department presented a written recommendation to consolidate the AA department with the HR department, as put forth in Alderman Markle's proposal.

AD HOC COMMITTEE RECOMMENDATIONS

Department of Civil Rights

A majority of the ad hoc committee supports the need to restructure or consolidate the two separate departments into a single Department of Civil Rights with one Director. The committee also supports the continuation of the current missions of both the AA and EOC under the new Department of Civil Rights.

Commissions

The three commissions (AAC, EOC and CPD) should be maintained and organized with designated co-membership seats, so that all three commissions have a representative on each commission. The three commissions and the Rev. Martin Luther King Jr. Humanitarian Award Committee need to discuss further whether to add positions to current commissions or to use existing commissioners.

The three commissions, with the co-membership change, provide enough governance, political pressure buffer and accountability, that a PFC-like, oversight commission is not needed.

Accountability

The committee agreed that accountability for ensuring equal opportunity and affirmative action within City employment should reside with every City manager and supervisor. (The mayor is currently requiring agency heads give him quarterly updates on their affirmative action goals.)

Fair Housing Testing and Language Assistance

Regardless of which structure eventually is put into place, the committee agrees that funding for Fair Housing Testing and language assistance should be maintained, and specific goals for each of these initiatives should be developed as part of an overall Department of Civil Rights strategic plan.

Complaint Investigation

The investigative, hearing and decision-making components of the EOC complaint process must continue to be fully supported. The independence in hearing and deciding individual cases is essential to the integrity of the EOC system.

Location

Co-location of the departments should occur as soon as possible.

Staffing

Staffing and organization structure issues should be studied and addressed through normal City processes to ensure that administrative support; supervisory roles, position descriptions and compensation maximize the DCR's ability to effectively carry out its mission.

Community Engagement

A continuing community dialog process should be developed to ensure that civil rights issues within the community are addressed and resolved. A "state of civil rights" town hall meeting

should be held yearly to gather input from the community and to help tailor services based on that input.

DEPARTMENT OF CIVIL RIGHTS CORE VALUES

The Committee recommends that the new department address the following core values:

Create and support civil rights advocacy and leadership within the community

- ◆ Act as a visible ambassador for civil rights within the community.
- ◆ Enforce compliance with civil rights and equal opportunity ordinances.
- ◆ Create working links with strategic partners to ensure fair housing practices throughout the City.
- ◆ Foster the creation of housing that is accessible to people with disabilities.
- ◆ Lead efforts to prohibit internal and external barriers to equal opportunity.
- ◆ Ensure fair contracting on all city contracts.

Show Results

- ◆ Increase the recruitment, promotion and retention of protected classes within city employment.
- ◆ Reinforce the accountability of every city manager and supervisor for achieving affirmative action and equal opportunity goals.
- ◆ Benchmark other civil rights agencies to determine best practices.
- ◆ Create meaningful measurements that help evaluate the DCR's effectiveness.
- ◆ Identify, analyze and change policies, practices and activities that impede the mission of the DCR.
- ◆ Reinforce accessibility for all people.
- ◆ Expand and strengthen the language assistance program.
- ◆ Reinstate the fair housing testing program.

Foster outreach and education

- ◆ Enhance outreach and education initiatives that improve race relations, civil rights, equal opportunity and accessibility within the City of Madison.
- ◆ Create an annual or regular process for updating the public on "the state of civil rights" in Madison.
- ◆ Continue and enhance the education of city agencies on the AA and EOC ordinances.
- ◆ Educate citizens and businesses on Madison's minimum wage ordinance.

Demonstrate flexibility and responsiveness

- ◆ Show a willingness to review and adjust goals, objectives and work activities when necessary to better accomplish the mission of the DCR.

APPENDICES

Appendix 1

Timeline

Timeline

2004 budget process.

Mayor is asked to review possibilities of combining AA and HR departments, as well as, other options that may be viable and effective. Mayor creates staff team to assess options and report back to him.

September 2004

Staff team delivers report with assessment of AA/HR consolidation, City and County AA and EOC merger and City AA/EOC consolidation.

Staff team recommends combining City AA and EOC functions.

November 2004

Mayor proposes creation of Department of Civil Rights as part of 2005 budget process.

December 2004

Common Council approves creation of Department of Civil Rights with the contingency that Mayor holds three public input forums to gather input from the community on the proposal.

Jan.-March 2005

Three public input forums were held. There were also six ad hoc committee meetings where public input was accepted.

April 2005

Ad hoc committee submits report to mayor and Common Council.

Appendix II

Mayor's memo regarding "Creation of a Department of Civil Rights."

Appendix III

Minutes

1/27/05 Public Input Forum

2/2/05 Public Input Forum

2/17/05 Public Input Forum

**DEPARTMENT OF CIVIL RIGHTS PUBLIC INPUT FORUM
MINUTES**

January 27, 2005

6:30 p.m.

**CUNA Mutual Theater
5710 Mineral Point Road**

Committee Members Present: Ariel Ford, Enis Ragland, Brian Benford, Angela Russell, Shiva Bidar-Sielaff, Lendell Alston, Darrell Bazzell, Jeff Erlanger, Ramona Natera

Committee Members Absent: Santiago Rosas, Ray Allen, Shwaw Vang

Darrell Bazzell, Committee Chair, gave the welcome, explained the meeting process, and had the committee members introduce themselves.

Mayor Cieslewicz welcomed everyone attending and gave an overview of the process of the proposal.

Judy Adrian and Joe McClain, the meeting facilitators, introduced themselves and presented the forum rules, and proposed department structures.

Jeff Erlanger moved to accept the format as presented by Judy Adrian with a second from Brian Benford. All committee members approved the motion.

Karl Van Lith, City Human Resources, explained the three proposed organizational structures. The following questions were asked:

1. Under the current structures, do the Director report directly to the Mayor? Yes
2. Carol Kiemel of the Dane County Women League of Voters thought the Markle proposal was tabled. Michael May, City Attorney, responded that it was referred to this committee.
3. Will there be one Civil Right Director who will report to the Mayor? Yes

City Attorney Michael May explained the ad hoc committee purpose in which the committee was appointed through the budget process to take public testimony on the various alternatives and then make recommendations to the Mayor and Common Council in the Spring with answers to the Council's questions.

Judy Adrian then started the public input part of the forum.

Enis Ragland explained the Affirmative Action Department's affiliation with the EOC Commission and stated that AA's process is dictated by Ordinance.

Ariel Ford spoke of the EOC's responsibilities of the Director is dictated under the Ordinance and the Commission comes to them with information about concerns that they might have. For example, Social Security numbers, affordable housing money-wise.

At 7:30 p.m., the meeting was halted to decide whether to continue with the town meeting format or go to serial testimony. Jonathan Gramling moved to continue with the Town Hall format. There were no objections.

Carol Kiemel suggested that the meeting be kept in the town hall format, but a time limit put on the speakers.

Judy Adrian explained that in serial testimony the speaker would come to the microphone and speak 1 to 3 minutes and then be seated. Judy then asked if everyone was in favor of continuing in the same format and if anyone was not in favor. There were no dissents.

Judy Adrian reviewed the comments at this point:

- Having two leaders
- The balance of power
- Cost of the department
- Fair housing, testing, and division
- Interest in the fact that the positions connects more directly
- The notion that the proposal is falling short for various reasons
- The idea that the system needs re-working
- Challenge to spend more time talking about purpose and concept

Carol Kiemel reviewed the proposal and said the League does not endorse the two leader concept; they were in support of fair housing; that the proposal is “falling short”; and they challenge the purpose and concept of joining the agencies. Carol submitted the League’s written statement for the committee members.

Judy Adrian stopped the discourse and asked if there was anyone who had not spoken and would like to do so.

Enis Ragland then told the audience that Affirmative Actions Department’s fourth quarter report will be accessible on the Internet next week and a copy can be obtained by request to his office. Enis addressed the disparaging remarks about his office and said that Norman Davis and Donald Studesville work very hard to get contracts to small business people. He said that under his direction, the Affirmative Action Department has the highest number of women and minorities in contracts.

Ariel Ford addressed Earnestine Moss’ inquiry about a report that EOC prepares and said that the report is broken down by the protected classes: The number of cases that the department worked on, if they found probable cause or not, and for those cases that have been appealed or anything the public should know about, are addressed also. The EOC report will be out on the website in the middle of February. The previous year’s report can be found on the City website.

Chair Darrell Bazzell asked for further explanation of the conflict of joining the agencies.

Enis Ragland explained the three distinct missions of AA: Affirmative Action equal opportunity; human rights; enforcement authority and contract compliance. He explained that the Affirmative Action Department already has the enforcement authority for contract compliance.

Joe McClain asked Ariel Ford to explain the EOC. Ariel stated that EOC is a regulatory agency and works with both the complainants and respondents to see if there has been a cause for discrimination. The other phase of EOC is education and outreach on citizens’ rights are, both as a business owner and as a

citizen. EOC educates people on civil rights and stated the agency wants to do more with the education aspect. Ms. Ford said the Hearing Examiner works with the investigator. She then gave examples of who are in the protected classes and stated that Madison has the most protected classes in the Nation. She asked for questions from the audience and someone asked what the protected classes are and Ms. Ford said that the list is available on the website.

Eyvonne Crawford asked the committee members what their feeling were toward the proposals?

Chair Bazzell said that the committee has not made a decision, but is taking in all of the input at the hearings into consideration. They will hold one or more additional meetings where the ad hoc committee will deliberate and discuss what they have heard, what their feelings are and will then make their recommendations back to the Mayor.

Ariel Ford told the audience that she has to listen to everyone's comments at all of the meetings and will report back to the EOC staff who will give their recommendations, not hers.

Christie Hill, Affirmative Action employee, asked if the ad hoc committee meetings will be open to the public and Mr. Bazzell explained that they would be.

Judy Adrian then asked if there were any final comments.

Judy Adrian and Joe McClain thanked everyone for attending and giving their input and Ms. Adrian announced the dates of the upcoming meetings.

The meeting was adjourned at 8:30 p.m.

**DEPARTMENT OF CIVIL RIGHTS PUBLIC INPUT FORUM
MINUTES**

**February 2, 2005
6 p.m.
Boys and Girls Club
2001 Taft Street**

Committee Members Present: Ariel Ford, Enis Ragland, Brian Benford, Angela Russell, Shiva Bidar-Sielaff, Lendell Alston, Jeff Erlanger, Ramona Natera, Santiago Rosas, Ray Allen, Shwaw Vang

Committee Members Absent: Darrell Bazzell

Shiva Bidar-Sielaff, Acting Chair, gave the welcome, explained the meeting process, and had the committee members introduce themselves.

Mayor Cieslewicz welcomed everyone attending and gave an overview of the process of the proposal.

The session's facilitators, Carol Lobes and Judy Adrian, introduced themselves and Judy gave the guidelines for the meeting stating that it would be in a town hall format.

Karl Van Lith explained the structures of the three proposals.

Juan Lopez welcomed everyone to the Boys and Girls Club.

Registered speakers began stating their views on the proposals.

In response to Ernestine Moss' comments, Angela Russell asked Ms. Moss what her recommendations for services were to include if the current structure was in place.

Ms. Moss said she suggest to the Mayor that these people should do their jobs.

She feels this whole thing came about because of attitudes and personalities. She people were allowed to run amok. If the Mayor is doing his job, then that wouldn't happen. They would be at every management meeting, not four out of the year. She is concerned that the managers will meet with the Mayor only quarterly.

At 7 p.m., Carol asked the attendees if the meeting should be continued in the same format or go to serial testimony. The consensus was to continue in the same format.

David Lopez, City EOC, explained the language assistance program in their office, recruiting in Human Resources, said EOC enforces housing discrimination issues, is the enforcement arm of the City and the EOC Commission enforces all employers of the City of Madison. These things are already in place.

Shwaw Vang asked if the translation services contracted out or do employees do it. Ariel Ford said that in EOC, David Lopez translates for Spanish speaking people; and they use Tele-Interpreters. Enis explained that interpreters are an assortment of City employees and that Tele-Interpreters is used, and that a person can bring their own interpreter, but Affirmative Action prefers to use their own so that they are assured that the citizen gets the best interpretation.

Ariel Ford explained that the EOC office uses Tele-Interpreters. A chart of different languages is posted at their reception area and the person points to the language that they speak and staff calls an 800 number to connect with Tele-Interpreters who are told what language interpretation is needed for and an interpreter then speaks with the client.

Julian Barrientos asked what kind of efforts were made to invite Spanish speaking people to this meeting?

Annette Miller responded saying she sends information via e-mail users groups; advertising, networking with contacts in the community, public notice, print media such as UMOJA, La Comunidad, Madison Times.

The question of "Does the Mayor have to reorganize in order to make these three important items of either office?" City Attorney Michael May responded that a reorganization will not be required. The Mayor could propose taking some of these services and adding them tot eh existing EOC or Affirmative Action. To do that, he of course has to have the money for it in the budget and get it through the City Council. He could not do it on his own.

Attorney May said there will be two meetings of the committee that will be open to the public where the committee will discuss what they have heard and prepare the recommendations that will go to the Mayor, the EOC and AA. They will then decide which way the City will proceed. Once that is done, the process

of hiring any of the additional people will begin. In the meantime, the Acting AA Director and Acting EOC Director will stay in place. Mr. May asked Interim Human Resources Director Roger Goodwin to explain what happens in terms of hiring the new Director.

Mr. Goodwin said that once a decision is made as to which positions are to be filled, recruitment will take place with directions from the Mayor's office. A variety of screening mechanisms will be used, a merit system will be employed, usually a combination of achievement history questionnaires, oral boards and reference checks. Once the Director positions are filled, the Directors will then determine staffing issues. Mr. Goodwin said that the Interim Directors of the three agencies now will not have rights to any of the positions.

Heidi Pascual asked Enis and Ariel for their opinion as to what decisions they might make.

Acting Chair Bidar-Sielaff responded to Ms. Pascual's question and said the committee is not going to respond at this time because they are there to listen and take input and will have further meetings to discuss the intake.

Jon Gramling asked if the Director of Civil Rights is just a bureaucratic position, is it a position that provides leadership on civil rights issues in the community, is it just confined to the City talking about City departments?

The Chair asked the audience what they thought this person (the Director) should/would do?

No community response was provided.

Carol Lobes closed the meeting and the committee thanked everyone for attending and announced the next meeting date of February 8, 2005 at 6:30 p.m. at the Warner Park Community Center.

Juan Lopez suggested that La Movida be contacted to get the word out to the Hispanic population.

Enis Ragland moved to adjourn at 7:45 p.m. and Ray Allen seconded the motion. Motion carried.

The meeting was adjourned at 8:46 p.m.

Department of Civil Rights Public Input Forum
February 17, 2005**

**Packer's Community Learning Center
1927 Northport Drive**

MINUTES

Committee Members Present: Ray Allen, Lendall Alston, Brian Benford, Shiva Bidar-Sielaff, Jeff Erlanger, Ramona Natera, Enis Ragland, Angela Russell, Shwaw Vang

Committee Members Absent: Darrell Bazzell, Ariel Ford, Santiago Rosas

The meeting convened at 6:45 p.m. with Alder Brian Benford welcoming the attendees and thanking David and Jacki Thomas, directors of the Packers Community Learning Center for the use of their facility. The committee members then introduced themselves.

Carol Lobes and Judy Adrian, moderators, introduced the town hall format of the meeting.

Karl Van Lith, City Human Resources, explained the three proposals and the structures and function of each that are being discussed through the meeting process.

Carol then introduced the citizen input portion of the meeting.

Ramona Natera, committee member, asked Bert Zipperer (after he presented his opinion) what changes he thought were needed. Bert in turn asked the committee what they wanted to have happen; such as freedom to comment at Common Council meetings; address racial profiling; be able perform EOC and AA functions without retaliation; addressing discrimination in Section 8 and making fair housing work.

After listening to the testimonies of several citizens, Jeff Erlanger, committee member, asked the audience if both directors were in the same building, but physically separated and had direct access to the Mayor, would that be acceptable? Several citizens answered that physically together or separate will not make any difference. They felt that a Civil Rights Director will not get any more minorities hired.

At 7:45 p.m., Carol Lobes asked the attendees if they wanted to continue in the town hall format or go to serial testimony. It was agreed on to continue in the town hall format.

After more citizen input, Shwaw Vang explained the process of the committee in that they will prepare a report/recommendation to the Mayor and the scheduled committee meetings starting next week will be open to the public.

Janet Piraino, Chief of Staff to the Mayor, explained that the proposal will be referred to EOC and AA and their respective commissions. The previous deadline of March 1 is not feasible and will be extended to mid-to-late March.

Carol reminded the audience that these forums are not the only way to make input: e-mail, regular mail, written comments.

Gladis Benevides asked if there can be any other proposals and City Attorney Michael May said that these are just three proposals in the discussions now. The committee can recommend another one after taking all of the input of these listening sessions. Janet Piraino said that after these listening sessions, there are several options; can continue the status quo, create the

Department of Civil Rights (DCR); or create a third entity. She said that the Common Council has voted in favor of the DCR and it would require another vote to make it happen.

Bert Zipperer urged the committee to look at the history and see that it's not the structure. In turn, Jeff Erlanger asked Bert if he has a problem with them in one department, but have them physically separated with direct access to the Mayor.

Ramona Natera asked the citizens who oppose the merger how to create a unified voice and make the two department efficient and effective.

Alder Markle explained his proposal to the audience. He wants to make, in the community, civil rights a proactive process rather than a reactive process and to change the culture of City government so Affirmative Action is embedded in all personnel and human relation activities within the City. He feels that the idea of the DCR is correct and will make civil rights more proactive. He feels that Affirmative Action needs to be linked to something with greater stature. The way to make Affirmative Action part of hiring decisions, training, employee development and the whole process is to embed it within the Human Resources process.

The meeting continued with more citizen input.

At 8:45 p.m., Shwaw Vang moved to extend the meeting by 15 minutes with a second by Lendall Alston. After discussion, the motion was withdrawn.

Brian Benford asked for a formal opinion on if the meeting was extended without committee quorum could the citizens stay and have more discussion?

City Attorney May told Mr. Benford that there could be an informal discussion, but it wouldn't officially be a part of anything the ad hoc committee would do. Once quorum is lost, the committee's work is over.

Jeff Erlanger moved to have another public hearing. Shwaw Vang amended the motion to have the next ad hoc meeting be one half public testimony and one half for the committee discussion process. Motion carried.

Jeff Erlanger moved to adjourn the meeting with a second by Lendall Alston. Motion carried. The meeting was adjourned at 9:14 p.m.

Appendix IV

Themes

1/27/05 Public Input Forum

2/2/05 Public Input Forum

2/17/05 Public Input Forum

MAJOR POINTS EXPRESSED BY CITIZENS ON CONCEPT OF DCR
1/27/05

Frequent, direct access to the Mayor for the Director is very important.

There is a need to clarify the new department's relationship to both Commissions.

Will we get good value for our tax dollars by creating the DCR? (Cost/benefit analysis.)

It appears that unmet needs will be met, in particular fair housing testing.

Testing is the best way to insure fair housing and equal treatment.

Strengthen education of students and citizens on equal opportunity issues and rights.

Outcomes and goals for the new DCR need to be clearly defined. Clearly define measures of success for the agency.

A combined department would need a "masterful" manager.

Structure should impact outcomes.

Get examples of other city's structures and services.

Do not reorganize around personalities.

Checks and balances and the balance of power should be assessed in each model.

The current model is well understood by citizens, so why change it?

Civil Rights is too board a term to use to describe the department.

Given the five-year contracts of City managers, political pressure may be brought to bear on a Director by the Mayor. How do assure this doesn't happen?

There needs to be a clear commitment for equal rights by the political leadership.

Citizens perceived conflicts between the roles of AA and EOC. AA was seen as trying to positively influence businesses with regard to hiring under represented classes, while EOC was seen as a regulator and enforcer of rights.

Establish a "sunset" clause or a review period when the changes made could be assessed and a determination made if the DCR should continue on or change into another model.

Ensure that the new department has a way to make quick-decisions.

Assess the models and changes at an even pace and don't change things too quickly.

KEY POINTS FROM DCR PUBLIC HEARING 2/2/05

Changing department names to Dept. of Civil Rights is a good thing.

One Director of CR might be overwhelmed by variety and number of duties.

Reducing number of clerical staff appears problematic to some. Support staff positions should be reviewed and maintained as needed.

Will creating the DCR improve the “voice” of the disadvantaged in the community? Does creating DCR really impact discrimination?

The role the Director plays in the larger community needs defining.

Language Assistance Program (LAP) is important to have as part of the DCR. The additional \$20k funding for LAP seems too small.

A recruiter focused on under represented groups is seen as a good thing.

AA recruiter should have dotted line reporting relationship with HR.

Fair treatment in housing is a major issue to address. Involve the Fair Housing Center and provide a full array of such services as testing, counseling and education.

Create a Citizen Advisory Board to provide community input to DCR.

Make sure original missions and efforts of two departments remain intact.

Keep two existing commissions to ensure citizen oversight.

The DCR must have executive commitment, strong management and skillful employees.

Civil Rights should be central to Mayor’s work.

The DCR Director having direct access to Mayor is important to people.

Good leadership of the department is of key importance.

Expansion of services is important. Fair Housing testing should be a bottom-line effort of DCR.

AA/HR merger seemed problematic. Seems to dissolve the “voice” of civil rights efforts.

Ensure that contract compliance remains strong.

Budget of the combined departments appears smaller to some.

Current structure is clear to people.

Current performance and results of AA and EOC are not clear to people.

Outcomes and goals of DCR should be clearly defined.

Structure not as important as results. Actions and outcomes are more important than structure.

Is consolidation going to get us better results?

Is discussion of structure taking us away from the real issues of discrimination? What should our next steps be?

Impact and outcomes are more important than structural set-up.

DCR needs “some teeth” to reinforce their efforts.

Status quo is not acceptable.

City managers should be held responsible for recruiting minorities.

Enforcement seems to be happening now.

Continue the dialog with the community on civil rights after DCR is formed. Keep the department connected to the people they serve. Build trust in the community.

Be sure DCR address the needs of ALL protected classes.

How will DCR handle and enforce internal City issues?

DCR creation should not water down efforts.

Focus efforts to get money to key civil rights issues.

Feedback loop to discrimination claimants needs to be strengthened.

DCR Key themes from 2/17/05 meeting

Current structure allows for direct access to Mayor by both areas.

Current structure is economical.

Priority should be on action, not structure. Focus on action and importance of issues.

Separate structure insulates leadership from political pressure.

Ad hoc Committee could help focus energy on equal rights.

Dialogs on equal rights need to be fostered and continued on an on-going basis. Continue dialog on civil rights issues through regular town meetings and education opportunities so that bottom up energy is generated to bring about real change. Make permanent public hearings on racism and discrimination a part of the DCR mission.

Political leadership needs to be helped accountable for equal opportunity and rights.

All managers within the City should be proponents of civil rights. All city managers should be held accountable for AA and equal opportunity efforts. AA needs integration into all city functions and should not be seen as a separate function.

Linking AA to HR connects it to a more powerful department that impacts other key City processes and foster better representation throughout the City of Madison.

Discrimination enforcement and investigation needs to be balanced. Reverse discrimination, particularly against white males is being ignored.

A review of hiring practices needs to be done to ensure white males are included in applicant pools.

AA and EOC are different functions and should not be linked.

Merger is not getting at root cause of discrimination.

Presentation of the Mayor's plan to the public was not handled well. Public meeting notification process needs to be improved by Mayor's office. Problems with logistics of public hearings bring the Mayor's commitment to hearing opposing views. Publicize dates/times/place of ad hoc committee meeting more vigorously and get a space large enough to hold all interested parties. Notification process and meeting place selection process need improvement.

Mayor needs to ensure that discussions on changes are more open and focused for the public. Process of DCR proposal separated community and public input should have been sought earlier.

Changes to agencies should be made over time.

Review history of AA and EOC, assess progress that has been made and determine where problems need to be addressed.

Agencies have two distinct mission and goals. Conflicts may arise because of two distinct missions and goals.

Merger seems like a bureaucratic solution.

Add directors of current departments to the Mayor's Management Team.

There is value in having one entity with a big picture perspective to address systemic issues around civil rights.

A DCR strengthens the voice of minorities within the political realm.

A DCR could help provide information and a way for groups to organize around civil rights issues.

How does merger foster a bottom up approach to addressing civil rights issues?

Ad hoc Committee should look at how to make civil rights a proactive process versus a reactive process.

Restructure is a better descriptor for Mayor's plan than merger.

DCR should have clearly separate roles and responsibilities, adequate funding, team/consensus building management practices and a commitment to delivering quality services.

A survey should be developed to assess best practices in the area of civil rights and results should be used to drive actions of DCR.

Continue the current commissions as well as create a civil rights citizen advisory board that works with the Mayor directly.

Make sure Director of DCR sits on Mayor's management team.

Formalize processes within HR, Purchasing and DCR to ensure that collaboration is fostered and coordinated.

Focus DCR on results that improve civil rights.

Information on city contract opportunities should be sent out to small businesses.

Hold off restructuring departments until all views are heard. Continue discussions until the community agrees on the best way to go forward.

Structure doesn't appear to help root cause issues, promote diversity and opportunity or provide quick resolution of EOC cases.

Structure doesn't appear to help minority businesses.

Adding a recruiting position begs the question, "what is AA doing on recruiting right now?"

Merger appears to add a layer of bureaucracy.

Merger takes 'two voices' down to 'one voice'.

DCR doesn't appear to get to better functionality or results.

Some would like better analysis of the effectiveness of the current structure.

Analysis of current EOC cases should be done to determine how best to focus efforts of departments to addressing root causes. Use cases to drive dialog and close loop on issues—real solutions.

Building economic power of minority groups will improve quality of life.

Adding another contract compliance person or investigator would be more effective than adding a recruiter.

Make people in current positions more accountable.

Much of population is unaware of issues facing minority groups.

There must be strong resolve at the top of the organization, plus creativity and effectiveness within the department. The efforts that DOT made to include MBE in the Marquette interchange reconstruction was cited as an example.

Does centralizing the power in DCR foster creative resolutions to civil rights issues?

Is there opportunity for public input and review of ad hoc committee's recommendation? (EOC and AA commissions will review material, have public input as well as CC and other recommendations are made.)

Could the ad hoc committee recommend a possible transition period or a modified proposal?

Protect the current missions of the existing departments.

Move the two departments together.

Efficiency within current departments could be improved with timely hiring of staff.

New organization should be built to level the playing field, not just make create one voice.

Focus on racism within the community.

Is merger being done solely because departments deal with people of color?

Concentrating both functions in one area makes it an easier target for political pressure from Common Council.

Ad hoc committee should look at comprehensive plan survey and assess real issues it raises that are not going to be addressed by a structure change in AA and EOC.

Appendix V

Minutes of the ad hoc committee meetings

2/23/05

3/2/05

3/8/05

3/16/05

3/22/05

4/6/05

**AD HOC COMMITTEE
FOR
PROPOSED DEPARTMENT OF CIVIL RIGHTS
U.S. Bank Conference Room
February 23, 2005
4 p.m.**

Members Present: Ariel Ford, Brian Benford, Angela Russell, Shiva Bidar-Sielaff, Lendell Alston, Darrell Bazzell, Jeff Erlanger, Ramona Natera, Sanitago Rosas Ray Allen, Shwaw Vang

Members Absent: Enis Ragland

The meeting was called to order by Chair Darrell Bazzell, with the members introducing themselves. The chair then explained the mission of the ad hoc committee and the options to maintain the status quo, consolidate Affirmative Action and the Equal Opportunities Commission, or consolidate Human Resources and Affirmative Action, but that the committee was not bound to those three options.

The chair announced that the next ad hoc committee meeting would be Wednesday, March 2 at 6:30 p.m. in this conference room.

The first hour of the meeting was open to public comment.

Teresa Tellez-Giron spoke in support of the Mayor's proposal and again expressed her concerns voiced at a previous forum about having the community more involved in these issues and that interpreter services are very important.

Juan Jose Lopez again spoke (see previous minutes) saying he thinks the consolidation is an advantage and that a recruiter is needed.

La Marr Billups spoke in support of a recruiter, the need to elevate the two departments to a higher status, supports the proposal, but said the new structure will demand a new strategic plan in order for it to be effective. He said that it is very important who is appointed to head it.

At 5 p.m., the public comment segment of the meeting ceased and the ad hoc committee discussions commenced. Chair Bazzell explained the process that there would be a roll call vote on issues and that he would not vote.

Annette Miller told the members that the notes and minutes from the EOC staff meeting with the Mayor's office will be provided along with AA's notes.

Mr. Benford asked that individuals from AA and EOC be invited to attend the next meeting to speak. Ariel Ford said that the staff of EOC had collectively decided to draft a formal response

in writing and that will be provided to committee members. Mr. Benford felt that the next meeting would be a “safe environment” for speaking rather than talking at a public hearing.

There was some dissension among the members as to inviting individuals to speak. Messrs. Rosas and Allen did not agree with having all staff members speak to the committee.

Chair Bazzell asked City Michael May if staff could submit confidential information to the committee via e-mail. Attorney May was concerned that it was difficult with the public records legal problems, in that e-mail was considered a public record and also putting the public employee in a position of violating department policies and possibly suffer consequences of such action.

Mr. Alston said he understood that committee members were to have information from the departments they represent and agreed with Messrs. Rosas and Allen on not having individual employees speak to the committee at the next meeting.

Angela Russell asked if it would be public status (employees’ input). Chair Bazzell said it would not be. He also said that he would like to talk to employees, but they need to keep the staff from giving their personal opinions.

Chair Bazzell asked Annette Miller to invite the staff of AA and EOC to the next meeting.

Annette Miller then summarized the meeting up to this point and said she heard two things: Questioning of the staff and presentations from AA and EOC.

Chair Bazzell then asked for more public testimony.

Donald Studesville again (see previous minutes of Taft Street forum) spoke of supporting the name but not the structure and one director. He expressed his concern again about cutting clerical staff; his concern with benefits; and increased costs in budgets.

Bert Zipperer spoke again (see previous minutes public forums) and told the committee that he thinks they are looking in the wrong direction. He feels it is not the structure, but the political leadership of the City. He said there needs to be a citizens advisory committee and is concerned with sustainability of the department and the affordable housing testing issue and how it is/isn’t being dealt with. When asked how he felt about physical location of the department, Mr. Zipperer thinks that Affirmative Action should be next to Human Resources and EOC across the street (in the Municipal Building). Mr. Zipperer sees the proposed structure as a threat with only one director, therefore having only one voice. The City needs two voices who support each other. He said it is very important to build a structure that will survive a hostile Common Council. Mr. Zipperer said that quality is what is important, not size. Mr. Zipperer said that Ariel Ford and Enis Ragland should be appointed directors and to get on with it (business). He is also opposed to the five year contract with a two year probation for the new directors. He again stated that he feels there should be a citizen committee/commission on civil rights to buffer the agencies and keep them from being undermined by the Mayor and Common Council.

Joe Clausius spoke again (see previous minutes) as Chair of the Affirmative Action Commission in support of the proposal and said he will work based on the deliberations of this committee. He wants the two departments joined in the same physical area.

Chair Bazzell asked the committee members what information would help them have the best understanding of what is needed.

Ramona said she needed more information on the language assistance issue.

Brian asked for the City Attorney's opinion on a Civil Rights Commission Ordinance.

Ariel wants more detail on what you get on fair housing testing for \$30,000.

Shiva said she wanted more breakdowns on the budget.

Jeff wants to know what the new director will do.

Shwaw passed.

Santiago wants to know what the supervisors responsibilities will be.

Lenny want accountability and having the new director not being controlled by political whims.

Brian asked Attorney May if the CRD proposal goes through, and a Civil Rights Commission is created, would these require a Resolution?

Attorney May responded that this would require a change in the Ordinances and questioned the term "oversight". He said if a new commission is formed or the function is different from what exists today, it would require a new Ordinance.

Shiva asked Attorney May if it was similar to the Police and Fire Commission and Attorney May responded if the commission is similar to the Police and Fire Commission, he would have to think whether it could be done by Ordinance. The P&FC is under State authority. On that note, he would have to research the matter further.

Chair Bazzell asked Attorney May what authority the City has to set a commission to protect the Director? What process would be used to make this happen, if the City couldn't change State law.

Chair Bazzell asked that all information provided to the committee be submitted electronically and the comments are crisp and to the point.

Annette addressed the committee and said that she has heard the following requests from the committee:

Invite the EOC and AA staff to the next meeting;
Invite the staffs to give comments to the Mayor's Office;
More information on the language assistance issue;
More information on fair housing;
Be given the budget proposals for 2005 and the line items;
More information on the supervisors' responsibilities under new structure;
Accountability; why did the Mayor come up with the proposals?
Attorney May will research what authority is needed to create a Civil Rights
Commission;

The next discussion was held on the length of the employment contracts. As Ariel stated previously, the contracts are for five years, with the first two years being on probation.

Lenny questioned how they can be assured that the director won't be a puppet or figurehead?

Janet Piraino, Chief of Staff to the Mayor, told the committee that either the Comptroller or members of his staff could come to the next meeting and answer questions of the committee regarding their budget concerns and questions. She said the responsibilities of the supervisors would be dependent on the structure and the new director would have input on their duties. If the new proposal is done, the Mayor would ask staff of each unit what is needed for the positions.

Chair Bazzell stated that his concern was having two supervisors carry-out the missions of the organizations if joined.

Angela asked Janet if the director would be Mayoral appointment or civil service?
Janet responded that it would be a Mayoral appointment.

Various committee members asked that the Human Resources Director be at the next meeting along with the City Attorney. Ariel said she would bring the EOC budget staff person from the Comptroller's Office.

Santiago said that Affirmative Action received federal funding, but wondered if EOC did also? Ariel responded that EOC also received federal funding and the funds can be transferred to the new department. Attorney May confirmed this as true.

Ray wanted to know what year there was money in the budget for fair housing testing.

At this point, Chair Bazzell told the members to contact Annette with their information requests.

Shiva requested that one more meeting be scheduled. The third meeting will be held on Tuesday, March 8 at 7 p.m. in this same location.

Ariel moved that the meeting be adjourned with a second from Jeff. Motion carried. The meeting adjourned at 6 p.m.

**AD HOC COMMITTEE
FOR
PROPOSED DEPARTMENT OF CIVIL RIGHTS
U.S. Bank Conference Room
March 2, 2005
4 p.m.**

Members Present: Ariel Ford, Brian Benford, Angela Russell, Shiva Bidar-Sielaff, Lendell Alston, Darrell Bazzell, Jeff Erlanger, Ramona Natera, Ray Allen, Shwaw Vang, Enis Ragland

Members Absent: Sanitago Rosas

Chair Bazzell called the meeting to order with the introduction of the committee members.

Chair Bazzell asked for additional public testimony and Christie Hill of the City Affirmative Action Department gave the committee members the AA staff statement.

Mayor Cieslewicz thanked the committee for their dedication to the issue. He then addressed the suggestion at the last meeting of forming a citizen commission similar to the PFC and said that he was not in favor of such a commission because it was not a democratic concept. He said such a commission separates the people (constituents) from the government process. He feels that an un-elected commission is a mistake. He then addressed his concern with the perception of the lack of access to the Mayor. He said he has a management team, not a cabinet. He cited the example of meeting with the Director of Planning and Development every two weeks, the Police Chief once a month and the other managers three times a year. He then moved on to speak of the budget overview of the proposed department and said that there would be \$102,000 more in the Department of Civil Rights budget than if the two departments stay at the status quo. He feels that one strong director makes more sense and will be more efficient than having the two directors as is.

Brian explained to the Mayor that the committee's concern was with keeping a buffer in the future in case of a Mayor with an opposing view of this structure.

Jeff expressed his concern of the possibility of a director stopping things from happening in the department after meeting with his supervisors and not agreeing with their opinions, therefore not reporting it to their concerns/information to the Mayor.

In response, the Mayor used the Director of Planning and Development and his supervisors, with whom the Mayor meets with every two weeks. The Director and his supervisors have input as to the happenings in Planning and Development.

Shiva was concerned with a conflict of interest of both AA and EOC being under the same umbrella regarding citizen issues. The Mayor responded that the staff would be independent and

again used Planning and Development as an example. He reiterated that they would be distinct agencies with the DCR.

Lenny stated that he was concerned with the EOC letter (to the committee) and that race and the multiple protected classes are a major aspect of his concerns. He questioned how would the committee know that these concerns were being addressed in the new structure?

The Mayor said that one consideration of the DCR survey pointed out the need of government response to housing and employment. With two new positions and a recruiter and fair housing testing, he couldn't say that the DCR will make it all better, but it is a start.

Chair Bazzell asked if the committee endorsed the DCR, how would they monitor that it is having a positive impact? The Mayor responded that there might be a town hall forum meeting once a year and that he is open to other ideas.

Chair Bazzell thanked the Mayor for his input.

Clifford (Ford) Blackwell and Eric Kestin spoke on behalf of the EOC staff, with Ford explaining that the EOC was a municipally created agency to prevent discrimination in the past and future. In 1963, the agency was created with the enforcement component of the EOC was added in 1975, and outreach/education added in 1987. He explained in detail the duties of the different staff positions of the EOC.

Eric walked the committee members through the packet that the department had prepared for them. He told the committee that the statement contained all of the staff's input; the impact upon the department and community of the loss of the investigator/conciliator supervisor position. Regarding the new minimum wage, Eric said that the EOC had given approximately 20 presentations throughout the City to employers on the minimum wage ordinance. The presentations/printed materials were in both Spanish and English.

Chair Bazzell asked Eric is he thought the proposal would do harm?

Eric responded that it could do a great deal of harm because of limited resources already; money not going to the front line; a supervisor position being cut which is increasing the length of investigation time and resolution to their cases.

The question was asked if combining the agencies would reduce the time Eric spoke of and Ariel said that because they are already overloaded and do not have enough time and manpower, cross training someone from another department with no skills in the matter would be counterproductive.

Ford said that by losing two front line supervisors they have/would lose two very important workers.

Ariel explained that since she is doing the duties of both interim director and investigation supervisor and that it is taking approximately 150-200% of her time, working nights and

weekends in order to keep the department on track and not slowing the process of the cases they are processing. By cutting the investigation supervisor position, the work of the department is greatly jeopardized.

Ray said he was trying to understand the efficiencies of having the department merged and David Lopez of the EOC said that the two departments are running parallel lines with no cross training of skills because AA and EOC are two different and distinct entities.

Enis then said that the number of EOC cases nationally were down and asked what is the number of cases locally?

Ariel answered that the federal cases were referred to the local EOCs. They are averaging 250 cases in a calendar year.

Shiva questioned the outreach position of EOC and asked what kinds of questions are the public asking? Annie Weatherby, EOC Outreach Coordinator, said her training is customized to the employer she is training; but there are sidebar question and answer periods at the end of the training sessions and she often refers issues to the Equal Rights Division and AA.

Ford spoke of the EOC staff supporting the Markle proposal and that they felt the primary functions of AA fit with Human Resources.

Brian then thanked the staff of EOC for their very informative input.

The AA staff, represented by Norman Davis, Contract Compliance Officer, gave the committee a statement prepared by some, but not all, of the staff of AA. He went through the handout and told the committee that compliance is Ordinance driven.

The AA staff then identified themselves to the committee as Hedi Rudd, Christie Hill, Donald Studesville, Nancy Castillo and Robin Bloom.

Angela had two questions regarding complaint investigations, understanding that they are within the City government employees, not the City as a whole, but asked if their methods of investigation were similar to EOC's and how much outreach does AA do?

Norman explained that AA works with contractors who have contracts with the City of Madison and that they have limited outreach because they are working with contractors.

Jeff wanted to know if AA does some work with WalMart and Norman said "yes". Jeff also asked if Enis was the only one who met with the Mayor and Norman answered "no".

Ariel then asked Norman how many complaints the AA had in a year; how long does the investigation take; does AA do mediation and conciliation; and does AA issue probable cause or no probable cause? The answers were 7-8 complaints; it varies; no; and no.

Shiva asked Norman how many contracts were dealt with yearly. Norman answered around 200. Letters were sent to a 360, more or less, vendors requiring their Affirmative Action plans. He explained that these vendors are those who contract for more than \$25,000 in City monies. Public works contracts have to pre-qualify and there approximately 600-700 of those.

Ariel asked Norman how much time he spend supervising and how much of his work time working on Affirmative Action matters. Norman answered that he supervised approximately 30% and spent 70% working.

Enis said that the position of Disability Rights Specialist is being advertised.

Ray asked how AA did their recruitment and Christie said AA works with Human Resources in where to advertise.

Ray asked if they did underutilization and Christie said not now.

Enis asked when the JVAN was last used and Christie said 2000 and also added that the City workforce is made up of 14% minorities. Christie said she felt we didn't need a recruitment position.

Lenny then referred to the AA handout on page 5 and 7 and questioned the meaning of it.

Shiva asked Nancy what a "fresh start" would be for her. Nancy answered no interim director, no baggage, motivation.

Norman said that the committee has the best ability to decide what is needed and a solution is needed to carry on the mission of the departments.

Angela then asked if the committee was putting the cart before the horse in making the structure before determining the purpose.

Hedi then said that they were two antiquated departments and they needed new equipment, not just be moved.

Donald said money should be reallocated to the staff and not the director at the top.

Chair Bazzell then asked if there were any questions for the City Attorney regarding his memo. After much discussion, it was decided that if any of the committee members had questions for Attorney May, they should call or e-mail them with such so that they would have their answers by the next meeting.

Chair Bazzell then asked the members how to proceed with the next meeting(s) with their deliberations.

Karl Van Lith said that all of the information has been gathered and should be reviewed and then the format and missions should be decided upon. At the next meeting Karl will present a visual of the options, proposals, issues, and information to discuss and debate.

Angela asked if the committee was voting yes or not for the structure/plan or just making a recommendation. Chair Bazzell said that the committee is to make a recommendation to the Common Council and Mayor and again stated the three options: Status quo, DCR, and the Markle proposal.

Ray suggested that the committee e-mail their questions to the Mayor's office and Chair Bazzell asked that all information in the Mayor's office be sent to the committee members within the next four days and that if a committee member doesn't understand something, please contact Annette and get their answers before the next meeting.

Brian reminded the members that the proposal will go before four commissions and the Common Council.

Shiva suggested that members should be polled individually on the next meeting. She also asked that Karl prepare flip charts because visuals will make the positions and changes within the departments clearer.

Enis asked at what level of detail should their recommendation(s) be? and Lenny still wants the subject of the commission either on or off the table.

Annette identified the materials in the packets that each member was given at the beginning of the meeting for their review before the next meeting, which will be Tuesday, March 8 at 7 p.m. in the same location.

Jeff Erlanger moved to adjourn with a second by Enis. Motion carried. The meeting adjourned at 6:57 p.m.

**AD HOC COMMITTEE
FOR
PROPOSED DEPARTMENT OF CIVIL RIGHTS
U.S. Bank Conference Room
March 8, 2005
7 p.m.**

Members Present: Ariel Ford, Brian Benford, Angela Russell, Shiva Bidar-Sielaff, Lendell Alston, Darrell Bazzell, Jeff Erlanger, Ramona Natera, Ray Allen, Enis Ragland, Shwaw Vang (late)

Members Absent: Sanitago Rosas

The meeting was called to order by Chair Darrell Bazzell who asked for general impressions/comments from the members to start the meeting.

Angela had two opinions of general process and her own personal opinion. She said the public forums were very informative and interesting in seeing how the people feel about civil rights in Madison. She supports the DCR structural change but is concerned with the content behind it. Will the structure change be the impetus of getting civil rights in the City of Madison and strengthen civil rights activities both in the City of Madison and outside?

Chair Bazzell asked Angela what she meant by content behind the structure? She said the overall vision/mission; what are the objectives going to be of the DCR; what are measurable outcomes?

Ramona said the things that came out clearly from the public were advocacy and outreach. Regardless of what the structure looks like, they have to be able to deliver the services in an effective manner to the community – bottom line.

Ariel said the staff opposes the proposed structure, but whatever happens the EOC staff will be professionals and provide the services that the mission of EOC indicates in terms of outreach and education. They are already trying to do more of these things.

Brian said he is not sure of the outcome but that fact of the discussions is invaluable.

Jeff supports the DCR and it is important to do it in a way that the public will not feel it is just window dressing.

Ray - A consensus is needed on what the committee is to accomplish. What does the committee want do?

Lenny supports altering the status quo. The most compelling reason is that the current structure has had several years to eclipse any doubts about it's inefficiency and it hasn't done that. He doesn't see that the proposal is "top heavy" and that the proposed structure can't work.

Enis – need change; the present structures are functioning in the 60's, 70's and 80's strategies; let's look at the new structure; supports the DCR.

Shiva – reorganization shakes things up; just changing the structure isn't the answer, but the beginning; supports change in structure; how much money is being spent on management; and this is a very good start.

Chair Bazzell – form follows function; right now function is first; need to shake things up; do things differently; EOC and AA are compatible even though they are different; commonality in purpose; making a change in the structure does not improve quality of life; must go beyond structure in dialogue.

Shaw will hold his comments until the report.

Objectives; outcomes; focus resources: The committee will use Karl Van Lith's draft as a guide.

Structure:

Chair Bazzell reiterated that the recommendation goes to the Common Council and various committees along with to the Mayor; still have other structure possibilities

Enis asked what isn't going to be considered?; need to have a consensus to start with one structure, then act on that; Jeff Erlanger agreed with this.

Brian – don't get bogged down with structure but ask what is the intent; keep all proposals up for discussion.

There was a consensus to start the discussion on structure.

A discussion was held on the Markle proposal.

Angela likes the Markle proposal because it gives HR the focus of AA, but AA should be throughout all City departments and not just in HR.

Enis – Markle is historical; will reduce AA effectiveness.

Lenny – Human Resources represents management so how could employees come to HR if AA was in it to resolve issues?

Roger Goodwin answered that HR advises management regarding complaints, such as employee and Union complaints against the City.

Ramona is not ready to eliminate the Markle proposal because HR should be the recruiter and not have the actual position. There should be someone (existing position) in HR who helps recruit and retain a diverse workforce.

Shiva doesn't like the Markle proposal; with AA in HR, nothing happens because it is embedded; contract compliance should not be in HR.

Ray – AA has to be imbedded in HR; recruitment plans should be sent to AA; AA should help evaluate the managers; wants the process to be effective; won't support any proposal if AA does not have a say in the managers' performance plans.

Ariel – every line manager needs AA responsibility in their performance plan and to diversify the workforce; recruiting is an HR function and a recruiter is not needed; AA looks at underutilization of minorities.

Angela – How do we make a more diverse workforce in the City of Madison?; is there a way that a recruiter could be in HR activities, i.e. staff meetings.

Chair Bazzell – getting too detailed in discussion at this point; recruiter should interact with HR; doesn't want AA in HR (embedded); AA is needed as check and balance; want to hold HR accountable like every other City department and can't do that with AA is part of the HR structure.

Shiva – you lose impartiality when AA is embedded in HR; need a stand-alone department to look upon HR; there is tunnel vision when the two are in the same department; will having a recruiter in HR help or not?; Feels the need to talk about that.

Enis – HR and AA should work together and the committee's comments should be captured in their recommendation to the Mayor to make sure that this happens.

Brian – might need proposal number 4.

End of Markle proposal discussion.

The Chair asked if there was interest in maintaining the existing structure.

Brian – hasn't heard a compelling reason why the change of structure is needed other than the fact there are some pieces missing and if the committee does have the ability to make recommendations that they can enhance the current structure, feels that they can work with what they have with some enhancement; feels that the money for the DCR director could be better spent on fair housing testing, language assistance; better utilize that money; discuss how to support front line workers; could be a fourth proposal starting with the existing framework; staff was very clear that we can't eliminate support staff; need these folks; additional conversations are needed in how to support the front line workers and how the departments can function optimally.

Chair Bazzell pointed out that the committee does want to move to the Department of Civil Rights and that is a separate consideration from whether or not they then take a fourth position of creating director position or investigator position. The resource question is a separate consideration.

Jeff suggested having a very general vote on having a DCR, not what the structure would look like, but whether or not the committee would want to have it; are we talking about having a DCR or not.

Chair Bazzell agreed with Jeff and encouraged more discussion rather than a formal vote. What about the concept of DCR that would include components of AA and EOC in whole or in part?

Ramona asked if they are polling on the name DCR and the Chair said that they were talking about including all or some functions of both existing agencies, not just the name.

Jeff said that when he talks about the DCR, he is assuming that in some way there would be a merger or reorganization.

Chair Bazzell polled those in support of a consolidation/reorganization, but not a merger; Jeff, Lenny, Enis, Shiva, Angela and Darrell were in support.

Shwaw believes that they need to move in the direction of a unanimous consensus for a recommendation. Doesn't feel either proposal is right, but senses a need to bring the community together and that if the committee moves on just one proposal, they will create a split within their communities.

Ariel, speaking for the EOC staff, thinks that change would be good, especially in terms of the name. With the Equal Opportunities Commission and Equal Opportunities Department so if changing to DCR, there would be no problem (with name confusion). In terms of function, some of the functions could be tightened up and changes could be made. EOC has a problem with the proposed recruiter position, that would be specially assigned to AA because the perception becomes that that person is just the AA recruiter and only recruits for protected classes and in looking at the numbers for the City. Upward mobility is the main issue for City employees and they want to know how the recruiter will make it change so that there is upward mobility.

Ramona spoke for the Equal Opportunities Commission and said that they are opposed to a consolidation. After hearing from the staff of both departments, she can't support cutting any front-line staff; can't support getting rid of the Investigation Supervisor in EOC. These things didn't work. We are talking about accessibility and making sure that people are being heard and they are providing advocacy and she doesn't see it happening.

Ray can't see a compelling reason why the new structure is going to make things better. He is not opposed to change, but he is opposed to change for the sake of change. He wants the change to be more effective and even better. He would like to hear more how this structure is going to work better.

Jeff said he felt it was important to address the people who oppose the structure so they don't feel like the committee is just coming in and making change and totally ignoring them. The job of the committee is to make people feel comfortable if they make a change.

Angela speaking for the Affirmative Action Commission said the majority were in favor to a certain degree, but no one had overwhelming feelings for the DCR. Everyone is a little apprehensive about what this change means and one person wasn't in support because as Ray said, he hasn't seen compelling evidence of why we need something different. One person said "we don't love it, but we can live with it, but still want measurable outcome from it."

Enis said that making a decision on structure is what is needed to be done. He said that status quo is not respected in the community. Just changing name and adding a couple of services won't make people respect it (DCR). Something tangible has to happen in order for people to see that EOC and AA in a different light.

Shiva stated what she understood were the committee's concerns regarding a recruiter, better language assistance program, and fair housing. She feels that this is where structure and resources meet. The current structure doesn't allow the agencies to support the proposal. She is concerned about where the money is being spent. Can't separate the resources and the structure. Has seen how hard it is to get anything in the budget through Common Council.

Chair Bazzell said they should come back and address resources. The two obvious choices are: If we end up with the department, do we staff it in the way proposed by the Mayor or in a different fashion? He feels that if this committee doesn't say what it thinks was the intent, who will?

Janet Piraino said she felt the committee should have the budget on the table.

Brian said the Common Council had allocated money for this change so as far as this year is concerned, there is additional money from what the current structure has traditionally had.

Janet explained that the net impact of the Mayor's proposal is to take some money that is now dedicated into the administration of the department and put it into services. So if we were to keep the current structure, but add the services, it would be an increase in the budget.

Ariel said that unlike AA, her department did take a budget cut for \$40,000 in administrative support, so she thinks some of that money is already allocated to fair housing.

Chair Bazzell said that they had a general sense of where they were at and should come back to visit the structure question. Should discuss programs, services and what other measures they suggest to increase the effectiveness of these functions.

All support the notion of access to the Mayor.

Ariel said that there should be the line item for every manager as well as DCR managers about AA and EO.

Chair Bazzell said that should be under accountability.

Shaw said they needed to add direct access to leadership of DCR or if they maintain the current structure, to also have direct access to the Mayor.

Chair Bazzell explained that what the committee needs to discuss is what they want to say on the question of access. The committee wants to ensure that either with the new department or existing two agency heads that they make sure there is direct access to the Mayor.

Enis clarified that most access to the Mayor is through his/her aides. Most department heads don't get directly to the Mayor most of the time, but they go through the aides who are responsible for their departments. He feels there is too much emphasis on having direct access to the Mayor. You get to him/her through your aide. The Mayor does make opportunities to meet with the managers.

Chair Bazzell then moved on the discussion of advocacy.

Angela said that whether the committee votes for the DCR or not, there should be co-members between the commissions i.e., someone from the EOC should be on the AA Commission.

Ariel said that the discussion continues to discuss two commissions and CPD has not be included and that needs to be done. It should be said affirmatively that there are three commissions, AA, CPD and EOC. CPD feels that they have been left out of the process.

Brian reaffirmed Angela's idea.

Chair Bazzell asked Brian if what he meant was that regardless of what structure decision they make, that there needs to be some assurance of bringing those three commissions together. Brian affirmed this.

The Chair asked what other things this could involve.

Jeff said he didn't know if the Civil Rights Committee was important, but he did agree with the concept of cross-overs from committee to committee. Right now the CPD does have someone who happens to be on the EOC, but that just happened by luck. The person wanted to be on the EOC while they were serving on the CPD. Doesn't think the CR Committee is necessary as long as each of the three committees have someone sitting on each other's committees.

Chair Bazzell suggested another approach of having those committees be jointly crossed. Doesn't want to create more bureaucracy.

Shiva - should meet on a quarterly basis and not create another committee. What she has been hearing is that people want to have different places to go with their concerns and creating checks and balances and it is important to keep these different commissions, but they need to talk more to each other. Creating an over-arching committee is the risk of people just going to that one committee and thinking that supercedes the other three. Need to keep the three separate.

Chair Bazzell argues against the notion of creating another commission. In favor of accountability and not ambiguity. There are ways to build checks and balances and hold committees accountable, but not creating several structures so people can pick and choose.

Lenny suggested combining elements of all of the committees into one Civil Rights Committee.

Enis said maybe a better solution would be to require that the chairs meet periodically because the logistics of getting people together is difficult. The chairs could meet periodically and then if necessary invite people from each committee to come and talk about different issues.

Chair Bazzell then asked what problem are we solving? Let's be clear about what problem we are solving as we consider the proposals.

Jeff said they are trying to solve the problem of communication. He felt that Enis was trying to simplify things and he doesn't think having the chairs meet on a semi-regular basis works. The issue is that if you are not actually sitting in the committee room, you are missing some things. He agrees with the co-member concept.

Chair Bazzell – there are three different concepts on the table; making sure that each committee has representation from the other two; creating a supercommittee (Lenny did not agree that this is what he had suggested – he feels that if there is one DCR, why do we need 4 committees – talk about duplication); and having the committees meeting with each other on some periodic basis.

Ray said that they are rearranging the chairs again (on the Titanic); he supports Angela's suggestion of co-members.

Shiva also supports Angela's concept.

Chair Bazzell asked the three representatives of these commissions who are on the committee if they support this proposal of cross-fertilization of committees.

The Chair said he thought consensus was wonderful, but that they do need to vote on issues and that majority rules.

Shaw said he was comfortable with voting on issues such as this, but as a representative here, he needed to go back to his community. He would like for the committee to work on the divisions.

Chair Bazzell asked the City Attorney if there were legal parameters for making recommendations. Attorney May recommended that instead of consensus, that objections be asked for.

Jeff made a motion, seconded by Ariel that a member of each of the three commissions have a seat on the other two commissions. The motion carried unanimously.

Independence (DCR commission) was the next item for discussion.

Brian – if they are going with the DCR proposal, the Mayor stated very clearly and Brian thinks it is valid and that this is not necessary to be discussed.

Consensus was to take this off of the discussion list.

Conflict of interest was next item for discussion.

Enis doesn't see a conflict of interest in two separate divisions. Cited other City departments and their ability to deal with conflicts.

Ramona asked what if an employee wants to take a complaint to EOC? Enis said that those instances would be very rare and Ramona asked what would happen if there were?

Karl defined the differences in that EOC operated on the regulatory end of things and AA operated in building relationships with organizations. This was stated in the very first meeting.

The discussion then went to staffing considerations.

Chair Bazzell said this could be the place to talk about accountability.

Enis said that the working supervisor positions was a valid concern. He stated that the City has no history of abusing employees in the areas of fair pay or compensation.

Ramona asked about reclassification as in cross training in AA and EOC duties.

Roger Goodwin told the committee that staffing decisions will be based on organization. The director will have a lot to say on structure, how duties are assigned and once they are assigned, the classification of positions. He feels it is very difficult for the committee to decide right now how the duties are going to be assigned, but at the same time, they would like to see how it is ultimately going to look. In reality, once the committee makes the decision for the structure, the director will decide classification and duties and HR will reclassify and pay accordingly.

Ariel is concerned with how to strengthen clerical support with the budget considerations. She said the committee has to look at it carefully and make sure the staff that they will have can support what the committee is proposing. When asked for a recommendation, she said she can't make a recommendation until she knows what they are proposing. When asked if her recommendation will be to have adequate clerical staff, she answered "yes".

Jeff made a motion that there is adequate clerical staff. Discussion ensued.

Ray said his main concern is that they committee validates the structure, validates the duties, the concept of measuring the department's success, and not go so deep as determining the color of their stationery.

Angela said having a co-location should be on the list of issues.

Janet Piraino said that the City of going through a space-needs, but that the County is going to be moving out of a great number of offices to the new courthouse.

Chair Bazzell said the committee needs to make a statement on co-location and that the committee needs to stay on the path of discussion of staffing.

Ariel wants adequate staffing for whichever structure.

Shiva said that applies to both department on all staffing levels for adequate staffing.

Chair Bazzell said they need to be clear on the statement of supporting adequate staffing.

Enis said an analysis should be done on staffing issues once the structure is decided on.

Ray said that the money budgeted needs to be validated.

Enis said that there are options in providing more money, i.e. the Council could fund it.

Chair Bazzell said that staffing and support of additional services are locked together and asked for comments.

Angela wants consistent support and additional language support, more fair housing testing, whether it is the DCR structure or current structure.

Enis made a motion that the fair housing testing and additional language support services be included in whatever structure is recommended. Ramona seconded. Discussion was held.

Schwaw asked why they would not include the recruiter's position in these two?

Lenny dissented because the Mayor proposed that part of the specific changes are the recruiter, fair housing and language support as a part of his DCR and that he (Lenny) couldn't support them in a motion as being in whatever structure is going to come out of the committee when it wasn't the Mayor's intent for that to happen. He thought they should talk about the structure and where the committee is going to go from there.

Enis said that will all due respect that the Mayor has asked the committee to propose something and make some recommendations. He can accept or reject them, but the committee can still make them, even if they disagree.

Brian said that the committee is there to represent the citizens of Madison and either way they do this, these are very vital functions needed whether it is the proposed DCR or the 2004 structure. That is the meat and potatoes and something that the committee has to do.

Chair Bazzell then asked that if the committee decides not to reorganize and join the two agencies together, would they still not want to have these happen? The Mayor has told them that in this perspective, given the budget finites that Shiva was cautioning them about, that given the resources available that the committee would have a tough time supporting these concepts without keeping the leverage. The committee needs to think about and come to some conclusion.

Shiva again spoke of the finite budget and that they need to realistic so that they can make this pass the Common Council. She supports the motion.

Brian said that it would be helpful if Janet could illuminate the budget.

Janet ran through the Mayor's proposal in the budget; the creation of one director and money savings; the elimination of two director positions, with a \$70,000 savings of which \$55,000 would be put into services. She explained that the middle management positions that everyone thought were being eliminated were actually be recreated at a higher level with a higher salary. You're losing directors in each agency, but not losing the middle manager personnel.

Shwaw said that regardless of the financial issues, his recommendation should say to the Common Council and Mayor that the structure should improve the quality of life for the ethnic minorities and poor people of the City of Madison. If we cannot do that because we don't have the money, it's their choice to take that into consideration whether or not they make a commitment to have those things to improve of the lives of many people. It would be hard for him to propose anything because of the loss of positions in order to gain others, but at the same time losing two very important directors (positions) in the City of Madison who traditionally been held by ethnic minorities and those positions have been very well compensated and now the committee is going to do away with that in order to have some savings. There is something not right with that. If we want good people, we are going to have to be willing to pay for them.

The motion was brought back to the table and the motion carried.

One more meeting was scheduled for Wednesday, March 16 at 5 p.m. in this same location.

Jeff made a motion to adjourn with a second by Angela. Motion carried. The meeting adjourned at 9:12 p.m.

Appendix VI

Affirmative Action Staff Comments to the Ad Hoc Committee for the Department of Civil Rights

March 2, 2005
Affirmative Action Staff Comments to the
Ad Hoc Committee for the Department of Civil Rights

Introduction

The mission of the City of Madison Affirmative Action Department is to ensure that the City of Madison provides equal opportunity for all employees and citizens seeking access to service or employment opportunities. As employees of the Affirmative Action Department it is ironic that while our central purpose and mission is to provide equal opportunity for all employees, that we find ourselves in a position of having to defend that right in the context of the deliberations into the restructuring of the Department of Civil Rights.

While it is true that staff of the Affirmative Action Department took part in meetings with the Mayor's staff and also attended public hearings, it is not entirely true that our input has been solicited for consideration in a fair and equal manner or more importantly as Affirmative Action professionals in respect to our positions, titles and job responsibilities.

The primary issue, as we see it, is that the "interim" status of our director hinders any ability to truly represent our interests. This isn't a personal attack on our director as we believe him to be a professional, but any person who serves "at the pleasure" of his superior is naturally in a position to be "beholden" to his superiors directives. This was stated at last week's Ad Hoc committee meeting, by more than one member and should not come as a surprise that we agree with that sentiment.

Having put that issue on the table, we urge the Mayor's Office to move forward to permanently fill the "interim" position of Affirmative Action Director who will then be in a position to advocate on behalf of the Affirmative Action Department it's staff and it's mission. We strongly feel this will effectively move the reorganization issue forward in an ethical, fair and equal manner.

Today you will hear a presentation by a staff member "assigned" the task of speaking on our behalf. We were not directly solicited for our input until today, after having agreed to move forward with our own method of making our positions known. While we were asked by the Mayor's staff to provide input into a document that will be submitted to you, we feel that this attempt allows for the opportunity to censor our input and doesn't provide an equal platform to Affirmative Action staff. We don't pretend to know the reason's for censorship, but we do feel it is our duty as permanent AAD staff to find a way to articulate our needs and the needs of our fellow employees and the citizens who make our jobs possible.

Lastly, we have adopted the format used by EOC staff to submit our input, as time constraints have not allowed us the opportunity to craft our own model. With that said however, we have come together as a team in order to provide you with our insight, suggestions and professional opinions as they related to the Department of Civil Rights Reorganization.

Proposed Department of Civil Rights

In viewing the DCR proposed changes to Equal Opportunities Commission (EOC) and Affirmative Action (AA) Agencies dated October 14, 2004, we find several areas that we would like to address.

Eliminate the positions of Directors of AA and the Executive Director of EOC.

EOC

In summary, you have not eliminated these positions but changed their job duties and responsibilities. The proposed Director of EOC has lost its Executive title and the EOC Investigations Supervisor position will assume the additional duties of department head. We feel the quality and services of the original scope and purpose of the department is compromised. If the proposed changes are made, the sheer volume of work of the combined positions of Executive Director and the EOC Investigations Supervisor will be vulnerable. Required staff interaction, situational case reviews as well as time sensitive matters will be adversely affected. We believe the adverse reactions will be degradation and slow down of services. We do not believe one person can effectively and efficiently manage all of the proposed duties of this combined position.

We propose the creation of a Director of Equal Opportunities position with revised duties and responsibilities. A restructuring of the current department would elevate one of the current Investigators to lead or Senior Investigator. All entry level or first and second tier investigations would be supervised, reviewed and handled by the Sr. Investigator and prime Investigators. Third and four tier investigations would be handled by the team of the prime investigator, Sr. Investigator with review and direct involvement of the Director.

Several areas would be strengthened by this proposal. First, some of the daily duties currently being performed by the Supervisor of Investigations would be awarded to the Sr. Investigator. This would free up time for the Director that could be utilized as administrative, planning and program improvement/development. Second, a definitive career path has been established that addresses vertical mobility within the department.

We also support that the position of Director of Equal Opportunities should be a member of the Mayor's staff.

AA

There are similar issues in the DCR proposed changes for the Affirmative Action Department that are stated above in the proposed EOC department. The position of Director of Affirmative Action has been eliminated and resurrected as a combined Contract Compliance Officer and Director of Affirmative Action. Again the numerous duties and responsibilities of these two positions cannot be condensed to a single position without decline and degradation of quality of service. The current Contract Compliance Officer's (CCO) duties and responsibilities are not being completed on a timely basis due to his workload. The Contract Compliance area continues to be reactionary and has not addressed implementing new preventative or proactive plans or programs that would assist in the efficiency and effectiveness of the Contract Compliance (CC)

program. The current CC area is under constant criticism for lack of responsiveness to time sensitive matters; contract reviews, bid opening and AA plans being the most frequently mentioned complaints.

The Contract Compliance Monitors (2) position reclassifications were approved by the Personnel Board. These re-classes were proposed to address the misaligned duties being performed by the Monitors. Due to lack of funding and frail support, the re-classes did not take place. The current CCO has absorbed some, but not all of the duties causing this position to be overtaxed and burdened with a heavy workload.

The DCR proposal would combine the duties and responsibilities of the Director and CCO with the additional new programs and associated position of Recruitment Specialist. Also included in this new AA Directorship are the programs of Wage Enforcement and Language Assistance Program. It is not realistic to weigh down the CCO/Director of AAD with both the duties and responsibilities of both positions and the addition of two new programs. One person cannot effectively perform these duties. At some time or another, the duties and responsibilities of these two positions of CCO and AA Director must have been studied. Born out of the study it was established that both a Director and a CCO are necessary. This is further demonstrated by the fact that the position of CCO maintains a high level pay group status (18/12).

Many proposals have been submitted including several from our own department. One proposal dissolves the current Affirmative Action department and relocates its Equal Employment section to the Human Resources (HR) department. The Disability Rights function and the Language Assistance program would also be located in HR. This proposal also relocates the Contract Compliance Section including Wage Enforcement with the EOC department.

Another variation of a theme would be to retain a Director of Affirmative Action and restructure the department to include two Managers. One manager would handle Equal Opportunities and employment issues. This Manager of AA would also have the responsibility of the Language Assistance staff and program.

The Contract Compliance Officer serves as the other Manager and would maintain current staff of Contract Compliance Monitors and an additional position of Wage Enforcement. This also would address career paths and vertical mobility for staff members. We would also request a reclassification of the Contract Compliance Monitors that would compensate them in accordance to the work they perform.

The Director of Affirmative Active would also be a member of the Mayors' staff. The position of Civil Rights Director would not take place.

The position and monies associated with the Civil Rights Director would be absorbed in program enhancement and the return and/or addition of support staff.

Alder Markle's Proposal

Some of the Affirmative Action staff support's Alder Markel's proposal, to change the name of the Equal Opportunities Commission to the Department of Civil Rights and move the Affirmative Action/Equal Employment unit and the Disability Rights unit to the Human Resources Department.

According to the Mayor's proposal "Of the 16 cities surveyed, none had a separate AA or EO agency. Ten had affirmative action offices located in other agencies such as their personnel department. The Diversity Development-Affirmative Action unit is a part of the Human Resources department for the City of Portland. In an innovative move, Portland City Council included provisions in the Affirmative Action Plans tying Department and Division Head performance evaluations and salary increases directly to the effective implementation of their Affirmative Action plan. We would encourage the City of Madison to integrate this for our City managers.

Some staff agrees with Alder Markle's comments that by moving Affirmative Action within Human Resources the City will be promoting Affirmative Action principles throughout City employment. We have included an organizational chart of our modification of Alder Markel's proposed merger of the Affirmative Action/Equal Employment unit into the Human Resource Department.

Status Quo – Existing Structure

We unanimously agree that the current EOC Investigations Supervisor and the current Contract Compliance Officer positions should not be changed. The current Affirmative Action Director and the EOC Executive Director should be a member of the Mayor's core management Team. In addition, we propose a name change for both departments to Equal Opportunities Commission-Office of Civil Rights, Affirmative Action Department-Equal Employment/Diversity Programs and Contract Compliance Department.

We feel that we do not need a full-time recruitment specialist position however; we do need a full-time position in the Affirmative Action unit to help coordinate recruitment and the language assistance program. The additional funds budgeted for the language assistance program can be coordinated through the Equal Employment/Diversity Programs unit.

We applaud the Mayor's leadership in requiring all City managers to report to the Mayor at their quarterly meetings on their progress in hiring, promoting, and retaining a diverse workforce. Also, his proposal to provide \$30, 000 in the 2005 budget for a contract to hire fair housing testers.

Individual Staff Comments

Department of Civil Rights

1. Support

- Timely
- Support

- Name change indicates commitment to civil rights for all targeted groups
- Need someone to take us to a new level of service
- Only if current goals of both departments are carried out
- Current staff should have input during transition and in the reorganizing structure

2. Do not support

- Support only the name change of Affirmative Action. Do not support proposed Civil Rights organizational structure.
- Unnecessary position of Civil Rights Director, both AAD and MEOC Directors should report directly to Mayor.
- In proposed organization of DCR Management top heavy, three Directors for approx. 18 employees.
- Monies allocated for Director of Civil Rights salary should used for existing and new programs/staff.
- Single path departments would have adverse affect on the processing of daily duties, supervision and management of staff.
- A balanced AAD/ MEOC two-tier manager system that should be implemented for career path purposes as well separation of program types i.e. Contact Compliance, AAD/EEO.
- Do not support the reduction of clerical positions to supplement executive position. Not enough support staff planned to address needs of existing and new programs/staff.

Position concerns:

- Reclassification of the Contract Compliance Officer to Director – these positions will not be able to handle both existing and new duties.
- Under the impression that the reclassification of the Contract Compliance Monitors would be included.
- Seems delayed reclassifications of positions is hidden cost.
- New director should be bilingual.
- Full-time Recruitment Specialist is not necessary.
- Establish career ladders.
- Will need more clerical support with additional directors.
- If current employees need reclassification – we should do this immediately.
- All positions should be open for competitive recruitment so all AA & EOC staff can have an opportunity for career advancement.
- If there is money available, why not reclassify positions to where they should be – both departments should have positions studied.

AA Department comments:

- Not reaching all protected classes.
- Primarily considered a tool only for African Americans.
- Need to let people know we are here for all people.
- We've gotten a bad reputation.
- Need fresh start.
- Interim director position should be permanent in order to adequately represent the AAD's mission and purpose.

- Under the current Affirmative Action Ordinance the Department Heads are only accountable to the Affirmative Action Department. Change the ordinance to make the Department Heads accountable to the Mayor and Affirmative Action Department versus only being responsible to the AAD for meeting their Affirmative Action Goals.

General Concerns:

- Not enough detailed planning.
- Disability Rights cannot be left out.
- Concentrate resources on the goals we are committed to in our ordinance.
- Ordinances for both departments should be revisited
- Fair Housing – wasn't this federally funded? Isn't there any more federal money available?
- Equal employment policies are not being enforced.
- Must have support of Mayor's Office and Department Heads to use the tools we have to create a diverse workforce.
- We must have the tools and resources necessary to enforce the ordinance if any reorganization is going to be successful.

Language Assistance Plan:

- Develop clear program expectations and accountability: Not clear who is responsible for what – AA or Individual Agencies.
- Increase in staff to address LAP: There should also be a direct tie to the existing Title VI Compliance under AA. This person should also be bi-lingual as is the case with most Language Coordinators in other cities.
- Interpreters: The Affirmative Action Department currently maintains a list of persons who are available to provide translation services at a cost to the City. These individuals should be certified, who are not City employees. We should also see if City employees who are bilingual could be compensated for their services while “on the job.”
- Document Translation: Who is responsible for doing it (Agency or AAD)? What documents are considered vital and what funding are agencies setting aside to address this need? These are just some of the issues that need to be addressed.
- In regards to the \$20,000 that has been proposed, this money could be used towards document translation so that all City of Madison “Vital Documents” are translated by 2006.

AASPIRE Program:

- Keep it and elevate the program, as it is a way to recruit diversity and build a career path of students to employees of the city.
- Hire additional staff person to coordinate AASPIRE & Language Assistance Plan/Title VI Compliance so that AA Specialist and EEO Analyst can focus on recruitment and workforce analysis.

Software & Data:

- The Affirmative Action Department does not have any existing software that would help to identify areas to target as far as underutilization or recruitment. We would like

to work more closely with Information Services and Human Resources to find how to maintain the integrity of data and come to a common ground as to how that data will be presented, interpreted and ultimately reported to the AAC, Common Council and the public.

- **Data Collection:** It is very important that Human Resources and Affirmative Action get on the same page when it comes to data and how it is collected. Currently, AAD does not have access to all data needed to effectively monitor hiring, firing and promotional trends as it relates to ensuring equal employment opportunity for current and future city employees.
- Invest in more tools for current AA/EEO staff to help them improve workforce monitoring and recruitment efforts, which would offset the need to hire a separate recruiter.
- Reinstate the JVAN process after further study and appropriation of data and software needed – Provides AAD with advanced notice of job vacancies in order for AA Staff to inform hiring departments of underutilization of women and racial/ethnic minorities.
- Continue Red Flag Policies after further study and appropriation of data and software needed.

Conclusion

We would like to conclude by assuring you that we take our jobs, titles and positions as Affirmative Action professionals seriously. We are aware of past conflicts, barriers and public perception as to our ability as a department to maintain our mission. We humbly assert that until we are provided a permanent director that is able to freely represent us and are given the tools to adequately do our jobs – that there is very little that the Ad Hoc committee can suggest that will be effective. However, we would like to state that whatever the outcome is, we will continue to work toward our stated goals and mission.

Sincerely,

Affirmative Action Department Staff

Christie Hill, Affirmative Action Specialist
Donald Studesville, Contract Compliance Monitor
Hedi Rudd, Equal Opportunity Analyst
Nancy Castillo, Administrative Clerk

**AD HOC COMMITTEE
FOR
PROPOSED DEPARTMENT OF CIVIL RIGHTS
U.S. Bank Conference Room
March 16, 2005
5 p.m.**

Members Present: Ariel Ford, Brian Benford, Angela Russell, Shiva Bidar-Sielaff, Lendell Alston, Darrell Bazzell, Jeff Erlanger, Ramona Natera (teleconference), Ray Allen, Enis Ragland, Shwaw Vang, Sanitago Rosas

The meeting was called to order by Chair Bazzell at 5:14 p.m., with all members present (Ramona by teleconference).

The committee reviewed the draft report prepared by Karl Van Lith of the committee's discussion points and recommendations.

Chair Bazzell opened the meeting to comments from the members on their thoughts on the recommendations that the committee members have made. Santiago wanted clarification on what "independence from the Mayor and Common Council" meant. Chair Bazzell explained that a suggestion had been made to create a commission such as the PFC, but the members decided not to consider such a commission, due to legal considerations and lack of necessity.

Discussion was held on the organizational charts prepared by Karl. The Chair said the committee needs to focus on recommendations and go from there.

Enis stated that he didn't think the committee should get to the level of department internal recommendations/detail just yet, until they decided which proposal to go with.

Angela asked if this first draft of recommendations would go to Common Council and did the committee vote on this first draft? The Chair answered that yes, there was a straw poll and it was agreed to go with these recommendations and that it will not be necessary to vote again on these issues.

Chair Bazzell said to put the question of structure aside and go back and reaffirm the recommendations made previously. He asked for a motion to accept the recommendations.

****Jeff made a motion to accept the recommendations with a second by Shwaw. Motion carried.**

The Chair again stated the options of how to proceed: Continue with more discussion of policy consideration; stay away from structure conversation; come back and complete decision making with structure. His recommendation was to continue on policy and then come back to structure. The question of what else needs to be accomplished needs to be addressed.

Angela wants a strategic plan, overall vision of DCR and objectives as it relates to both Equal Opportunity and Affirmative Action and increased hiring of race and color in the City of Madison and how to measure quality of services such as fair housing.

Chair then moved the discussion toward accountability and monitoring of the department.

Angela suggested that every six months initially, then one a year to meet and see the progress, glitches, etc., then go to once a year.

Enis said that under Ordinance, that is the responsibility of the Affirmative Action Commission right now. He said that all three commissions (CPD, EOC, AA) could be used to do that task.

Brian said he feels that the process is rushed and asked what if they stay with current structure?

The Chair reminded the committee that they are not bound by the three structures.

Shiva was concerned with the goals of any of the structures. She feels there needs to be a discussion about change. There are things that are not working in the current structures.

Ray also echoed Shiva's concerns and said that whatever comes of the committee's decision, there has to be an effectiveness in the delivery of services.

The Chair reminded everyone that these points are in the recommendations already agreed upon. They have been endorsed and voted on twice.

Ariel wants measurements of effectiveness specifically in a strategic plan with annual evaluations of managers,

The Chair said they need to ask what they want in terms of enhanced accountability regardless of structure. The committee is going to have to make a judgment call of what they think is best for the community. Some of it may be realistic and some of it may not be realistic once it gets back to the Mayor and City Council. The committee's job is provide the best possible recommendations of what's going to do the best job of the functioning of these two agencies.

Enis discussed structure and that there are bigger issues other than color, such as gay/lesbians, people with disabilities. The City is going through tremendous changes in development, transportation, smart growth, etc. – things that will effect the lives of all of the people of City of Madison. He said the existing structures of AA and EOC are not set up to address those issues or to provide feedback to them or to provide data to the decision makers to help them make decisions that when we decide on these issues, how does it affect people of color, the gay/lesbian community or people with disabilities? There is no one voice or person out there to bring those voices together where they can to be an ambassador to the City to talk about what the City is doing to help those communities. We need to look to the twenty first century. His vision is to have a personal input from the three commissions that will have an impact on future City decisions. The DCR could have this process and person. He feels if the City keeps going as it is now, there will be separate communities.

Lenny agreed with Enis and echoes the initiative for change, measurements of success and basically that stated by Enis. This current system needs to look forward and focus on who it is serving.

Santiago stated his wish that the Latino and Hmong communities be heard and feels that the community needs to work on the structure of the proposed organization to meet those needs.

Ramona asked what it is that needs to be accomplished? The committee should be discussing policy considerations, then structure.

Discussion was held on the meaning of “single point of contact”. Jeff points out that the City has a Disability Rights Specialist so there doesn’t need to be a new person coming in who is separate to deal with disabilities.

Ariel said that even if they go with the current structure, things can be changed so that there will be a person out there who is responsible for knowing about all of the things that are going on.

Shiva said the committee needed to go back to the goals: More accountability from the departments, the Mayor and City; the need to build efficiencies with budget constraints; education and outreach to the community; a better way to capture public feedback; and have pro-active partners in the business community. Whatever structure the committee decides on, these are the necessary components.

**Enis made a motion to discuss and make a decision on a proposed structure for the Department of Civil Rights. Jeff Erlanger seconded the motion.

Discussion was held with Brian saying that they can work with the current structure with fiscal controls; stay within the current structure and add pieces.

The Chair said that even though the motion was for the DCR structure, the committee could still have discussions on functions, services, accountability and a number of issues previously addressed. Obviously, the structure might affect how they address those issues, but those are things that can still be addressed.

Enis spoke to the concept of the DCR. It doesn’t have to be exactly as the Mayor has laid it out; but the concept; not saying that we want a DCR (as proposed by the Mayor). What that entails they can still discuss.

**The Chair clarified that what is meant by the motion is that Enis would like the committee to take a vote on a structure that would bring the AA function and EOC function into a single organization under director. Enis agreed.

If the vote is “yes”, the committee will discuss how much detail they want underneath the superstructure.

**The City Attorney said that the motion needed to be clarified and the Chair repeated the motion’s intent: The motion would bring AA and EOC into a singular agency with one director.

More discussion was held on vision; the future of civil rights in the community and that those things are not being done currently with the two agencies; no community confidence in the current structure; need new missions.

Ray disagreed with the single point person saying that one person cannot be spokesperson for all groups and challenged those who want the DCR to tell him how it will be more effective.

Lenny said that there will be internal and external resistance to change; there is a cultural disconnect in the current structure; need total quality implementation; and a drastic change is needed. If the right person is in the position and is paid what they are worth, that person will be better than two split directorships, more effective.

Shaw, in terms of organizational structure, wants two independent directors (AA and EOC) under DCR, (co-directors). He is concerned that whatever structure is decided upon, that it will work for the better of the community.

Santiago spoke to the loss of confidence in the current agencies and that whatever structure is put in comes down to the Mayoral support for success.

More discussion was held on one-stop shopping for members of the community; service integration; communication between the departments; reaching the goals and objectives listed in the Mayor's letter to the committee.

Shiva spoke to the final report and need for it to be concrete and sensible so that when it is presented to the other entities in the decision making process, it will hold up. She feels strongly that paying one person \$85,000 to manage 6.75 people and the other person \$91,000 to manage 7.0 persons to be directors and not front-line management, is not good way of spending tax dollar money to provide services to those people that most need it in the community. It is paying high level managers to be directors. She thinks that one director at that level of salary can do the job of representing, being that person that does what a director does, which is mostly attending meetings; and then have two front line managers who will still do front line work that makes a difference. (The proposed structure)It's not a good way of spending money.

**The motion was repeated: The ad hoc committee members support the need to restructure and consolidate the two separate departments of AA and EOC into a Department of Civil Rights.

The motion carried on a vote of 7 in favor to 5 opposed. Those in favor of the motion were Darrell, Jeff, Enis, Lenny, Shiva, Angela, Santiago. Those opposed were Ariel, Ramona, Brian, Ray and Shaw.

The Chair said there will be one more meeting to consider other issues, talk about the details of structure, but also consider other ideas about service delivery.

Shaw asked for a draft report, which Karl said he would prepare and have for the members for the next meeting which will be held on Tuesday, March 22 at 5 p.m. in a location to be announced.

Shwaw moved to adjourn the meeting with a second from Ariel. Motion carried.

Meeting adjourned.

**AD HOC COMMITTEE
FOR
PROPOSED DEPARTMENT OF CIVIL RIGHTS
U.S. Bank Conference Room
March 22, 2005
5 p.m.**

Members Present: Ariel Ford, Brian Benford, Angela Russell, Shiva Bidar-Sielaff, Lendell Alston, Darrell Bazzell, Jeff Erlanger, Ramona Natera (teleconference), Ray Allen, Enis Ragland, Shwaw Vang

The meeting was called to order by Chair Bazzell at 5 p.m.

Discussion was held on the question of the Chair's voting at the March 16th meeting. Chair Bazzell said that he had voted on previous issues and said that since he was representing an organization he felt he should vote. The Chair asked Janet Piraino to clarify the Mayor's intent in appointing the ad hoc committee. She said the Mayor appointed all members to be representatives of their respective organizations/communities with the intent that everyone would be voting on the issues. The consensus of the members was that the Chair should be able to vote on issues.

Ramona left the meeting due to illness.

Karl then explained his draft report with committee members discussing what additions/corrections should be made to the draft.

Discussion was then held on whether or not the 7 to 5 vote for the Civil Rights Department should be shown in the report. Enis made a motion that the majority of ad hoc committee members supported the need to restructure or consolidate the two separate departments into the Department of Civil Rights. Jeff seconded the motion. Motion carried.

Discussion was then held on recommendations, visions and goals and accountability, with structure and staffing to be discussed later. Staff input will be included in the appendixes. More discussion was held on the vision statement and it was decided that a definite vision statement was necessary. Some of the language discussed was: Retention, promotion of under-represented classes, accountability for AA and EOC issues with management staff, supervisors staff and fair housing testing. Benchmarking and measurements were added along with prohibitive barriers,

outreach and education, strengthen and expand language assistance programs, internal/external outreach and education, physical accessibility issues for all people, and to continue to focus on current AA and EOC core missions.

More discussion was held on fair housing with language to include more accessibility for people with disabilities (i.e., building codes) and having an annual assessment (under accountability) of the department.

Enis explained that some of the accountability is under the Ordinances and are the responsibility of the Affirmative Action Commission. If the commissions are kept, they will serve that purpose. Darrell asked who would assess those commissions, because that doesn't address the accountability. It has been suggested to have cross-fertilization between the commissions. Enis said that the Mayor could ask for a report back as done in the past.

Karl listed the points that are to be included in the draft report: Increase recruitment, promotion and retention of protected classes in City employment; reinforce accountability for AA and EOC goals with management staff; work with strategic partners to ensure fair housing; work to create housing that is accessible to people with disabilities; fair contracting; benchmarking and measurement; work to prohibit internal and external barriers; equal opportunity; foster outreach and education initiatives that improve race relations and civil rights and equal opportunity within the City of Madison; continue to focus on current AA and EOC core missions; analyze and identify and change policies, practices and activities that impede the DCR; ensure physical accessibility to all people; willingness to adjust goals and objectives and work activities to better accomplish the mission; enhance and expand the language assistance program and strengthen it; provide public forums to update the state of civil rights within the City of Madison; enforce and educate the citizens and businesses on Madison's Minimum Wage Ordinance; enforce and educate citizens and businesses on the Equal Opportunities Ordinance; educate City agencies on Affirmative Action and EOC Ordinances.

Jeff made a motion to adopt the core values with a second by Brian. The Chair summarized what "core values" incorporated. This would be added as a section with the recommendations made by the committee as another section. Motion carried.

The Chair suggested that they should focus on further structural considerations. Jeff said they do not need to discuss staffing because they have already discussed that, but they need to discuss structure. Enis said they have gone as far as they should and can do as far as structure. The visions and how it should be laid out should be left to the Mayor, Human Resources and the new Director. Studies might be done to determine what the best structure will be to impact the services that are provided.

The Chair agreed with Ray that they should focus on the competency of the DCR and not the details of staffing/structure. The Chair also said that the main public concern has been delivery of services and effectiveness.

Shaw had to leave and thanked everyone and the Mayor for having the opportunity serve the people of Madison.

After much discussion, the committee concurred to adopt the language to be included in the report that “staffing issues should be studied and addressed through the normal City processes to ensure that administrative support; supervisory roles, position descriptions and compensation reinforce the efforts of the civil rights staff”.

Shiva commented that the public was concerned with whether this is truly a merger in which both current departments get dissolved and a whole new thing gets created or whether there is really going to be two separate divisions with an over-arching organizational structure over that. She said this has been a “hot button” for people, whether talking about consolidation/merger as opposed to just adding a structure over it. She is fearful in not addressing it all. She asked if the committee is saying that it is not making a decision on whether it is a merger as a dissolution of the two departments and a creation of a new, different structure or are they keeping the two divisions as they are.

The Chair explained that the committee had made a statement that the functions and missions, as they exist, need to be carried forward to the new agency. What the committee is not saying is how they need to organize around that to allow them to continue to carryout those functions. Shiva feels strongly that the missions of both organizations are included under the DCR; that the committee supports this statement.

Karl said that has been made in the value statement of continuing to focus on current AA and EOC core missions.

The Chair asked for other ideas/concepts; the process – from this evening to the final report; how to view Karl’s final draft. Enis suggested that the committee meet one more time to review and finalize the report. Jeff recommended that someone make a motion to write the report and meet one last time for finalization. Janet said that the committee couldn’t discuss any substantive issues about the report without coming back together. Discussion was held on how to get together for review of the final draft.

The Chair asked for tentative dates to meet again, if needed. Consensus was for Wednesday, April 6 at 5 p.m.

Jeff made a motion to ask Karl to draft a report with a second by Enis. Motion carried.

Karl said he would have a final draft to the members by Wednesday (the 23rd) afternoon for their review. It was decided that the committee will decide by Thursday, the 31st whether or not they need an additional meeting. Members are to notify the Chair and Janet if they feel they need to meet. Janet said she will ask City Attorney May to send all committee members an e-mail that more clearly delineates exactly what the committee can and cannot do (in consensus of the report and as to whether the committee needs to meet).

Closing comments by the members showing their appreciation for being appointed and serving on the committee. Janet thanked the committee for the Mayor for their service and dedication to this very difficult mission.

Jeff made a motion to adjourn with a second by Angela. Motion carried. Meeting adjourned at 7 p.m.

**AD HOC COMMITTEE TELECONFERENCE
FOR
PROPOSED DEPARTMENT OF CIVIL RIGHTS
Mayor's Conference Room
April 6, 2005
5 p.m.**

Members Present by teleconference: Ariel Ford, Brian Benford, Shiva Bidar- Sielaff, Lendell Alston, Jeff Erlanger, Ramona Natera, Enis Ragland, Darrell Bazzell

Members Absent: Ray Allen, Santiago Rosas, Shwaw Vang, Angela Russell

The meeting was called to order by Chair Bazzell at 5:07 p.m.

A roll call of members was held with the members responding and recorded above as present.

Chair Bazzell asked for any adjustments to the agenda and there were none. The Chair told the members that Angela Russell had made formatting edits to the report as presented by Karl van Lith.

Ramona stated that she thought the vote (7-5 on structure) was to be mentioned in the report. The Chair emphatically stated that at a previous meeting the matter had been voted on in the majority, and not roll call, and the motion for the vote to be recorded in the report as "a majority vote" had carried. Further discussion was held by Ramona and Ariel saying they wanted to actual vote count to be in the report. Again, the Chair reiterated what he said before and that the vote count (by person) was in the minutes, which are to be a part of the final report.

The Chair continued the discussion of edits to the report. Joe McClain's name is to be added to the acknowledgements on Page 3. The addition of the MLK Humanitarian Award Committee will be placed in the general recommendation section.

Under Recommendations, the first two bullets should be combined as one statement.

On Page 6, in the Figure 1 box, the Commission on People with Disabilities (CPD) should be added.

It was determined that Channel 12 should be in the acknowledgements (Page 3) for their work in recording and televising the public forums.

A call for a vote on the final report was made. At this point in the meeting an attempt was made to contact Santiago Rosas to participate in the vote. He was contacted and said he would not be participating in the vote.

A discussion was held on the next steps in the process of the routing of the final report through the commissions and Common Council. Janet Piraino said the report had already been referred by Common Council to the three commissions. She will let the members of the ad hoc committee know when these commissions will meet to discuss the report.

Shiva requested a copy of the final report.

Enis called for a final vote, with Jeff proposing that a unanimous consent be stated on the voting.

The Chair asked if there was any objection to accepting the final report by unanimous consent. There were no objections. The Chair will accept by unanimous consent that the final report be adopted. The committee members voted to accept by unanimous consent.

The Chair expressed his appreciation for the hard work and commitment put into all of the meetings by the members of the committee and staff.

Janet Piraino expressed the appreciation of the Mayor for the committee's diligence and dedication in this very difficult process.

The Chair moved to adjourn, seconded by Jeff. Motion carried. The meeting adjourned at 5:35 p.m.

Appendix VII

EOC Staff Comment to the Ad Hoc Committee for the Department of Civil Rights

EOC Staff Comment to the Ad Hoc Committee for the Department of Civil Rights

Introduction

“Diversity is more than black and white. It is a broad representation of people that makes a city an attractive place to live and I want to move *any* boulders that stand in the way of achieving that vision.” (emphasis in original) (Mayor Cieslewicz letter to the EOC on its 40th Anniversary.)

The staff of the Equal Opportunities Commission (EOC) agrees with the Mayor’s sentiment. We work everyday in an effort to remove those “boulders” from the path of individuals in Madison, so that each person living, working and playing in Madison can achieve their own personal vision. We believe, that regardless of the outcome, our unique experiences should be used by the City to ensure the needs of the public are met.

We want to thank the Ad Hoc Committee for the hard work you are putting in to help meet the needs of Madison residents. We also want to assure the Committee that regardless of the recommendation made by this committee or the outcome of the Common Council vote we will continue to conduct ourselves professionally and do our utmost to provide help to the community with the resources available to us.

Our Mission statement states “The City of Madison believes that discrimination is wrong and that it must be eliminated. Therefore, the EOC is charged with the mission of enabling individuals to live and work free of discrimination.” A general sentiment among the staff is that we are not opposed to change, unless it is change simply for the sake of change. It is our sincerest hope that the outcome of this process truly moves the City in a direction honoring the ideals of EOC’s mission statement.

Department of Civil Rights Proposal

The Department of Civil Rights (DCR) proposal, which restructures the Affirmative Action Department (AAD) and the Equal Opportunities Commission (EOC), raises many concerns.

According to the survey referenced by the Mayor, in his proposal, it studied the quality of life that Caucasians, African-Americans, Hispanics and Asians enjoy in Madison. Our understanding from the public input forums, e-mails we have received and newspaper articles is that this proposal is being viewed and discussed as a race or national origin issue. Yet, race is only one aspect of our work in the Equal Opportunities Commission.

We are responsible for and strive to protect individuals whose rights have been violated in any of the following areas:

- race
- sex
- religion
- color
- national origin/ancestry
- age
- handicap/disability
- marital status
- source of income
- arrest record
- conviction record
- less than honorable discharge
- physical appearance
- sexual orientation
- political beliefs
- familial status
- domestic partners
- disclosure of social security numbers
- or the fact that such person is a student
- retaliation

We have great concerns that this proposal marginalizes individuals in the community whose concern lies in protected classes beyond race and national origin. There is a fear that any proposal arrived at through this process will have a negative impact on the other protected classes we have the responsibility to educate and protect.

Furthermore, there is a question of whether or not combining the EOC and AAD will actually address the quality of life concerns raised in the survey. There is not necessarily a logical connection between the survey results and this proposal. No one has gone back to those surveyed and explored why they feel they have a lower quality of life in Madison. So, if this DCR proposal works it will be by chance and not as a result of a causal relationship between “dissatisfaction with the quality of life” and the creation of the DCR. This is particularly troublesome when we consider the distinct missions of the EOC and AAD, especially AAD’s lack of responsibility in areas of housing, public accommodations and employment (beyond the City as an employer and those agencies in a business relationship with the City).

When this proposal was first presented to the Common Council prior to acceptance of the 2005 budget there were a number of concerns raised. These concerns fell into 2 broad categories: 1) a rush to decision without any public input, and 2) a reduction of resources for the 2 departments to effectively fulfill their distinct missions and other concerns regarding the specifics of the proposal. While the public input forums have attempted to address the first concern raised, it is our belief that nothing has been done to address the second concern. Even if the DCR proposal is approved there are a number of resource concerns, including the elimination of 2 vital positions, which has never been addressed in this committee, the Common Council, the Mayor’s office, or by the public.

The Investigations Supervisor position in the EOC and the Contract Compliance Officer position in the AAD would be eliminated in the proposed DCR, there is no plan in place to ensure the individuals currently in these positions would maintain employment with the City. Since we are more familiar with the EOC and the importance of this position to our work, we will highlight the impact of the elimination of this position on the agency. The City’s position description states, “The work involves supervising and assigning work to professional staff; overseeing the policies, procedures and quality of the EOC investigation and conciliation programs; providing

training to the staff and the public; and performing professional **investigation, conciliation, and outreach work**.” (emphasis added).

The Investigations Supervisor position is a front-line supervisor position requiring constant interaction with customers and staff of the EOC. In addition to supervising the Investigations Unit, this supervisor deals with the public on a daily basis conducting investigations, leading conciliations and doing outreach. The loss of this front-line position has a direct impact on the overall quality and quantity of services the EOC would be able to provide to the public.

One possibility is that the Director of Equal Opportunities position (title from Mayor’s proposal) would combine these duties along with managing the unit. This is similar to the situation the Investigations Supervisor is currently in as Interim Executive Director and Investigations Supervisor. Performing both positions is nearly impossible, even if one works extra hours on the evenings and weekends. Thus this proposal does not aid in providing front-line services to the public.

For these reasons and others that have been raised in the public input sessions and other forums since this proposal was first presented to the Common Council, the staff of the EOC feels that residents of Madison are better served by not combining the EOC and the AAD into the Department of Civil Rights.

This decision is separate from other aspects of the proposal. The staff of the EOC fully supports the Mayor elevating the Director of the EOC to his cabinet, fully supports the funding of Fair Housing Testing – which was done for a number of years under previous administrations through the EOC’s budget, and fully supports more funds going towards language assistance programs. However, none of these initiatives require or are aided by the combining of the EOC and the AAD into one department.

Alder Markle’s Proposal

The EOC staff supports Alder Markle’s alternative proposal, to change the name of the Equal Opportunities Commission to the Department of Civil Rights and move many of the functions of the Affirmative Action Department to the Human Resources Department. The EOC staff feels that many of the concerns raised by the public throughout this process will be answered by this proposal.

The survey presented with the Mayor’s initial proposal addresses the question of what other cities do with their AA and EO duties. According to the Mayor’s proposal “Of the 16 cities surveyed, none had a separate AA or EO agency. Ten had affirmative action offices located in other agencies such as their personnel department.” (see Answer for question #6 under “Questions & Answers”) One important difference between the cities surveyed and the City of Madison is that only 1 had any EO functions similar to ours. Most cities had no enforcement authority and few had additional protected classes. (See attachment “Affirmative Action/ Equal Opportunity Commission Survey – March 2002).

Alder Markle's proposal addresses a major concern of marginalization of communities of color. As Alder Markle said when explaining his proposal at the 3rd Public Input session, by moving Affirmative Action within Human Resources the City is helping to imbed AA principles throughout City employment.

Furthermore the fear of having a chilling effect on potential city employees who may complain of discrimination seems unfounded because according to the AAD's 2004 Annual Report there were only 8 complaints filed for the entire year by City employees. However, if this remains a concern this AAD function could be moved to EOC. As in many corporations, businesses and Washington D.C., the EOC could handle internal and external complaints.

Individual Staff Comments

The following are some individual staff comments regarding the proposed Department of Civil Rights and concerns with the process itself.

- This proposal ignores the fact that the AAD Contract Compliance Officer and the EOC Investigations Supervisor are “**working,**” **front-line** supervisors. The elevation of these positions to unit managers without additional resources to the agency would have a detrimental impact on productivity.
- To do this properly, the City should not be proposing a DCR, instead we should look at the survey and ask one question: How do you feel you are missing out on the quality of life in Madison? Without asking that question or one like it, we are not moving beyond the surface of the survey and the City is making assumptions regarding what people need without asking anyone.
- We should ask the question: How will the creation of DCR help individuals reach a higher quality of life in Madison?
- Look at the functions of both departments. The AAD is internal (with Disability Rights & Contract Compliance) and the EOC is external. The AAD has no responsibility in the areas of Housing or Public Places of Accommodations. Furthermore, the AAD performs essentially internal functions dealing with City employment and City contracts. By restructuring both departments together you are doing nothing to add to the quality of life individuals enjoy regarding these entities. What does combining the departments into DCR really accomplish?
- The public input discussions have focused on race issues and we (the EOC) are concerned with equal opportunities for all.
- There is a general mistrust in the office regarding this entire process.
- There is a concern regarding the motivation behind this proposal.
- If DCR goes forward it is important we are consulted as to how best we can meet our responsibilities under the Ordinance.
- Rumors continue to surface about a “super” commission. It was felt that this would diminish the effectiveness and missions of the Affirmative Action Commission, the Equal Opportunities Commission and the Commission on Persons with Disabilities.
- There are staff concerns regarding the need for assurances that we will keep our job. In this process everyone seems to have forgotten that Investigations Supervisor and Contract

Compliance Officer positions are being eliminated, and I don't want my position or my co-workers positions to also be forgotten in this process.

Conclusion

The Mayor states in his proposal when asked "Why now?" that "First and foremost, this plan presents an important opportunity to enhance language assistance services, hire fair housing testers and beef up recruiting and hiring of minorities in City government. These services are needed now and people in protected classes will not be well served by further delay." (see Answer for question #5 under "Questions & Answers")

The staff of the EOC fully supports and agrees with the importance of the language assistance services, money for fair housing testing and the importance of representation of communities of color within City government. However, all of these benefits can be reached without a restructuring, while the restructuring raises a multitude of concerns for the staff of both departments and, more importantly, the community at large. This document is an summary of our concerns regarding this proposal. We would be happy to meet with the Committee to answer questions or give details regarding our concerns.

Sincerely,

EOC Staff

Clifford Blackwell, Hearing Examiner
Lynette Boughton, Clerk Typist 2
Eric Kestin, Investigator/Conciliator 1
David Lopez, Investigator/Conciliator 2
Annie Weatherby, Education/Outreach Coordinator
Cindy Wick, Executive Assistant

Ariel Ford, staff representative to the Ad Hoc Committee for the DCR