



# Madison Professional & Supervisory Employees Association

DATE: December 4, 2007

TO: City of Madison Common Council

FROM: Madison Professional & Supervisory Employees Association (MPSEA)  
Board of Directors

RE: Legislative File Number 06764 (version 2)  
Recommendations for changes to the Madison General Ordinances and Administrative  
Procedure Memoranda regarding Hiring Practices

The members of the Madison Professional & Supervisory Employees Association (MPSEA) thank you for the opportunity to provide our recommendations for changes to the hiring practices and governing Madison General Ordinances (MGOs) and Administrative Procedure Memoranda (APMs). MPSEA represents members of Comp Groups 18 & 44. This group of non-unionized professional and supervisory employees represents 10% of the City of Madison work force.

A sub-committee of the MPSEA Board was formed to review Madison General Ordinance (MGO) 3.35 Civil Service System, Administrative Procedure Memoranda and relevant personnel policies and procedures related to hiring practices and general employment with the City of Madison. Based on this review we offer a summary of our recommendations and a report that provides detailed support of our findings.

**Current MPSEA Board of Directors:** Lorri Wendorf (Community Services)/President, Debbie Tilley (Information Services)/Vice President, Wally Meyer (Streets)/Secretary, Rita Johnson (Fire Administration)/Treasurer, James Ferguson (Information Services)/Past President, Dan Andrlík (Metro), Chris Duerner (Overture Center), Terri Genin (Police), Eric Kestin (Civil Rights), Kelli Lamberty (Parks), James Lehman (Metro), Cindy Wick (Civil Rights)

## EXECUTIVE SUMMARY

Overall, the MPSEA sub-committee found the ordinances and APMs related to the Civil Service System for the City of Madison to be fundamentally sound and valid policy. There are, however, concerns with the consistent application of some of these policies in regard to hiring practices and general employment.

### HIRING PRACTICES

- 1) Issue: MGO 3.35(7) Selection Process.
  - a. There have been inconsistencies in the application of this process for filling vacancies in the Civil Service System.
  - b. Although 'recruitment' is included in the definition of the selection process, there is no policy or guideline that states what the requirements are for this part of the selection process.

#### Recommendations:

- a. Insure consistent application of existing policies and procedures as set forth in MGO 3.35(7).
  - b. Develop and implement procedures that clearly outline the recruitment and selection process to ensure consistency on their application based on the Civil Service system and union agreements.
  - c. The Human Resources Department should provide training and resources to hiring managers to insure these processes are known.
- 2) Issue: MGO 3.35(9) Appointment Procedure.
    - a. Candidates certified should meet the minimum training and experience requirements advertised. In addition, appointment procedures should be consistently followed.

#### Recommendation:

- a. Provide consistent application of existing policies and procedures as put forth in MGO 3.35(9).
- 3) Issue: MGO 3.35(10) Appointments in Civil Service.
    - a. Application of the residency requirement of this process (MGO 3.35(10)(a)) to only selected compensation groups within the Civil Service system is fundamentally unfair and the penalties of this requirement create significant disparity in wages for similar responsibilities and duties.

#### Recommendation:

- a. Eliminate residency requirement to enhance recruitment opportunities and compensate employees based on their responsibilities and performance.

## GENERAL EMPLOYMENT

- 1) Issue: MGO 3.35(4) Rules and Regulations. (of the Personnel Board)
- a. Though this segment of the ordinance clearly defines the responsibilities of the Personnel Board for formulating rules and regulations of the Civil Service System, in practice our review found that the classification process, in particular, is very subjective and it appears there is very little broad oversight by the Personnel Board when positions are created or reclassified.

Recommendations:

- a. Expand the role of the Personnel Board to include review and oversight of the classification system on a broad City-wide level.
  - b. Human Resources Department, with agency input, should create written objective criteria for the classification of new and reclassified positions..
- 2) Issue: Disparity in minimum training and experience requirements within Comp Groups 18 & 44.

Recommendation: Increase minimum requirements commensurate with position responsibilities.

- 3) Issue: MGO 3.35 (18) Efficient and Effective Performance.
- a. There is a lack of applied standards and expectations for all employees.
  - b. There is no overall philosophy and/or measurement of performance by the City of Madison.

Recommendations:

- a. Provide an overall philosophy and consistent performance standards for all employees.
  - b. Develop and implement performance measures and a merit system.
- 4) Issue: Scattered hiring policies and procedures and lack of training for hiring managers.

Recommendations:

- a. Provide training and resources for hiring managers.
- b. Develop an integrated document or one-stop overview of the entire hiring process including governing MGOs and APMs.

Following is our full report providing specific examples and details of issues that have been identified by MPSEA membership. These examples, although perhaps isolated incidents, have eroded confidence in the City's Civil Service System.

## **MPSEA HIRING PRACTICES REPORT**

### **PROCESS / SCOPE**

The MPSEA Board of Directors formed a subcommittee to review and provide recommendations to the policies and practices that govern the City's hiring practices. The members of this subcommittee have significant years of experience working within the parameters of the ordinances and APMs governing the Civil Service system. This experience includes direct responsibility for hiring, reclassifications, discipline and terminations for both union and non-union positions in addition to our personal experience as employees within the Civil Service system. The MPSEA Board solicited input from our membership in an announcement dated July 27, 2007. That input has been incorporated into this report.

The subcommittee specifically reviewed MGO 3.35 Civil Service System, APM 2-8 Job Vacancy Advance Notices and Certification Requests, and APM 2-29 Filling Permanent Vacancies in the City of Madison. In addition, we further reviewed APM 2-4 Procedures Involving the Review of Requests for Additional Positions and/or Classifications, and MGO 3.48 Human Resources Department. As requested by the Common Council per Legislative ID #06764, MPSEA's charge is to recommend changes in hiring practices so City employees and the public will have full faith in the City of Madison Civil Service hiring system.

### **FINDINGS & RECOMMENDATIONS**

The MPSEA Board of Directors, representing our membership, provides the following findings and recommendations:

#### **HIRING PRACTICES**

We found the structure of MGO 3.35 to be sound in principal, but found a lack of consistency and oversight in the practical application of these written standards. For example:

MGO 3.35 (7)(g) Selection Process states "if there are any changes in the duties of a position that would affect the classification, compensation, or training and experience requirements of the position between the time of initial posting of the position opening and the time of selection, the position shall not be filled; rather, the position as changed shall be posted again and a new application and selection process will be started."

For example, the recent hiring of the Facilities & Sustainability Manager in the Engineering Department was posted with the following training and experience required "three years of directly related managerial and professional work in directing a facility design and management/maintenance program . . . . Such experience would normally be gained after graduation . . . with a Bachelor's degree in environmental engineering, mechanical engineering or architecture." According to news reports, the hiring manager is quoted as saying "I've got plenty of engineers, we don't have a manager who can pull all the interests together. That's the person I was looking for." However, that is not what was advertised. Had the needs and qualifications changed in this position, the position should not have been filled, but should have been changed and/or reclassified and reposted consistent with the policy as outlined in

MGO 3.35 (7)(g). Several of our members indicated that they did not apply for this position because they felt they did not meet the advertised qualifications of the position, although their experience was similar to those of the person hired.

Recommendation: Develop consistent procedures for the certification and selection process based on the position criteria advertised.

MGO 3.35(7) Selection Process: This section indicates that the selection process includes recruitment. There is no policy or procedure that outlines the recruitment and selection process. We recognize that any position may have unique recruiting needs, however, the steps for the recruitment and selection process should be generally outlined.

For example, in practice, hiring managers may be asked to review the applications to assist in the certification process after the Human Resources Department has completed their initial candidate screening. This procedure is not outlined in the APM nor is the review consistently applied. Some of our members were aware of this practice, others were not.

Recommendation: Develop procedures that clearly outline the recruitment and selection process and make these documents available to all employees. In practice, the procedures should be consistently applied based on the Civil Service system and union agreements.

MGO 3.35 (9) Appointment Procedure. This section clearly indicates that appointments must be made of ‘certified persons’.

For example, the recent appointment of the acting Community Services Supervisor, a compensation group 18, civil service position, was made with no posting or certification of that individual. This appointment was presented as a double-filled position in the Mayor’s office, however, the substance of this action bypasses the civil service system and eliminates the opportunity for others to apply for the acting supervisory position.

We acknowledge and support the need to review the structure of a department when a vacancy at this level occurs, however, double filling the Community & Economic Development Director position, rather than the Community Services Supervisor, would have maintained the trust and integrity in the Civil Service System rather than bypass it. These two recent examples have a negative impact on confidence in the civil service system.

Recommendation: Provide consistent application of existing policies and procedures.

MGO 3.35 (10)(a). Residency. Although we do not find fault in the structure of the residency requirement, we do find that a residency requirement only for compensation groups 18, 44 and 19 is unfair, and penalties of this requirement although consistently applied, are wrongly applied and create significant disparity in wages long-term. First and foremost, any appointment and continued employment should be based on ability and job performance, not choice of residency. With the incentives for living within the City of Madison, an employee performing at the same level of responsibility is penalized for where they live.

For example, cumulatively, an employee living in the City of Madison in a comp group 18-10 position will be earning \$50,000 after 20 years. An employee living outside of the City of Madison in the same comp group and range with similar responsibilities and duties will earn \$39,304. If the employee living outside the City moves into the City, they're salary will not be adjusted until their next longevity increase and it is never adjusted to the same level as those living in the City. This permanently puts an employee at a disadvantage if they ever lived outside the City during their tenure.

The majority of professional and supervisory employees do not have emergency response responsibilities. Those emergency response positions have been allowed to live outside the City with no negative financial implications. The residency requirement effects recruitment efforts and can discourage the best qualified candidates from applying. Further, we found that most new hires are not informed of the penalty for living outside the City until they are due a longevity increase. Disclosure of the penalty at the time of an employment offer would provide greater faith in the system.

Recommendation: Remove residency requirement for all employees. Compensate employees based on their abilities and responsibilities.

### **GENERAL EMPLOYMENT**

Although we found the structure of MGO 3.35 to be sound in principal with the exceptions noted above, we have recently experienced a lack of consistency and oversight in the practical application of these written standards. For example:

MGO 3.35(4) Rules and Regulations (of the Personnel Board): Section (4)(a) indicates that the Personnel Board shall provide for rules in the 'classification of all positions in the civil service on the basis of duties and qualifications.' This resulted in a review of APM 2-4 Procedures involving the Review of Requests for Additional Positions and/or Classifications. APM 2-4, dated 9/24/74 refers to the Department of Administration. There is currently no Department of Administration within the City of Madison. This further led us to review MGO 3.48 Human Resources Department.

MPSEA found great disparity in classifications within comp group 18/44 for similar duties and qualifications. New positions or reclassifications need to be reviewed against existing positions in all agencies for consistency based on duties and qualifications with oversight from the Personnel Board. If the position under consideration is eligible for a compensation group and range change, all positions within the current compensation group and classification should be reviewed for the same consideration with significant input from the user agencies. We find that the process in practice is very subjective and feel that the Personnel Board, as an independent body, should provide regular oversight / reviews of the classifications of all City positions for consistency in duties and qualifications within those classifications. In practice, it appears there is very little City-wide oversight when positions are created and reclassified piecemeal and independent of one another with little objective criteria.

Such oversight will provide further trust and confidence in the Personnel Board's decisions by the Board of Estimates, Common Council, and employees of the City.

For example, earlier this year (2007) there was a request for the reclassification of a position in the Parks Division from Compensation Group 18, Range 02 to Comp Group 18, Range 08. The Personnel Board recommended approval of this request based on the analysis provided by the incumbent and the support of the reclassification request by the supervisor and Department Head. In opposition to this decision, Human Resources sent a memo to the Board of Estimates (BOE) requesting that they vacate the decision

of the Personnel Board because, in their opinion, the decision “. . . is inconsistent with the facts. Further, I believe that this excessive placement will significantly compromise pay equity within the classification system and negatively impact employee morale.”

The BOE sent the matter back to the Personnel Board for reconsideration and they overturned their own decision. This situation certainly had a negative impact on employee morale and compromised confidence in the Personnel Board and their ability to independently carry out their responsibilities as set forth in MGO 3.35. Specifically, that they are to provide rules and make decisions regarding “The classification of all positions in the civil service on the basis of duties and qualifications.” (MGO 3.35(4)(a)).

Recommendations:

Require the Personnel Board to provide consistent review and oversight of the classification system on a broad City-wide level to ensure consistency in duties and qualifications within and between agencies.

The Human Resources Department, with agency input, should create and implement written objective criteria to follow when new positions or reclassifications are required. The “Classification Questionnaire” referred to in APM 2-4 should be available to all employees along with the objective criteria used for those classifications.

Remove or rename the Department of Administration, since this department currently does not exist.

Minimum Training & Experience Requirements: Further, there is disparity in the minimum training and experience requirements for the higher level positions within 18/44:

For example, a review of the following financial positions:

Accountant 4		18-12	Two years @ Accountant 3+ 0 supervisory
Fire Admin Services Manager	18-12		Three years + 0 supervisory
Overture Center Financial Officer		18-12	Three years including supervisory
Police Admin Services Manager	18-12		Three years + 0 supervisory
Purchasing Supervisor	18-10		Three years + 0 supervisory
Parks Admin Svs. Manager		18-10	Three years + 0 supervisory
Accountant 3		18-10	Two years @ Accountant 2 + 0 supervisory
Monona Terrace Business Manager		18-10	Three years including supervisory
Transit Finance Manager		44-14	Three years leadership
Overture Center Tix Office Manager		18-08	Two years including supervisory
Accountant 2		18-08	Two years @ Accountant 1 + 0 supervisory
Parking Revenue Supervisor		18-06	Three years including supervisory
Accountant 1		18-06	Zero previous experience

All these positions have a great deal of responsibility and have supervisory responsibilities. The minimum training and experience requirements should be consistently escalated

commensurate with the level of responsibility. Although many of these positions require specialized skills, they are all responsible for basic accounting programs/systems and supervision.

Recommendation: Minimum requirements should be increased commensurate with the position responsibilities. This would deter those with limited experience from applying, making it more efficient to develop a list of qualified applicants. In addition, the selected candidate will have the experience needed to succeed in the position.

MGO 3.35 (18)(a). Efficient and Effective Performance Policy. “It is the policy of the City of Madison to maintain efficient and effective performance by all employees, . . . “. There is a need for an overall philosophy and measurement of performance by the City of Madison. This philosophy and performance measurement should be developed, implemented and consistently applied. MPSEA whole-heartedly support the rights provided in the civil service system and union agreements, but there is a lack of applied standards and expectations for all employees.

For example, many of us have experienced recurring instances where employees who don’t show up for work and don’t perform are bumped from one position/department to another until the only recourse is to eliminate the position from the department. Not only does this create undue hardship on the work of a department, but it results in low expectations and poor morale for all employees of the City of Madison. Although this policy exists, it is not supported by an overall philosophy, support and action. MPSEA supports a merit system based on performance to provide incentive for those employees who do exceptional work for the City.

Recommendation:

Provide an overall philosophy and consistent performance standards for all employees, including support for managers in disciplining of employees.

Develop and implement performance measures and provide a merit system for exceptional work.

APM 2-8 Job Vacancy Advance Notices and Certification Requests, dated 1/29/97. This APM is outdated in that a JVAN is no longer required.

Recommendation: Update or eliminate the APM.

TRAINING

The review of the APMs and MGOs related to hiring policies and procedures is disconnected and scattered. It is difficult to find all the regulations that apply and often those regulations are vague and subjective.

There is currently no consistent training provided to hiring managers. MPSEA believes that training and a written guide should be developed to assist managers in understanding the complex requirements and practices in the hiring process. This will allow managers to be

more proactive and informed in their hiring decisions, provide consistent hiring practices from agency to agency, and provide transparency in the processes and systems.

Recommendation: Provide training and resources for managers including a one-stop overview of the entire process and related governing ordinances and APMs. These resources should be available to all employees and the public upon request. This will greatly enhance the transparency and confidence in the Civil Service system.



## **CLOSING**

In closing, MPSEA finds the Civil Service ordinances and APMs fundamentally sound. In practice, however, policies and procedures need to be outlined, consistently applied and shared with managers and employees, so there is transparency in the system.

The Personnel Board needs to oversee the Civil Service System consistently to ensure fairness and continuity in the policies they created and administer.

A survey of our membership conducted in May 2007 indicated our members feel a lack of confidence in the hiring system. These recommendations will restore both public and employee faith and confidence in the Civil Service system.

The MPSEA board of directors, representing our membership, thanks you for the opportunity to provide recommendations on practices and governing documents of the City's Civil Service System.