

# **Hiring Practices Report**

**The Department of Civil Rights  
Affirmative Action Division and the  
Human Resources Department**



**Respectfully submitted to the Common Council  
(Resolution # 06764)**

**December 2007**

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## Executive Summary

One hundred and eleven (111) files were reviewed during the course of the study by the Department of Civil Rights and Human Resources staff. In addition, five (5) randomly selected files were given a thorough review of all documents to assure efficacy of the process.

Based on this review, staff found the City's hiring practices for managers and supervisors to be open and fair. Staff found no instances of candidates who were hired at a salary higher than advertised, whose job was reclassified within six months of hire, or who did not meet the minimum qualifications. Staff did find the process could be more transparent and better understood. As a result, several recommendations were discussed to better explain the City's hiring practices, clarify terms and establish criteria for decision making. The following recommendations are put forth:

- Human Resources needs to play a strategic role in guiding all departments in establishing organizational structures, classification levels, position descriptions, certification processes, hiring, employee development and performance improvement. Human Resources also need to create a procedures manual that clearly defines and details various phases of the hiring process.
- APM 2.8, *Job Vacancy Notices and Certification Requests*, needs to be deleted or modified to reflect changes made to the process over two years ago. APM 2.8 procedures should be incorporated into APM 2.29, *Filling Permanent Vacancies in the City of Madison*. In addition, Human Resources will review APM 2.16 *Grievance Procedure for Non-Represented Employee*.
- Human Resources will review MGO 3.53, *Civil Service System*, and make recommendations as part of this report and to the Personnel Board to conduct a comprehensive update of the ordinance. The update will address the selection, certification and appointment sections, along with the accompanying Personnel Rules mentioned in the ordinance. Drafts of the changes to the ordinance will be circulated to appropriate boards and commissions for additional review and discussion and to the Common Council for approval.
- Clear definitions and language needs to be used in all updates of the hiring process documents to ensure that applicants and staff understand the steps in the process. Creation of a manual defining various stages of the hiring process and guidelines for each step of the process would make the process more transparent and easier for employees and applicants.

## **Introduction**

On June 19, 2007, the Common Council (CC) passed a resolution (Attachment 1) requesting a report to review City of Madison hiring practices in the past two years and recommend changes. The Affirmative Action Division of the Department of Civil Rights (DCR) was charged with reviewing the hiring process and generating a report on its findings. A committee was formed to identify positions to be reviewed, a process for the review and staff assignments. (Attachment 2) Affirmative Action Division and Human Resources staff was charged to work with payroll and Information Technology (IT) to generate the necessary information and data for the study.

The first version of the resolution asked for a review of all positions hired in the past two years, but was later modified to specify a “review of management and supervisory hires.” A current listing of all employees by compensation groups was generated (Attachment 3). Six (6) compensation groups make up management and supervisory personnel. The Police and Fire Commission have supervision and authority over the Police and Fire Departments’ hiring processes.

## **Process**

Affirmative Action Division (AAD) and Human Resources (HR) staff requested information on the number of new hires and promotions in the past two years from the City’s payroll system. One hundred and eleven (111) hiring and promotion transactions were identified for the study period and HR staff pulled the specified applicant files for each of the positions. In order to answer the three specific questions outlined in the resolution, AAD and HR staff reviewed and compared each candidate’s application materials with position descriptions and job announcements.

Along with these specific file reviews, five (5) additional job recruitment process files were randomly selected for an in-depth review to test the efficacy of the civil service process. During the entire process, specific questions related to candidate qualifications and background were discussed with the DCR Director.

Feedback on the hiring process was sought initially from groups that contain the professional, technical, supervisory positions and agency heads. Madison Professional and Supervisory Employees Association (MPSEA) and Municipal Executives of Madison (MEM) are the associations representing these groups. The Mayor sent a memo to MPSEA requesting hiring practices input and the City Attorney, Michael May addressed a memo to MPSEA, MEM and others on changes to hiring practices and MGO 3.53. MPSEA will forward their report to the Common Council at the same time as this report is submitted. (Attachments 4 and 5)

Additional feedback was also sought from all City employees through an email and posting process generated by Lisa Veldran in the Office of the Common Council. Employees submitted comments through direct emails to the DCR, HR or the CC Office or they used anonymous drop boxes at each of these locations.

Once comments were received, DCR, HR and City Attorney staff reviewed them, numbered them, created a summary chart and redacted the actual comment documents so that they could be released publicly. Summaries of the comments from thirty-two (32) employees who responded to the general mailing request are included in the appendices.

## **Resolution Tasks and Findings**

The resolution asked that six specific steps be taken when reviewing hiring practices.

1. “NOW, THEREFORE, BE IT RESOLVED that a review of the civil service hiring practices and requests Affirmative Action staff to make necessary recommendations for changes for APM 2-8, 2-16 and 2-29, as well as MGO Sec. 3.53 (new numbering system.)”

### **Findings:**

DCR, HR and City Attorney Office staff reviewed the APMs and MGO and developed a plan to update these documents. Human Resources, as the process owner of MGO 3.53, developed a general review plan and outlined it for the Personnel Board in November 2007. (Attachment 6) HR will work with DCR and other agencies as appropriate to ensure the clarity and transparency in the process documents.

2. “BE IT FURTHER RESOLVED, that the Common Council requests input from the Madison Professional and Supervisory Employees Association (MPSEA) regarding recommendations to changes in the hiring practices.”

### **Findings:**

The review team created and sent out a memo, under the Mayor’s signature, to Madison Professional and Supervisory Employees Association (MPSEA) requesting their input. MPSEA has generated a report with their recommendations and will submit it to the Common Council at the same time this report is delivered. Additional response documents may be submitted to the Common Council after MPSEA’s submittal.

3. “BE IT FURTHER RESOLVED that the Common Council Office, Human Resources, Office of Organizational Development and Training, and Affirmative Action staffs are requested to seek input from City staff and labor unions, including anonymous comments.”

### **Findings:**

Initially, the review team thought that this step did not apply, since the resolution had been modified to only look at professional and supervisory level employees, but at a request from Alder Konkel the review team initiated an all employee email and the creation of anonymous drop boxes in the CC, DCR and OD&T offices.

Thirty-two (32) general responses were received. Summaries of the comments are attached in the appendices and redacted copies of the originals are available for review in the HR Office. (Attachment 7) The comments from employees generated numerous ideas that require further research on the part of staff. One comment, the importance of developing on-line employment applications for City jobs, is one of the goals of the HR Director and efforts to make this available are in the works. Comments about the need for education about and consistency in the hiring process across departments have been incorporated and included in the recommendations.

4. “BE IT FURTHER RESOLVED that the Common Council requests that reports from Human Resources, Affirmative Action, the MPSEA and Common Council staff be prepared by December 31, 2007.

**Finding:**

This is the report from the DCR and Human Resources review team. MPSEA will submit their report directly to the Common Council.

5. “BE IT FURTHER RESOLVED that offices collecting information and creating reports should give an interim briefing to the Common Council Organizational Committee.”

**Finding:**

DCR and HR staff completed this briefing on December 4, 2007.

6. “BE IT FURTHER RESOLVED that the Affirmative Action Division shall review management and supervisory hires within the past two years and report whether a hire was made where:
  - a. The candidate hired was paid a salary other than the salary that was advertised or reclassified within the first six-months of their employment;
  - b. The candidate hired had qualifications that differed from those which were advertised as minimum requirements; and
  - c. A list of positions that were advertised and a qualified candidate was not found, requiring us to reopen the hire and rewrite the job description.”

**Findings:**

One hundred and eleven (111) files were reviewed with the following results:

- a. **No candidates** were hired at a salary higher than the one advertised. No candidates received a job reclassification within 6 months of hire.

- b. **No candidate** was hired who did not meet the minimum requirements of their position.
- c. The City Clerk/Treasurer position was the only position found where an offer was made for only part of the position (City Clerk). The Common Council required HR to separate out the two positions and reopen the hiring process. The Madison Common Council amended MGO 3.53(7)(g) on April 12, 2007 to clarify the process when changes in requirements of positions occur during hiring. (Attachment 8) The City Clerk position was re-advertised and filled on September 20, 2006. The City Treasurer position was re-written and advertised. After the first two recruitment efforts failed to yield an adequate pool of qualified candidates, the City Treasurer's position was finally filled on December 3, 2007.

Additionally, five randomly selected hires were also subjected to a complete review of all documents. Although all five were found to be in conformance with the regular process, some specific questions were raised. For example, terminology used in position descriptions that makes sense to internal City employees may not make sense to a potential external candidate. Clarification of all hiring terminology is one of the recommendations put forth in this report.

## **Other Resolutions**

Two other resolutions were also passed that night requesting study on and recommendations to increase the numbers of women, racial/ethnic minorities and people with disabilities in top City of Madison management positions and subsequent salaries (#06423) and participation of the same groups in city committee, commission and boards (#06424) (Attachment 9). Reports for these two resolutions are due for delivery to the Common Council in February.

## **Recommendations**

APM 2.8, *Job Vacancy Announcement Notice* (Attachment 10), is the first stage in the hiring process designed to alert the Affirmative Action Division that a vacancy is soon to be filled under a competitive procedure. This form was filled out by the agency hiring authority. APM 2.8 needs to be deleted or modified to reflect changes made to the process over two years ago. (Attachment 11) The Certification Hiring Request form is now used instead of a separate form to simplify the review process. HR and AAD authorized the change through a memorandum and Division/Department Heads were notified of the change. Both AAD and HR have been following the procedure since its modification in 2004. A recommendation would be to incorporate APM 2.8 procedures into APM 2.29, *Filling Permanent Vacancies in the City of Madison* (Attachment 12).

Human Resources will review MGO 3.53 *Civil Service System* and make recommendations as part of this report and to the Personnel Board to conduct a comprehensive update of the ordinance. (Attachment 13 and 14) The update will address the selection, certification and appointment sections, along with the accompanying Personnel Rules mentioned in the ordinance. Drafts of the changes to the ordinance would be circulated to appropriate boards and commissions for additional review and discussion.

Human Resources also needs to play a strategic role in guiding all departments in establishing organizational structures, classification levels, position descriptions, certification processes, hiring, employee development and performance improvement.

HR process improvement suggestions:

- Create a glossary of terms related to the hiring process
- Clarify the steps in developing position descriptions
- Outline the decision making process for each step in the hiring process
- Provide process instructions for the Achievement History Questionnaire and the Oral Boards for all hiring authorities (Attachment 15)
- Establish or clarify guidelines and benchmarks for each step in the hiring process to make it more transparent
- Develop specific criteria to make sure interview panels and raters are diverse
- Provide on-line applications and other technology improvements that streamline the hiring process
- Create customized recruitment strategies for professional and management positions.

HR and DCR need to work more closely on providing external outreach programs to the community that will insure a more diverse candidate pool. Programs should provide education on how to apply for City jobs, how to prepare application materials and interviewing basics.



## Attachments

- Attachment 1: Resolution # 06764
- Attachment 2: Hiring Practices Project Procedures Assignments List
- Attachment 3: Current City Permanent Employees
- Attachment 4: September 7, 2007 Memorandum from Mayor Dave Cieslewicz
- Attachment 5: September 18, 2007 Memorandum from City Attorney Michael May
- Attachment 6: October 29, 2007 Memorandum from Brad Wirtz, Human Resources Director
- Attachment 7: Hiring Process Comments Summary
- Attachment 8: Amendment to MGO 3.53 (7)(g)
- Attachment 9: Resolution # 06423 and Resolution # 06424
- Attachment 10: *APM 2.8 Job Vacancy Advance Notices and Certification Requests*
- Attachment 11: October 11, 2004 Memorandum from Roger Goodwin, Dean Brassler and Enis Ragland
- Attachment 12: *APM 2.29 Filling Permanent Vacancies in the City of Madison*
- Attachment 13: *MGO 3.53 Civil Services System*
- Attachment 14: *APM 2.16 Grievance Procedure for Non-Represented Employee*
- Attachment 15: Draft Document on Supplemental Questionnaire, AHQ and Oral Boards



# City of Madison

## Master

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

**File Number: 06764**

**File ID:** 06764

**File Type:** Resolution

**Status:** Passed

**Version:** 2

**Reference:**

**Controlling Body:** COMMON  
COUNCIL

**Lead Referral:**

**File Created Date :** 06/13/2007

**File Name:** Pres Biz - Requesting a report on recommendations for changes to the Madison General Ordinances and the Administrative Procedure Memoranda regarding hiring practices.

**Final Action:** 06/19/2007

**Title:** AMENDED - Requesting a report on recommendations for changes to the Madison General Ordinances and the Administrative Procedure Memoranda regarding hiring practices.

**Notes:** Fiscal note required before adoption; Prez's Biz

**CC Agenda Date:** 06/19/2007

**Agenda Number:** 7.

**Sponsors:** Brenda K. Konkel, Michael Schumacher, Satya V. Rhodes Conway and Marsha A. Rummel

**Enactment Date:** 06/26/2007

**Attachments:** APM 2-8 ,APM 2-16 ,APM 2-29 ,06764 Amendment.pdf ,06764 Second Sub.pdf

**Enactment Number:** RES-07-00690

**Author:** Ald. Brenda Konkel

**Hearing Date:**

**Entered by:** Debbie Fields 608-266-4071

**Published Date:**

### Approval History

Version	Date	Approver	Action

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	06/13/2007	Fiscal Note Required / Approval	Comptroller's Office/Approval Group		06/19/2007	
1	Comptroller's Office/Approval Group <b>Notes:</b> <i>Knepp</i>	06/13/2007	Fiscal Note Pending	Council Office		06/13/2007	

1	Council Office	06/13/2007	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS		
1	Comptroller's Office/Approval Group	06/19/2007	Approved Fiscal Note By The Comptroller's Office (AFTER CC INTRO)	COMMON COUNCIL	06/19/2007
	<b>Notes:</b>		<i>Knepp</i>		
2	COMMON COUNCIL	06/19/2007	Adopt With Amendment(s)		Pass
	<b>Action Text:</b>		A motion was made by Ald. Verveer, seconded by Ald. Sanborn, to Adopt With Amendment(s) as follows: The motion passed by acclamation.		
2	COMMON COUNCIL	06/19/2007	Adopt With Amendment(s)		Pass
	<b>Action Text:</b>		as follows: the third "BE IT FURTHER RESOLVED" clause is amended by striking "September 1, 2007" and adding "December 31, 2007" on a motion made by Ald. Palm and seconded by Ald. Rhodes-Conway; amend the fifth "BE IT FURTHER RESOLVED" clause by striking "above mentioned report from Human Resources" and adding "Affirmative Action Division" and by striking "contain information regarding how many times in" and adding "review management and supervisory hires within" and add "and report whether" after "the past two (2) years" and add "or reclassified within the first six (6) months of their employment" in "a)" on a motion made by Ald. Konkel and seconded by Ald. Verveer; strike "Human Resources and" in the NOW, THEREFORE, BE IT RESOLVED clause on a motion made by Ald. Clear and seconded by Ald. Verveer.		
2	COMMON COUNCIL	06/19/2007	Adopt With Amendment(s)		Fail
	<b>Action Text:</b>		as follows: add "BE IT FURTHER RESOLVED that the Affirmative Action Division shall randomly select 25% of the management and supervisory hires for the study." Excused: 2 Lauren Cnare and Judy Compton Ayes: 2 Zachariah Brandon and Larry Palm Noes: 16 Jed Sanborn; Brenda K. Konkel; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Eli Judge; Paul E. Skidmore; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Julia S. Kerr; Tim Bruer; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele Non Voting: 1 David J. Cieslewicz		

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## Text of Legislative File 06764

### Fiscal Note

The Human Resources Department estimates staff time of up to 550 hours to research and report on the questions presented by this resolution. Human Resources will reallocate current staff to conduct this research and all associated costs will be absorbed in the 2007 Adopted Operating Budget. This reallocation of staff may slow normal Human Resources business operations (e.g. hiring requests) during the study period.

The Department of Civil Rights Affirmative Action Division estimates staff overtime expenses of up to \$1500 to complete the work associated with this resolution. No additional appropriation is required as these costs can be absorbed within the Department of Civil Rights 2007 Adopted Operating Budget.

The Council Office does not anticipate that any costs incurred due to this resolution will be absorbed within the 2007 Adopted Operating Budget.

### Title

AMENDED - Requesting a report on recommendations for changes to the Madison General Ordinances and the Administrative Procedure Memoranda regarding hiring practices.

### Body

WHEREAS, various alders have heard additional concerns from City staff regarding City of Madison hiring practices; and

WHEREAS, integrity in the civil service hiring system is critical for the public to have full faith in City of Madison government; and

WHEREAS, it appears that hiring practices may have evolved over time and may not fully conform to procedures outlined in Madison General Ordinance (MGO) Sec. 3.35 and Administrative Procedure Memoranda (APM) 2-8, 2-16 and 2-29; and

WHEREAS, the Common Council wishes to make it comfortable for City staff to come forward with concerns about various hiring and personnel practices and policies without fear of retaliation;

NOW, THEREFORE, BE IT RESOLVED that the Common Council requests a review of the civil service hiring practices and requests ~~Human Resources and~~ Affirmative Action staff to make necessary recommendations for changes for APM 2-8, 2-16 and 2-29 as well as MGO Sec. 3.35.

BE IT FURTHER RESOLVED that the Common Council requests input from the Madison Professional and Supervisory Employee Association (MPSEA) regarding recommendations to changes in hiring practices.

BE IT FURTHER RESOLVED that the Common Council Office, Human Resources, Office or Organizational Development and Training and Affirmative Action staff are requested to seek input from City staff and labor unions, including anonymous comments.

BE IT FURTHER RESOLVED that the Common Council requests that reports from Human Resources, Affirmative Action, the MPSEA and Common Council staff be prepared by ~~September 1, 2007~~ December 31, 2007.

BE IT FURTHER RESOLVED that offices collecting information and creating reports should give an interim briefing to the Common Council Organizational Committee.

BE IT FURTHER RESOLVED that the ~~above mentioned report from Human Resources~~ Affirmative Action Division shall contain information regarding how many times in review management and supervisory hires within the past two (2) years and report whether a hire was made where:

- a) The candidate hired was paid a salary other than the salary that was advertised or reclassified within the first six (6) months of their employment;
- b) The candidate hired had qualifications that differed from those which were advertised as minimum requirements; and

c) A list of positions that were advertised and a qualified candidate was not found, requiring us to reopen the hire and rewrite the job description.

BE IT FINALLY RESOLVED that the Common Council Organizational Committee will review the above-mentioned reports and then make final recommendations for changes to the MGOs and/or the APMs to the Common Council and the Mayor as appropriate.

### Hiring Practices Project Procedures Assignments List from Legislative File Number 06764

Assignments from Resolution	Action Plan	Responsibility	Start Date	Due Date
1. The Affirmative Action staff will coordinate the recommendations for changes for APM 2-8, 2-16 and 2-29 as well as MGO Sec. 3.35. Hiring practices may have changed over time and may not fully conform to procedures outline in Madison General Ordinance (MGO) Sec. 3.35 and Administrative Procedure Memorandum (APM) 2-8, 2-16 and 2-29.	Department of Civil Rights coordinated meeting with Human Resources Department and Office of City Attorney which was held on September 13, and OCA will take the Lead in accomplishing this assignment.  Michael May sent memo regarding City Hiring Practices on September 18.	OCA	September 2007	December 31
2. Common Council requests input from the Madison Professional and Supervisory Employee Association (MPSEA) regarding recommendations to changes in hiring practice.	Mayor sent out memo on September 7, requesting input from MPSEA.			December 31
3. Common Council Office, Human Resources, Office of Organizational Development and Training and Affirmative Action staff are requested to seek input from City staff and labor unions, including anonymous comments.	(a) Mayor sent out memo on September 7, requesting input on hiring process issues and any recommended changes.  (b) Review inputs generated from labor unions and employees due back October 26, 2007.	Mayor's Office  Karl	September 2007	December 31

Assignments from Resolution	Action Plan	Responsibility	Status	Due Date
4. The Common Council requests that report from Human Resources, Affirmative Action, MPSEA and Common Council staff be prepared by December 31, 2007.	Human Resources Affirmative Action MPSEA	Karl Christie Lorri Wendorff	Ongoing	December 31
5. Offices collecting information and creating reports should give an interim briefing to the Common Council Organizational Committee.	On Agenda December 4, 2007	Christie	Ongoing	December 4
6. Review management and supervisory hires within the past two (2) years and report whether a hire was made where:				
(a) The candidate was paid a salary other than the salary that was advertised or if a reclassification happened with (6) months of their employment;	Human Resources and Department of Civil Rights have reviewed all new hires and promotion and randomly selected some hiring process for complete review, including all applicant applications.	Judy, Christie, and Lucia	Ongoing	December 31
(b) The candidate hired had qualifications that differed from those which were advertised as minimum requirements and;		Judy, Christie, and Lucia	Ongoing	December 31
(c) A list of positions that were advertised and a qualified candidate was not found, requiring the reopening and a rewrite of the position description.		Judy, Christie, and Lucia	Ongoing	December 31
7. The Common Council Organization Committee will review the above-mentioned reports and then make the final recommendations for changes to the MGOs and/or the APMs to the Common Council and the Mayor as appropriate.	Common Council Organization Committee			

**Current City Permanent Employees - Data as of 7/5/07**  
**80% of employees covered by Unions - 12 unions**

	<b># EE</b>	<b>Comp Group</b>
<b>Management - CG 18 (Non-Represented):</b> Professional, supervisory and managerial employees	323	18,24
<b>Management - CG 44 (Non-Represented):</b> Professional, supervisory and managerial employees at Metro Transit	46	44
<b>Management CG 21 (Non-Represented):</b> Agency Heads with an employment contract	24	21
<b>Management - AMFS</b> (Association of Madison Fire Supervisors: Division Fire Chiefs, Deputy Fire Chiefs and Assistant Fire Chiefs	9	14
<b>Management - AMPS</b> (Association of Madison Police Supervisors: Lieutenants, Captains, Assistant Chiefs and Deputy Chief	29	12
<b>Management - Madison City Attorney Association</b> (Lawyers working in City Attorney Office and Hearing Examiner in DCR.)	15	23
<b>Total</b>	<b>446</b>	
<b>CG 17 (Non-Represented):</b> Clerical / Para-professional	37	17
<b>Building and Trades</b> (Building and Construction Trade Council of South Central Wisconsin.): Carpenters, electricians and painters-mostly in Housing.	5	71
<b>CG 42 &amp; 43 (Non-Represented) :</b> Clerical / Para professional Metro Transit	26	42 & 43
<b>Library Unit</b> (part of Local 60); Clerk typist, Library Assistants and other 'non-professionals' working in Madison Libraries.	75	32
<b>Local 60</b> (Dane County Wisconsin Municipal Employees local branch of American Federation of State, County and Municipal Employees—AFSCME): Mostly clerical, administrative and support personnel.	733	16, 20, 83
<b>Local 236</b> (Laborers International Union of North America.) Street maintenance, sewer maintenance, mechanics, etc. working in Streets, Engineering and Fleet Services.	240	15
<b>Local 311</b> (International Association of Firefighters-AFL-CIO): Employees in Fire Department charged with fire suppression and prevention.	288	13
<b>MPPOA</b> (Madison Professional Police Officer Association.) Sergeants and other commissioned officers in the Madison Police Department.	383	11
<b>Professional Librarian Unit</b> (AFSCME-AFL-CIO.) Librarians with professional training and educational backgrounds.	41	33
<b>Teamsters Local 695.</b> Drivers and maintenance staff working at Metro Transit	385	41, 42
<b>United Professional Quality Health Care SEIU District 1199W AFL-CIO:</b> Public Health Nurses, health educators and epidemiologists in Public Health Unit	35	22
<b>Total</b>	<b>2,248</b>	



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**Office of the Mayor**  
**David J. Cieslewicz, Mayor**

# Memo

**To:** Lorri Wendorf, President, Madison Professional and Supervisory Employee Association (MPSEA)

**From:** Mayor David J. Cieslewicz

**Date:** September 7, 2007

**Re:** Legistar File #06764, requesting a report on recommendations for changes to the Madison General Ordinances and the Administrative Procedures Memoranda regarding hiring practices

Staff members from the Departments of Civil Rights (DCR) and Human Resources (HR) and my office are working to create the report requested in Resolution 06764. As part of a review of the Department of Human Resources hiring practices, and audit of the last two years of supervisory and professional hires, the Common Council has asked the staff audit team to seek input from MPSEA regarding recommendations for changes to current City hiring practices and procedures

If you and your members have recommendations or comments regarding current City hiring practices that impact your members, please send them to Karl Van Lith in the Organizational Development and Training Division of the Department of Human Resources, no later than October 26, 2007. Karl will consolidate the input and provide it to the audit team for discussion and inclusion in the report to the Common Council. MPSEA input may be routed inter-office to Karl or sent by e-mail. Anonymous comments and recommendations will be accepted, and no individual names will be included in the report.

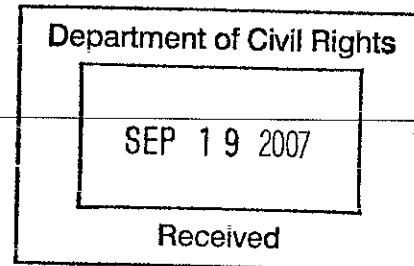
Thank you in advance for your assistance. Should you have questions regarding the resolution or my request, please contact Karl Van Lith at 266-9037 or via e-mail.

DJC/III

cc: Norman Davis, Affirmative Action Division Manager, DCR  
 Roger Goodwin, Director, HR  
 Christie Hill, Affirmative Action Specialist, DCR  
 Lucia Nunez, Director, DCR  
 Lorie Olsen, Personnel Services Manager, HR  
 Janet Piraino, Chief of Staff, Mayor's Office  
 Enis Ragland, Assistant to the Mayor  
 Karl Van Lith, Organizational Development & Training Officer, HR

**CITY OF MADISON  
OFFICE OF THE CITY ATTORNEY  
Room 401, CCB  
266-4511**

Date: September 18, 2007

**MEMORANDUM**

**TO:** Janet Piraino, Mayor's Office  
 Brad Wirtz, Human Resources  
 Lucia Nunez, Civil Rights Director  
 Dean Brassler, Comptroller  
 Larry Nelson, Engineering (on behalf of MEM)  
 Lorri Wendorf, Community Services (on behalf of MPSEA)

**FROM:** Michael P. May, City Attorney

**RE:** City Hiring Practices

Attached to this memorandum are two documents. The first is a copy of the resolution approved by the Common Council as Legistar File No. 06764. As part of this resolution, City staff were directed to seek comments on any necessary changes to the Madison Civil Service Ordinance.

The second item attached to the memorandum is Sec. 3.53, MGO (renumbered from Sec. 3.35). This document sets out the civil service system and the hiring process used by the City of Madison.

By this memorandum, I am asking that you or someone in your office to whom you wish to delegate this matter provide our office with any suggested changes to Sec. 3.53, MGO. Your suggestions should be sent either to my attention, or to that of Roger Allen in our office, **no later than October 15, 2007.**

This issue should also be placed on the agenda for discussion by the Personnel Board.

  
 Michael P. May  
 City Attorney

MPM:pah  
 Enclosures

cc: Roger Allen                      Carolyn Hogg  
 Larry O'Brien                      Christie Hill  
 Karl van Lith                        Larry Oaks  
 Lorie Olsen

CITY OF MADISON  
**INTER-DEPARTMENTAL**  
CORRESPONDENCE

DATE: October 29, 2007

TO: Personnel Board

FROM: Brad Wirtz, Human Resources Director

SUBJECT: Proposed Changes to M.G.O. 3.53

At your meeting of October 3, 2007 you considered the City Attorney's request to provide suggested changes to those sections of M.G.O. 3.53 (the Civil Service System) that pertain to "hiring practices". After due deliberation you acted to solicit Human Resource staff recommendations, with the expectation that you would have the opportunity to comment on these ordinance changes in Draft form (in the developmental phase) and again more formally as the ordinance is referred to you prior to adoption.

In that context, I submit the following for your consideration in concept form (with specific language and legal analysis to follow):

1. M.G.O. 3.53 (1) provides for the Civil Service Created – Exceptions Therefrom exempting elected and appointed officials, management employees hired by contract, Police and Fire commissioned personnel, etc. I recommend that this listing be purged of all non-City of Madison positions (e.g., employees of the Madison Board of Education); that the listing be clarified to reflect all managerial (Comp. Group 21) employees hired by management contract (without being named individually); that the position of Library Development Director be added (it is already so placed elsewhere); and that other classes (e.g., School Crossing Guards) be purged if there is not a legal analysis to support their placement in this category.
2. M.G.O. 3.53(7) Selection Process provides an overview of the City of Madison selection process for Civil Service positions. M.G.O. 3.53(8) addresses the Certification Process; M.G.O. 3.53(9) covers the Appointment Procedure; M.G.O. 3.53(10) addresses Appointments in the Civil Service (i.e., residency and reinstatement, specifically) and M.G.O. 3.53(11) incorporates Notice of Vacancy. Although I will address each of these in turn, I believe that the substance of these sections could be better integrated, organized and sequenced.
3. M.G.O. 3.53 (7) Selection Process should be amended to purge what appear to be superfluous references (e.g., the appropriation of resources and services to support this effort – since those considerations are otherwise provided for in City budgets and/or policy documents). Conversely, this section should be expanded to reflect the initial elements of selection – the identification of an appropriate City classification consistent with the work to be performed, incorporating minimum qualifications and professionally developed selection criteria and eventual development of an eligibility list. The section should also be amended to reference the placement process associated

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with the accommodation of disabled workers.

4. M.G.O. 3.53(8) Certification Process will remain fundamentally unchanged but should incorporate up to date references (e.g., Civil Rights Department)
5. M.G.O. 3.53(9) Appointment Procedure is fundamentally ok. However, it makes specific reference to the applicability of the Personnel Rules. As we have previously said, we believe the Personnel Rules should also be considered in conjunction with this effort. Further, it is my belief that M.G.O. 3.53 (in its entirety), the Personnel Rules, and governing Administrative Procedure Memoranda should undergo a significant review to assure their appropriate integration. I would assume that this more comprehensive effort would follow this immediate assessment.
6. M.G.O. 3.53(10) Appointments in the Civil Service incorporates Residency and Reinstatement. Both areas have been addressed relatively recently and reflect the interests of the Mayor and Common Council. I am not proposing changes to this section other than the potential for either re-sequencing or integration with one of the other sections.
7. M.G.O. 3.53(11) Notice of Vacancy provides a multi-tiered approach to the announcement of job vacancies. I believe this could be integrated into a reformatted Selection Process section in more generalized terms which also anticipate the electronic transmittal of documents and information.

Again, this assessment is provided for discussion purposes. I would hope that you feel comfortable providing your comments in a similar fashion so that they can be incorporated into a DRAFT (prepared by the City Attorney) for your future consideration.

## HIRING PROCESS COMMENTS SUMMARY FROM GENERAL EMPLOYEE SOLICITATION

#	ISSUE(S)
1	The different way pay is handled for voluntary demotion and competitive demotion seems inequitable for person taking competitive demotion.
2	Need ability to modify position description when language translation skills are not needed or need to be modified
3	Hiring authority should contact same number of references with same standard questions for all final candidates—keep records in hiring file  Follow instructional memo on Data Required on Certification Hire Request Form
4	Who determines if qualifications are met? What are criteria?  Interviewers should have the same skills required by job applicant.  Experience received in interim posting should be excluded in selection process.  Job specific written tests should be given on all technical requirements.  Everyone should follow the same hiring procedure.  City needs definitive, objective way for determining wage rates.  All employees should have High School or GED.  Post secondary degrees should be required for supervisory and management positions.  Residency should be a requirement for all supervisory positions.
5	Jobs seem to be filled on a patronage basis—who you know.  Check references on all candidates in interview process.
6	Improve hiring practices-make it consistent for all positions.  Improve Labor-Management relationship.  Improve employee performance expectations and levels.

7	<p>Establish a formal mentoring program.</p> <p>Hire and promote from within whenever possible.</p> <p>Notify all candidates about rejection of application.</p>
8	<p>Hire only MLS graduates for Librarian positions.</p>
9	<p>Look at testing process in MFD to ensure it has consistent standards and rely more on internal reviewers in hiring process.</p>
10	<p>Seniority should be the only determinate of who gets promoted for any position.</p> <p>Revamp hiring process so that no hiring panel contains a person that has any relationship with the applicant.</p> <p>Stop political appointments.</p> <p>Create oversight committee to examine any claims of biased hires.</p>
11	<p>Hire and promote from within, whenever possible.</p>
12	<p>Define ways to hire more diverse candidates.</p>
13	<p>Drop personality testing in MFD.</p>
14	<p>It takes too long to hire people.</p> <p>Hire management positions from within.</p>
15	<p>Job announcements should state how many vacancies the agency intends / hopes to fill.</p>
16	<p>All 18-04 positions and above should be opened up for citywide recruitment.</p> <p>Interview panels should have a member from a targeted group (diversity )</p> <p>All panels should have at least three members with one being from a targeted group and no supervisor/subordinates on the same panel.</p> <p>DCR should review all panels.</p>

17	<p>Groom internal staff for promotion.</p> <p>Create a staff recognition program.</p> <p>Consider the hiring process to be a 3-tier process—within the department, within the city, external.</p> <p>Provide pre-testing/pre-study booklet for tests.</p> <p>Encourage employees to take education programs.</p> <p>Have a better tuition reimbursement program.</p>
18	<p>Do background checks on all job offers. (Criminal checks.)</p>
19	<p>Feels HR staff is subjective and selective in hiring practices and compensation decisions. Appears inconsistent and not open and transparent.</p>
20	<p>Hold managers accountable for letting LTE employees go over allocated hours—loophole to fill positions.</p> <p>Position reclassifications should be open to all employees.</p> <p>More oversight by HR on hiring managers.</p> <p>Apply same standards to all test studying practices.</p>
21	<p>Insure candidates meet minimum requirements.</p> <p>Should be no “buddy” appointments by politicians or slotting managers into newly created positions.</p> <p>Compensation standards should be entry-level pay for new jobs.</p> <p>There should be no exceptions for Dane county residency for all employees.</p> <p>HR is too slow and don’t keep hiring authority updated on hiring process.</p> <p>HR is not customer friendly.</p> <p>HR wants to keep all employees at the lowest possible pay rate.</p> <p>HR should conduct a customer satisfaction survey.</p>

22	<p>Mayor has politicized the civil service process.</p> <p>Management needs to have more diversity.</p>
23	HR not doing its job—allowing patronage and narrow selection processes that limit number of candidates.
24	<p>Should be able to apply on-line.</p> <p>HR incurring overtime costs by not scheduling recruiters and tests in an efficient way.</p>
25	Similar positions (with Information system emphasis) in different departments seem to have different salary ranges.
26	<p>Classification process does not seem clear and equitable.</p> <p>Need an appeals process for non-represented employees with questions about their classification.</p> <p>Where are statistics on EEO/AA numbers?</p>
27	When internal candidate is being interviewed someone from outside the agency should be on the panel.
28	Civil Service system seems to support patronage. HR provides no checks and balances.
29	Classification system / process seems unclear and arbitrary.
30	Political patronage/influence is impacting the hiring process



31	<p>All employees should have a High School diploma or GED.</p> <p>The City should not hire people with multiple convictions.</p> <p>Post-secondary education should be required for management / supervisory positions.</p> <p>Written exams should be required for technical positions.</p> <p>Update position descriptions when filling vacancies.</p> <p>Don't use interim postings to fill positions.</p> <p>Have a neutral party on all interview panels (HR.)</p>
32	<p>Extend sign-up period on insurance plans—orientation and 30-day period is too short to make good decision.</p> <p>Hold monthly or bi-monthly meetings at which employees can express their concern.</p>

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

In situations where a position falls in a job family that is underutilized, the Human Resources Director, or designee, shall certify the names and addresses of the eight (8) highest ranking eligible candidates from the most appropriate eligible list as provided above. In case of two (2) vacancies in the same classification, two (2) additional ranks shall be certified for each additional vacancy up to a maximum of twenty (20) ranks. The Human Resources Director and Director of Affirmative Action shall annually update the job family utilization data. (Am. by Ord. 10,984, 9-14-94; Renum. by ORD-07-00048, 4-12-07)



# City of Madison

## Master

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

**File Number: 06423**

**File ID:** 06423

**File Type:** Resolution

**Status:** Passed

**Version:** 3

**Reference:**

**Controlling Body:** AFFIRMATIVE  
ACTION  
COMMISSION

**Lead Referral:** AFFIRMATIVE ACTION  
COMMISSION

**File Created Date :** 05/09/2007

**File Name:** Request for study on and recommendations to  
improve gender balance in top City of Madison  
management positions and subsequent salaries.

**Final Action:** 06/19/2007

**Title:** AMENDED SUBSTITUTE - Request for study on and recommendations to improve the balance of genderwomen, racial/ethnic minorities and people with disabilities balance in top City of Madison management positions and subsequent salaries.

**Notes:**

**CC Agenda Date:** 06/19/2007

**Agenda Number:** 18.

**Sponsors:** Brenda K. Konkel, Lauren Cnare, Satya V. Rhodes  
Conway, Marsha A. Rummel, Robbie Webber, Larry  
Palm, Tim Gruber, Brian L. Solomon, Michael E.  
Verveer, Joseph R. Clausius, Julia S. Kerr and Eli  
Judge

**Enactment Date:** 06/26/2007

**Attachments:** 06423.pdf ,06423 substitute.pdf ,06423  
Amendment.pdf

**Enactment Number:** RES-07-00631

**Author:** Ald. Brenda Konkel

**Hearing Date:**

**Entered by:** Debbie Fields 608-266-4071

**Published Date:**

### Approval History

Version	Date	Approver	Action

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	05/09/2007	Fiscal Note Required / Approval	Comptroller's Office/Approval Group		06/19/2007	

1	Comptroller's Office/Approval Group	05/09/2007	Fiscal Note Pending	Council Office	05/09/2007	
	<b>Notes:</b>	<i>Bohrod</i>				
1	Council Office	05/09/2007	Referred for Introduction			
	<b>Notes:</b>	<i>Affirmative Action Commission, Comptroller (for fiscal note)</i>				
1	COMMON COUNCIL	05/15/2007	Refer	AFFIRMATIVE ACTION COMMISSION	06/12/2007	
1	AFFIRMATIVE ACTION COMMISSION	05/16/2007	Fiscal Note Required / Approval	Comptroller's Office/Approval Group	06/19/2007	
	<b>Notes:</b>	<i>Use after CC intro approval action &amp; send to AAC.</i>				
1	Comptroller's Office/Approval Group	06/12/2007	Fiscal Note Pending	AFFIRMATIVE ACTION COMMISSION	06/12/2007	
	<b>Notes:</b>	<i>Bohrod</i>				
1	AFFIRMATIVE ACTION COMMISSION	06/12/2007	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER			Pass
	<b>Action Text:</b>	A motion was made by Zipperer, seconded by Tatus, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by acclamation.				
	<b>Notes:</b>	<i>An amendment to include data on racial/ethnic groups and people with disabilities in the study, recommendations and annual report. In addition, the Commission wanted the Mayor's Office included on the study on commissions, committees and boards.</i>				
2	Council Office	06/19/2007	Fiscal Note Required / Approval	Comptroller's Office/Approval Group	06/19/2007	
2	Comptroller's Office/Approval Group	06/19/2007	Approved Fiscal Note By The Comptroller's Office (SUBSTITUTES)	Council Office	06/19/2007	
	<b>Notes:</b>	<i>Bohrod</i>				
3	COMMON COUNCIL	06/19/2007	Adopt With Amendment(s)			Pass
	<b>Action Text:</b>	A motion was made by Ald. Kerr, seconded by Ald. Konkel, to Adopt With Amendment(s) as follows: add "at the first Common Council Meeting in February " in the "Be It Finally Resolved" clause after "annual report". The motion passed by acclamation.				

## Text of Legislative File 06423

### Fiscal Note

The Department of Civil Rights has estimated that costs for the study might require up to \$500 for staff overtime expense. These costs can be absorbed within the DCR 2007 Adopted Operating budget.

### Title

AMENDED SUBSTITUTE - Request for study on and recommendations to improve the balance of gender, women, racial/ethnic minorities and people with disabilities balance in top City of Madison management positions and subsequent salaries.

### Body

WHEREAS, there has been a significant decrease in the number of women, racial/ethnic minorities and people with disabilities employed in top management positions for the City of Madison over the past four (4) years; and

WHEREAS, the top salaries in the City of Madison are primarily paid to men; and

WHEREAS, nationally, women, racial/ethnic minorities and people with disabilities are consistently paid less than men; and

WHEREAS, the Common Council approves these appointments and is interested in seeing the balance among gender, racial/ethnic and people with disabilities balance improve and has an interest in ensuring representatives from these groups that women are paid in an equitable manner;

NOW, THEREFORE, BE IT RESOLVED that the Common Council requests a report on the salaries of the few women, racial/ethnic minorities and people with disabilities in top management positions and the top salaries paid in the City of Madison.

BE IT FURTHER RESOLVED that the Common Council requests the Affirmative Action Commission and staff to make recommendations regarding the methodologies to ensure that women, racial/ethnic minorities and people with disabilities in top management positions are paid in a equitable manner and that women, racial/ethnic minorities and people with disabilities are recruited into the top paid positions in the City of Madison.

BE IT FINALLY RESOLVED that the Common Council requests an annual report at the first Common Council Meeting in February on the balance of gender, racial/ethnic minorities and people with disabilities balance and salaries for top management and paid positions in the City of Madison.



# City of Madison Master

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

**File Number: 06424**

**File ID:** 06424

**File Type:** Resolution

**Status:** Passed

**Version:** 3

**Reference:**

**Controlling Body:** AFFIRMATIVE  
ACTION  
COMMISSION

**Lead Referral:** AFFIRMATIVE ACTION  
COMMISSION

**File Created Date :** 05/09/2007

**File Name:** Request for a study and recommendations to improve  
gender balance in City of Madison committee,  
commission and board appointments.

**Final Action:** 06/19/2007

**Title:** AMENDED SUBSTITUTE - Request for a study and recommendations to improve the balance of gender women, racial/ethnic minorities and people with disabilities balance in City of Madison committee, commission and board appointments.

**Notes:**

**CC Agenda Date:** 06/19/2007

**Agenda Number:**

**Sponsors:** Brenda K. Konkel, Lauren Cnare, Satya V. Rhodes  
Conway, Marsha A. Rummel, Robbie Webber, Larry  
Palm, Tim Gruber, Brian L. Solomon, Michael E.  
Verveer, Joseph R. Clausius, Julia S. Kerr and Eli  
Judge

**Enactment Date:** 06/26/2007

**Attachments:** 06424.pdf ,06424 substitute.pdf

**Enactment Number:** RES-07-00632

**Author:** Ald. Brenda Konkel

**Hearing Date:**

**Entered by:** Debbie Fields 608-266-4071

**Published Date:**

## Approval History

Version	Date	Approver	Action

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	05/09/2007	Fiscal Note Required / Approval	Comptroller's Office/Approval Group		06/19/2007	
1	Comptroller's Office/Approval Group	05/09/2007	Fiscal Note Pending	Council Office		05/09/2007	

Notes: Bohrod

1 Council Office 05/09/2007 Referred for Introduction

Notes: Affirmative Action Commission, Comptroller (for fiscal note)

1 COMMON COUNCIL 05/15/2007 Refer AFFIRMATIVE ACTION COMMISSION 06/12/2007

1 AFFIRMATIVE ACTION COMMISSION 05/16/2007 Fiscal Note Required / Approval Comptroller's Office/Approval Group 06/19/2007

Notes: Use after CC intro approval & send to AAC.

1 Comptroller's Office/Approval Group 06/12/2007 Fiscal Note Pending AFFIRMATIVE ACTION COMMISSION 06/12/2007

Notes: Bohrod

1 AFFIRMATIVE ACTION COMMISSION 06/12/2007 RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER Pass

**Action Text:** A motion was made by Zipperer, seconded by Tatus, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER Alder Brenda Konkel spoke on Resolution #06423 and #06424 to study gender equity in top management positions and on commissions, committees and boards. She explained that the process in place has the Mayor making decisions with Common Council approval and they should have a more systematic way of looking at hiring trends. She added that she doesn't want to place blame on anyone but to come up with recommendations.

Tracey Caradine commented that it is difficult to get appointed to commissions and questioned the selection process, the available pool of applicants and database of potential applicants.

Alder Konkel added that we need to look at the form and the referral process for the commissions. One indicates on the form the top three choices. How can this form be improved upon?

Selkove read the resolution and described the process of referral from the Common Council to the AAC and that the AAC can either approve, amend or reject the resolutions. Selkove pointed out that there are three parts of both resolutions: study the trends, make recommendations, and produce a report.

Nu?ez added that Alder Konkel, Chair Selkove and herself had met and mentioned that the Mayor's office should be added to Resolution #06424 to study commissions, committees and boards since they track the information and make the appointments. Also Nu?ez added that DCR staff would be taking the application form for commissions to all the summer festivals this year, as well as the town hall meeting they were planning.

Zipperer offered to make a motion. Caradine added that these studies should also look at race and ethnicity and people with disabilities. Nu?ez reminded them that the data collection on people with disabilities has only started this year. Alder Konkel added that we cannot address these trends hire by hire. Only five department heads are women and the top salaries of the department and division heads are being paid to men. There is nothing in the resolutions about a time line.

Zipperer made a motion to endorse the resolutions with the amendment to include race and ethnicity and disabilities in the study, recommendations and annual report. Also for Resolution #06424 to study balance on commissions, committees, and boards, the Mayor's office should be included since they track and make final appointments to commissions. Tatus seconded the motion. Caradine wanted to make sure that the study did not pit minority against minority. Selkove mentioned that a subcommittee of the AAC would need to define top management and the depth of the study. Pascual shared from her experience in the Philippines that instead of comparing positions look rather at what they actually do. Clausius added that the subcommittee can help define what positions would be studied and come up with recommendations. Sridharan expressed two concerns: one, how these volunteers were appointed to the commissions, and two, were there other commissions, other than AAC, that need to be involved in the process. He also wondered if this issue was too big and perhaps this could be some combined effort with another commission.

Nu?ez questioned what positions apply. She said the DCR will provide the data and we will provide it based on the AA/Civil Rights Compliance plans. The commission does not have to worry about doing the work. This is something that the DCR, under our ordinance, should provide. She suggested involving the Mayor's office in this and that the Mayor could use this as a tool to hold people accountable.

Alder Konkel asked if an amendment to say that the Mayor's office should be involved is needed? Zipperer is glad this is being done since this has been talked about for several years and one in five people in the City are representatives of non-European backgrounds. Pascual thanked Konkel and stated that she thought the purpose of the AAC was to recommend something that we can take action on or change. Nu?ez re-read the motion and Selkove called for a vote.

Selkove then mentioned Jeff Erlanger's passing, and she asked Norman Davis to send updated funeral information. Sridharan asked if we could pass a resolution to acknowledge Jeff's contributions. Zipperer asked if it could be done quickly and Nu?ez said she would see what we



could do. The motion passed by acclamation.

**Notes:** *An amendment to include data on racial/ethnic groups and people with disabilities in the study, recommendations and annual report. In addition, the Commission wanted the Mayor's Office included on the study on commissions, committees and boards.*

*Alder Brenda Konkel spoke on Resolution #06423 and #06424 to study gender equity in top management positins and on commissions, committees and boards. She explained tht the process in place has the Mayor making decisions with Common Council approval and that they should have a more systematic way of looking at hiring trends. She added that she doesn't want to place blame on anyone but to come up with recommendations.*

*Tracey Caradine commented that it is difficult to get appointed to commissions and questioned the selection process, the available pool of applicants and databse of potential applicants.*

2	Council Office	06/19/2007	Fiscal Note Required / Approval	Comptroller's Office/Approval Group	06/19/2007
2	Comptroller's Office/Approval Group	06/19/2007	Approved Fiscal Note By The Comptroller's Office (SUBSTITUTES)	Council Office	06/19/2007

**Notes:** *Bohrod*

3	COMMON COUNCIL	06/19/2007	Adopt With Amendment(s)		Pass
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**Action Text:** A motion was made by Ald. Kerr, seconded by Ald. Konkel, to Adopt With Amendment(s) as follows: add "at the first Common Council Meeting in February " in the "Be It Finally Resolved" clause after "annual report". The motion passed by acclamation.

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## Text of Legislative File 06424

### Fiscal Note

The Department of Civil Rights has estimated that costs for the study might require up to \$500 for staff overtime expense. These costs can be absorbed within the DCR 2007 Adopted Operating budget.

### Title

AMENDED SUBSTITUTE - Request for a study and recommendations to improve ~~the balance of gender~~ women, racial/ethnic minorities and people with disabilities ~~balance~~ in City of Madison committee, commission and board appointments.

### Body

WHEREAS, it appears that men are appointed to City of Madison committees, commissions and boards in much higher numbers than women, racial/ethnic minorities and people with disabilities; and

WHEREAS, the City of Madison strives to achieve ~~gender~~ balance among women, racial/ethnic minorities and people with disabilities in not only paid positions but volunteer positions within the City of Madison; and

WHEREAS, the Common Council confirms appointments to City of Madison committees, commissions and boards;

NOW, THEREFORE, BE IT RESOLVED that the Common Council requests that the Affirmative Action Commission and Mayor's Office staff study the trends in appointments to City of Madison committees, commissions and boards in regard to gender, racial/ethnic minorities and people with disabilities.

BE IT FURTHER RESOLVED that the Common Council requests the Affirmative Action Commission and Mayor's Office staff to make recommendations regarding methodologies to improve the ~~gender~~ balance of women, racial/ethnic minorities and people with disabilities in City of Madison committees, commissions and boards.

BE IT FINALLY RESOLVED that the Common Council requests an annual report **at the first Common Council Meeting in February** on the balance of gender, racial/ethnic minorities and people with disabilities ~~balance~~ on City of Madison committees, commissions and boards.

**FROM THE OFFICE OF THE MAYOR****ADMINISTRATIVE PROCEDURE  
MEMORANDUM NO. 2-8****SUBJECT: JOB VACANCY ADVANCE NOTICES AND CERTIFICATION  
REQUESTS**

Policy: It is City of Madison policy to provide equal employment opportunities without regard to race, color, sex, disability, age, religion or national origin. The mere prohibition of discrimination is not sufficient to effectuate the principle of equal opportunity in employment. Artificial barriers continue to produce underutilization for women, members of racial/ethnic affirmative action groups and individuals with disabilities, in their chosen career areas. In order to identify and correct continuing patterns of inequality and to make equal employment and promotional opportunities a reality, affirmative and direct action is required. Therefore, in an effort to address these problems the City of Madison has instituted an Affirmative Action Ordinance and Program. The focus of our program is to identify and eliminate discriminatory preferences, and thereby improve opportunities and representation for individuals who are members of affirmative action groups.

Under this program, it is the obligation of all City managers and supervisors to recruit, hire and promote into all job classifications without regard to race, color, sex, disability, age, religion or national origin. All employment decisions are to be made on the basis of qualifications relating to each job vacancy. All qualification criteria are to be established on the basis of the essential functions of each job, and must not impose standards that produce artificial barriers to inclusion.

To this end, a vital component of the City of Madison's Affirmative Action Program is the process by which personnel activities are monitored in order to better assist departments and divisions with their reviews of the posting, recruitment, testing and selection process. The monitoring process is interactive and enables departments and divisions to assist with identifying possible needs to revise past practices. Monitoring assistance is provided by the Affirmative Action Department at each stage of every personnel placement transaction.

The Job Vacancy Announcement Notice (JVAN) is the first stage in that process and is designed to alert the Affirmative Action Department that a vacancy is soon to be filled under a competitive procedure. Personnel placement transactions to fill vacancies are initiated using the Human Resources Department's Certification Request to Fill form.

Rule: The Job Vacancy Advance Notice (JVAN) form is to be completed and must accompany Certification Request forms submitted to the Human Resources Department, when permanent and limited term employment positions are to be filled under competitive procedures.

Obligation of the Human Resources Department: Upon receipt of the Job Vacancy Advance Notice form, the Human Resources Department will assign a Certification Number to the action being processed after which the Job Vacancy Advance Notice (JVAN) will be forwarded to the Affirmative Action Department for review and response.

Obligation of the Affirmative Action Department: The Affirmative Action Department will analyze the position to be filled based on the job family to which the position has been assigned, the specific occupational classification within which the position falls, the organizational unit within which the position functions, and any other equal opportunity/affirmative action considerations that may apply to the vacancy in question, in order to provide feedback to the department or division. The original Job Vacancy Advance Notice (JVAN) will be returned to the Human Resources Department and a copy will be provided to the Affirmative Action Designee of the department/division.



Paul R. Soglin  
Mayor

APM No. 2-8  
January 29, 1997

**AFFIRMATIVE ACTION DEPARTMENT  
JOB VACANCY ADVANCE NOTICE (JVAN) - INSTRUCTIONS**

The top half of the Job Vacancy Advance Notice (JVAN) form is completed by the department/division and attached to the Certification Request, for transactions to fill permanent or limited term employment positions under a competitive process. It is not necessary to complete the JVAN form for personnel transactions that are not competitive.

1. Identify the department/division within which the vacancy is to be filled.
2. Identify the civil service position title.
3. Identify the working title.
4. Identify the number of vacancies to be filled.
5. Identify the status for the position(s) to be filled.
6. Identify the Job Family Code for the position(s) to be filled. If the Job Family Code is not known, please contact the Affirmative Action Department for assistance.
7. Identify what Bargaining Unit, if any, the position(s) is under.
8. For Block 1:
  - a. Identify the anticipated nature of the transaction. For example, if the position can only be filled by individuals currently employed by the City, the transaction will not be a new hire. What sort of transaction is anticipated?
  - b. In order to identify whether or not a goal has been established, and to state what goal has been established for the job family to which the position has been assigned, please refer to the most recent Utilization Analysis. (Assistance is also available from the Affirmative Action Department.)
9. For Block 2:
  - a. Identify whether or not there is an existing eligibility list, in the Human Resources Department, for the position(s) to be filled.
  - b. Are women and/or members of racial/ethnic affirmative action groups underutilized in the job family to which the position has been assigned? If a list is in place, does it include women and/or individuals who are members of racial/ethnic affirmative action groups? If underutilization has been noted for women or for members of racial/ethnic affirmative action groups (or both) and the list does not include individuals within the target group, then the list will be in conflict with the goals. (If the existing list has not expired, it will not be possible to consider an affirmative selection for the vacancy.)

10. For Block 3:
  - a. Indicate whether or not a specific recruitment recommendation has been made.
  - b. Explain the recommendation.
  - c. Provide information to explain what plans have been made to ensure that your recruit steps will be inclusive for members of affirmative action groups and all other potential applicants.
11. Sign and date the form.
12. Attach the form to the Certification Request and forward your paperwork to the Human Resources Department.

## AFFIRMATIVE ACTION DEPARTMENT JOB VACANCY ADVANCE NOTICE

Department/Division	Position Title	Working Title (If Different)	No. of Openings
Position Status: <input type="checkbox"/> Permanent Full-Time <input type="checkbox"/> Permanent Part-Time <input type="checkbox"/> Hourly <input type="checkbox"/> LTE <input type="checkbox"/> Other			Job Family Code:
Bargaining Unit <input type="checkbox"/> Local 60 <input type="checkbox"/> Local 236 <input type="checkbox"/> UPQHC-Nurses <input type="checkbox"/> Local 60 Library Unit <input type="checkbox"/> Teamsters-695 <input type="checkbox"/> Police <input type="checkbox"/> Fire <input type="checkbox"/> Non-Rep			
<b>1</b>	This position is a: <input type="checkbox"/> Hire <input type="checkbox"/> Promotion <input type="checkbox"/> Career Ladder Advancement* <input type="checkbox"/> Transfer* <small>*(If this is a career ladder or other non-competitive action, do not proceed to answer the remaining questions.)</small> <input type="checkbox"/> Other		
	Has a goal been established for the job family to which this position has been assigned? <input type="checkbox"/> Yes <input type="checkbox"/> No		If a goal has been established, please state goal:
<b>2</b>	Is there a valid eligibility list in the Human Resources Department for the position to be filled? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, will the list of applicants conflict with goals established in the Affirmative Action Plan for the job description? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Explain:		
<b>3</b>	Have you made a specific recommendation for recruitment on the request to fill vacancy form? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, what is the recommendation?		
	How do you plan to ensure that your recruitment steps will be inclusive for members of affirmative action groups and all other potential applicants?		
Department Head:		Date:	

### UTILIZATION ANALYSIS AND RECOMMENDATIONS BY AFFIRMATIVE ACTION DEPARTMENT

City-wide utilization- this job family is underutilized with respect to: <input type="checkbox"/> Women <input type="checkbox"/> Racial/Ethnic <input type="checkbox"/> N/A
Department/Division utilization with respect to women, and members of racial/ethnic affirmative action groups by job family or gross workforce is:
Goal(s) recommended by Affirmative Action Department:
And a recruitment method of: <input type="checkbox"/> Work Unit <input type="checkbox"/> Division/Department <input type="checkbox"/> Bargaining Unit <input type="checkbox"/> City-wide <input type="checkbox"/> Open Competitive <input type="checkbox"/> N/A
Comments by Affirmative Action Staff:
Affirmative Action Department:
Date:

## STRATEGIC RECRUITMENT PLAN

<b>Objective</b>	<b>Activity</b>	<b>Person(s) Responsible</b>	<b>Time Frame</b>
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CITY OF MADISON  
**INTER-DEPARTMENTAL**  
CORRESPONDENCE

Attachment 11

DATE: October 11, 2004

TO: City Department/Division Heads  
Hiring Agents  
Supervisors  
Payroll Clerks

FROM: Roger Goodwin, Interim Human Resources Director  
Dean Brasser, City Comptroller  
Enis Ragland, Interim Affirmative Action Director

SUBJECT: **City Hiring/Selection Process**



The purpose of this memorandum is to outline and/or clarify the administrative procedures, guidelines, and expectations from City agencies relative to completing the hiring process. The detailed procedures are outlined in Mayoral Administrative Procedures Memorandum No. 2-29 to ensure that the employment/payroll process is followed to effectively and efficiently hire and pay our employees. Human Resources and Payroll have experienced an increase in the number of unnecessary delays and numerous inefficiencies in processing paperwork associated with employees. Our two departments have met to discuss the issues that have occurred and are providing this information to promulgate procedures that are designed to alleviate any confusion with agencies for processing new hires.

Our objective is to guarantee that the recruitment, processing, and follow through of the various aspects of the selection process (including the paperwork) be completed in a timely and accurate manner. All employees should promptly be paid wages earned during a biweekly pay cycle. No employee's paycheck should be delayed due to an agency's failure to return the appropriate documents to Human Resources so that they can be forwarded to Payroll as part of the hiring process. The necessary documents, including cert, justification letter, Federal I-9 Immigration Form, and W-4 must be returned PRIOR to the processing of an employee. Federal law requires that the Federal I-9 Immigration Form be signed and forwarded to Human Resources within 48 hours of the start date or legally the employee should be terminated.

### **Starting The Hiring Process**

To expedite the filling of a vacancy, the hiring agency should complete and submit the following documents as soon as possible to the Human Resources Department:

- Certification Hiring Request Form (cert) - A separate cert must be completed for each type of vacancy (Permanent, Limited Term, Hourly) and different percentages of time (i.e., 50%, 75%) of each type of vacancy.
- Position Description - Instructions available on EmployeeNet; form available in Microsoft Word template. A position description must be included with each cert. The position description form should include the essential functions of the job being filled. The class specification is NOT the same as a position description.

In addition to the above paperwork, your agency can work with Human Resources staff to coordinate the timeline for the process, advertisements, opening and closing dates, type of examination, hiring dates, etc.

#### **Completing The Hiring Process - Permanent Positions (see attached flowchart)**

- P1. Appointing Authority signs and dates the cert. This form must indicate the start date of the employee. Start dates for internal movement must be at the beginning of a payroll period. New hires can be started at any time.
- P2. The white and blue copies of the cert, along with a justification letter describing the reason the applicant was selected, must be returned to Human Resources.
- P3. The hiring agency must request that the new employee bring proper documentation to complete the I-9 Federal Immigration Form at orientation. This request should either be done in the letter of hire or verbally when the applicant accepts position. (Federal law requires the I-9 Federal Immigration Form must be completed within 48 hours of the start date.)
- P4. An Informational Hiring Sheet must be submitted to Human Resources prior to new employee orientation. New employee orientation should be scheduled for the first Monday of their employment. This date is important as there is a 30 day time period from the first day of employment for the new employee to sign up for benefits offered by the City.

#### **Completing The Hiring Process - Hourly Positions (see attached flowchart)**

- H1. Appointing Authority signs and dates the cert. This form must indicate the start date of the employee. Start dates for internal movement must be at the beginning of a payroll period. New hires can be started at any time.
- H2. The white and blue copies of the cert must be returned to Human Resources.
- H3. The hiring agency must request that the new employee bring proper documentation to orientation. This request should either be done in the letter of hire or verbally when the applicant accepts position. (I-9 Federal Immigration Form must be completed within 48 hours of the start date and returned to Human Resources).
- H4. Hiring agency completes hourly orientation for the new employee.
- H5. Hiring agency is responsible to obtain all applicable forms for Human Resources and complete the I-9 Federal Immigration Form with copies of the acceptable documents attached. (Federal law requires the I-9 Federal Immigration Form must be completed within 48 hours of the start date.) All forms should be sent to Human Resources as soon as possible upon completion.

**REMINDER: Only after the Human Resources Department has received your signed and dated cert, I-9 Federal Immigration Form, and W-4 will the employee be added to the SXD system as a new hire so that the employee can be paid.**

If you are unfamiliar with any steps in the hiring or payroll process, please contact the appropriate agency for assistance.

October 11, 2004

Page 3

Attached is a flowchart that describes the basic steps needed to fill a position. Please distribute to appropriate staff individuals to ensure that the necessary procedures are being followed.

Also note the elimination of the Job Vacancy Advance Notification form (JVAN). Human Resources sends a copy of the cert to the Affirmative Action Department at the same time a copy is sent to the Comptroller's Office for approval to fill. This form will provide Affirmative Action with advance notice of the vacancy and information needed to determine underutilization of a position. If the job family for that position is underutilized, the department/division head will be contacted directly by the Affirmative Action Department to encourage their recruitment effort. Every hiring authority is responsible for taking steps to ensure a diverse applicant pool and workforce.

In addition to indicating the name of the applicant hired on the cert, you must list the applicants who do not contact you for interview, withdraw from the process, etc. This information will accurately reflect the applicants from which you were able to make a selection. This will be important for department/division heads when information is provided for the Mayor to review at their quarterly meetings.

Please take the additional time to clearly understand what is expected of your agency by Federal law, Human Resources and Payroll in processing employees.

It has become apparent that hiring agencies need to be more timely with paperwork and to better understand what is required of them. It is the ultimate responsibility of the department/division head to see that these procedures are properly adhered to.

Staff from Human Resources and Payroll will meet with department heads of individual agencies where the problems continue to occur.

Attachment

**FROM THE OFFICE OF THE MAYOR**

**ADMINISTRATIVE PROCEDURE  
MEMORANDUM NO. 2-29**

**SUBJECT: FILLING PERMANENT VACANCIES IN THE CITY OF MADISON**

Purpose:

The purpose of this APM is to set forth administrative standards relative to filling vacancies in the City of Madison and to provide a set of standard guidelines and expectations for City agencies.

Background:

It was determined that it was appropriate to have standardized procedures to refer to when filling vacancies.

Procedures:

**HIRING AGENCY PRE-WORK LEADING TO RECRUITMENT**

To fill a vacant position, the hiring agency will submit the following documents to the Human Resources Department:

- < Certification Hiring Request Form (review with care the method of recruitment - Open Competitive, City Wide, Union Wide); 5 page multicolored, carbonized document available in the Human Resources Department.

*The Cert form may be completed to fill more than one vacancy, but an individual Cert must be completed for each type of vacancy (i.e., Permanent Full-Time, Permanent Part-Time, [if the percent of time varies a new Cert is required for each percent level of full-time], Limited-Term, Hourly - types of vacancies cannot be mixed on a Cert form).*

- < Job Vacancy Advance Notice Form (Available on EmployeeNet)
- < Position Description Form (Available on EmployeeNet)

The following process elements shall apply:

The Hiring Agency should begin immediately to work with Human Resources staff and the Comptroller's Office to do necessary pre-work to expedite in filling the vacancy.

This pre-work may include:

- < Preparation of agency's Salary Savings Plan (to be done in January) for submittal to Comptroller Budget Analyst for approval.
- < Discuss with Human Resources staff the following: timeline for the process, dates and places of advertisement, dates of opening and closing position for receipt of applications, date and type of examination, type of interviewing format, date of final Certification of qualified applicants.
- < Scheduling final interviews: based on discussions with Human Resources Staff relative to the timeframe, identify tentative dates for final interviews.

- < Assist in the development of the examination or review of any examinations on file in Human Resources. Modify and update as needed.
- < For Oral Board Interview or an Achievement History Questionnaire formats, contact individuals who have the expertise to assist in this process by volunteering their time. Give consideration to diversity on panels whenever possible. Be prepared to assist Human Resources staff with appropriate questions and benchmarks.

#### HUMAN RESOURCES RESPONSIBILITY

When Human Resources receives the appropriate paperwork from the Hiring Agency, the pink copy of the Certification Hiring Request will be routed to the Comptroller for review and approval to fill the vacancy. Human Resources will route the Job Vacancy Advance Notice Form to the Affirmative Action Office.

A Job Announcement will be prepared and sent to the Hiring Agency for review and approval. Job announcements will be sent to all city agencies via e-mail and to a mailing list for recruitment purposes. The Human Resources Department will only pay for local advertising if funding is available. Ads in professional publications will be paid for by the hiring agency. All recruitment ads must be approved and placed by the Human Resources Department to ensure a coordinated recruitment effort.

Applications will be screened based on the job announcement posting, specifically looking at the sections "Training and Experience" and "Knowledge, Skills and Abilities". Hiring agencies are welcome to review this screening process and may be asked to lend their expertise.

Applicants will be invited to a testing process (if applicable).<sup>\*</sup> Applicants will be ranked based on the testing process (if applicable) and will be certified to Hiring Agency based on Civil Service Hiring Procedures or Union Hiring Procedures. The Hiring Agency will receive a copy of the application form and any accompanying documents the applicant has provided with the exception of the last page of the application which contains voluntary information on race/sex/age and disability. The Hiring Agency may contact the Human Resources Department to inquire about each applicant's test score and ranking. This information is not provided to the Hiring Agency at the time of Certification. The Certification Hiring Form is a confidential document and names of certified candidates are NOT to be released. In the case of Department or Division Heads who are considered "Local Public Officials" under 19.42(7w) WI Stats, the Human Resources Department has the responsibility to release those names listed on the Certification Hiring Form.

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<sup>\*</sup>Due to the size of the applicant pool for some recruitment efforts and the possible intensity of the exams, City Ordinances 3.35(7)(b) provides the following:

*The Council shall appropriate funds as, in its judgment, are necessary to carry out the provisions of this ordinance. Every City office, division, or department shall upon request cooperate in the operation of the civil service system, including the temporary loan of personnel.*

#### HIRING AGENCY RESPONSIBILITY POST-CERTIFICATION

The Hiring Agency is required to interview all applicants certified to them for consideration, unless an applicant chooses to withdraw from consideration, is unable to appear for their scheduled interview date and time, or does not make contact within the required timeframe.

The Hiring Agency prepares a set of interview questions with appropriate benchmark answers for the final interview. These are considered core questions that are to be asked of each applicant. Additional questions may be asked of each candidate as needed and as appropriate.

The Hiring Agency may create a panel of individuals to interview the final applicants. The names of the panel members are confidential until the applicants appear for interview. All panel members must interview each applicant. An applicant cannot, at this final interview stage, request that a panel member be removed from the process.

The following documents are available in the Human Resources Department to assist the Hiring Agency in their final interview process:

How to Conduct a Job Related Interview  
Employment Reference Guide

As additional tools in the final selection process, hiring agencies may request that Human Resources assist with criminal background checks, driving record checks, pre-employment physical examinations or urine drug analysis (a Urine Drug Analysis is **REQUIRED** of all applicants seeking positions requiring a CDL license). To expedite receipt of driving abstracts, hiring agencies may go directly to the Motor Vehicle Division to obtain copies. For applicants residing outside of the State of Wisconsin, it is their responsibility to provide copies of driving abstracts and criminal background checks. Human Resources does not have the ability to obtain this information.

The Hiring Agency is **REQUIRED** to conduct reference checks on the applicant or applicants chosen to the hired, even if they are presently or previously employed in other city agencies.

#### COMPLETION OF HIRING PROCESS

Appointing Authority signs and dates Certification Hiring Request document and indicates beginning date of new employee. If a present City employee is hired, start date should be at the beginning of a payroll period. If a non-city employee is hired, they may begin at anytime. All union hires are to be made at Step 1. Non-represented hires may be made above the minimum if authorized by the Human Resources Director. This approval should be granted before final job offer.

When hiring for a permanent position, it is the hiring agency's responsibility to return, along with the Certification Hiring Request document, a memo from the Appointing Authority briefly describing the reason this applicant was hired. In addition, the hiring agency is required to submit an Informational Hiring Sheet prior to new employee orientation.

The new employee is scheduled for City of Madison Orientation on the first Monday of their employment. This date is important as there is a 30 day time period for the new employees to sign up for benefits offered by the City.

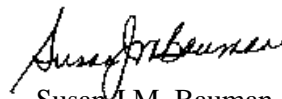
**SPECIAL NOTE: HOURLY POSITIONS**

To fill Hourly positions, a Certification Hiring Request Form is the official document needed. Hourly positions may be filled from ongoing recruitment lists or may be posted for recruitment on an individual basis. Depending on the type of position and number of applicants, an examination may be necessary. Random selection may be used in cases of ongoing recruitments with large numbers of applicants.

Individuals previously employed by the City of Madison in an hourly capacity may be eligible for "Hourly Recall." The hiring agency may bring the previous employee back to that agency in the same capacity within a 12-month period. A Personnel Action Form is used for this process and no Certification Hiring Request Form is required.

**SPECIAL NOTE: DOUBLE-FILLING OF POSITIONS**

Madison General Ordinance 3.35(6)(h) provides the Human Resources Director, with the approval of the Mayor, and of the Common Council if the action requires the expenditure of more than \$2,000 and/or is for longer than 30 days, is authorized to double-fill any position for a period not to exceed forty-five (45) calendar days unless such period is extended by action of the Common Council.



Susan J.M. Bauman  
Mayor

APM No. 2-29  
April 27, 2001

**3.53 CIVIL SERVICE SYSTEM.**

(1) Civil Service Created - Exceptions Therefrom. There is hereby created a civil service system for the City of Madison. The term Civil Service System is defined as those provisions contained in or promulgated pursuant to Section **3.53** of the Madison General Ordinances. All City officers and employees except those specified below shall be selected, hold their status and be subject to Section **3.53** of the Madison General Ordinances.

- (a) Officials elected by the people.
- (b) All employees of the Madison Board of Education including the teaching staff and school librarians.
- (c) The Mayor.
- (d) Members of committees, boards and commissions who do not otherwise hold civil service status.
- (e) Election officials who do not otherwise hold civil service status.
- (f) Commissioned personnel of the Police and Fire Departments subject to Section 62.13 of the Wisconsin Statutes.
- (g) Crossing guards except where named in specific provisions. (Am. by Ord. 12,099,

4-20-98; Renum. by ORD-07-00048, 4-12-07)

- (h) Assistant to the Mayor. (Editor's Note: See Section 3.04).
- (i) Executive Director, Madison Redevelopment Authority.
- (j) Executive Director, Madison Housing Authority.
- (k) Director of Equal Opportunities Commission.
- (l) City Attorney. (Cr. by Charter Ord. 52, 10-7-74; Renum. by ORD-07-00048, 4-12-07)

This is a Charter Ordinance and shall be effective upon sixty days from passage and publication subject, however, to the referendum procedures of Sec. 66.0101(5), Wis. Stats.

- (m) Secretary to Mayor. (Cr. by Ord. 4783, 11-6-74)
- (n) Managing Director - Overturec Center. (Cr. by Ord. 4904, 2-25-75; Am. by ORD-05-00043, 2-25-05; Renum. by ORD-07-00048, 4-12-07)
- (o) Legislative Analyst. \
- (p) Mayor's Committee Coordinator.
- (q) City Assessor.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Sec. 66.0101(5), Wis. Stats.



- (r) Research Assistant.
- (s) Director of Department of Employment and Training. (Am. by Ord. 7898, 12-29-82; Renum. by ORD-07-00048, 4-12-07)
- (t) Executive Director, Community Development Authority. (Cr. by Ord. 6672, 7-10-79; Renum. by ORD-07-00048, 4-12-07)
- (u) Water Utility General Manager. (Cr. by Ord. 6667, 7-10-79; Am. by Ord. 12,328, 2-26-99; Renum. by ORD-07-00048, 4-12-07)
- (v) Director of Planning and Community and Economic Development. (Cr. by Ord. 6695, 8-3-79; Renum. by ORD-07-00048, 4-12-07)
- (w) Director of Affirmative Action. (Am. by Ord. 10,498, Adopted 8-18-92)
- (x) Director of Public Health for Madison and Dane County. (Am. by ORD-06-00176, 12-8-06; Renum. by ORD-07-00048, 4-12-07)
- (y) Civil Engineer Trainee - DOT. (Cr. by Ord. 6981, 5-15-80; Renum. by ORD-07-00048, 4-12-07)
- (z) Fleet Service Superintendent. (Cr. by Ord. 7511, 9-11-81; Am. by ORD-06-00097, 8-2-06; Renum. by ORD-07-00048, 4-12-07)
- (aa) R. by Ord. 10,729, 9-17-93)
- (bb) Human Resources Director. (Cr. by Ord. 9865, 10-13-89; Renum. by ORD-07-00048, 4-12-07)
- (cc) Housing Monitors employed under Section **3.54** (4) of these ordinances to provide security services at public housing sites owned and operated by the Community Development Authority. (Cr. by Ord. 10,164, 12-28-90; Renum. by ORD-07-00048, 4-12-07)
- (dd) Library Director. (Cr. by Ord. 11,527, 2-16-96; Renum. by ORD-07-00048, 4-12-07)
- (ee) Overture Center Director. (Cr. by Ord. 11,631, 7-12-96; Am. by Ord. 13,379, 8-2-03; Renum. by ORD-07-00048, 4-12-07)
- (ff) The Monona Terrace Sales/Public Relations Manager and Monona Terrace Sales Associates employed under Sections 3.19(18) and **3.54** (1)(i)1. of these ordinances. (Cr. by Ord. 11,693, 10-14-96; Renum. by ORD-07-00048, 4-12-07)
- (gg) The Monona Terrace Gift Shop Manager employed under Sections 3.19(19) and **3.54** (1)(i)1. of these ordinances. (Cr. by Ord. 11,737, 12-13-96; Renum. by ORD-07-00048, 4-12-07)
- (hh) Special Code Enforcement Officers employed under Section **3.54** (2)(d) of these ordinances. (Cr. by Ord. 11,801, 3-4-97; Renum. by ORD-07-00048, 4-12-07)
- (ii) Overture Center Sponsorship & Group Sales Associate. (Cr. by Ord. 13,611, 5-21-04; Renum. by ORD-07-00048, 4-12-07)
- (jj) City Clerk/Treasurer.

This is a Charter Ordinance which requires adoption by two-thirds of all the members of the Common Council and which shall take effect sixty (60) days following passage and

publication subject, however, to the referendum provisions of Section 66.0101, Wis. Stats. (Cr. by CHA-06-0003, 2-24-06; Renum. by ORD-07-00048, 4-12-07)

(kk) Director of the Department of Civil Rights. (Cr. by ORD-06-00176, 12-8-06; Renum. by ORD-07-00048, 4-12-07)

(2) (R. by Ord. 9865, 10-13-89; Renum. by ORD-07-00048, 4-12-07)

(3) Personnel Board .

(a) A Board of Personnel is hereby established which shall consist of five (5) members to be appointed by the Mayor, subject to confirmation by a majority of the members of the Council. No person shall be appointed to said Board who holds any office or employment in the City government. The members of said Board shall be qualified electors of said City and shall serve without compensation. The members of said Board shall be individuals who are in sympathy with the merit system; and at least one (1) of such members shall be a representative of organized labor.

(b) Upon expiration of the term of office of any member of the Board of Personnel, the Mayor shall on the third Tuesday of April of each year appoint, subject to confirmation by a majority of the members of the Council, successor members of said Board to hold office for a term of three (3) years from the first day of May next succeeding appointment and until a successor is appointed and qualified. The Board shall elect one (1) of its members as Chairman of the Board who shall be a voting member of the Board in all matters.

(c) Vacancies shall be filled by appointment in the original manner for the unexpired term. Each member of the Board shall serve until a successor is appointed and qualified.

(d) A two-thirds (2/3) vote of all members of the Council shall be required to remove any member of said Board from office prior to the expiration of his term of office.

(e) Upon appointment each member shall take the official oath required by Section 19.01 of the Wisconsin Statutes, which shall be filed with the City Clerk.

(f) The Board shall hear appeals in any matter authorized pursuant to Section **3.53** or the Personnel Rules in accordance with the appeal procedures set forth therein; provided, however, that there shall be no appeal to the Personnel Board in any matter which is grieved or grievable under a labor agreement with the City.

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

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

(a) The classification of all positions in the civil service on the basis of duties and qualifications.

(b) The selection, employment, training, probation, promotion, suspension, demotion and discharge of all persons in the civil service.

(c) The establishment of standards for and the holding of examinations to test the relative capacity and fitness of persons to discharge the duties of the position to which appointments are sought.

(d) The nature, use, and duration of eligible lists.

(e) Rules for the conduct of hearings by the Board of Personnel.

(5) Types of Positions .

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

(6) Types of Appointments .

- (a) Civil Service Appointment : An appointment in accordance with the selection procedures prescribed herein.
- (b) Non-Civil Service Appointment : An appointment made to fill a vacancy or a newly created position which has been previously specifically excluded from the civil service system.
- (c) Limited-Term Appointments :
1. An appointment during the leave of absence of a permanent employee to a permanent, budgeted position as defined in Section**3.53** (5)(a) above, or
  2. An appointment to a limited-term position as defined in Section**3.53** (5)(b) above.
- (d) Emergency Appointment : An appointment for a period not exceeding ten (10) days for work for which the need cannot be anticipated.
- (e) Provisional Appointment : An appointment to a position for which there is no eligible list.
- (f) Acting Appointment : An appointment to a position in Compensation Group 17, 18, 43 or 44 which is made to fill a vacancy directly or indirectly created under circumstances when an employee holding a permanent position shall have secured a leave of absence of at least six (6) months duration and/or in the event that such employee shall have been absent because of illness or injury for thirty (30) days and it is reasonable to expect such employee will not return for an additional one hundred fifty (150) days. Such vacancies shall be filled in the same manner as “permanent” position vacancies and employees filling such vacancies shall in all ways be treated as other promoted employees except that such employees shall have the title of “acting” added to their job title. Should the employee in Compensation Group 17, 18, 43 or 44 holding permanent status in the position to which the acting appointment was made return to work in that position, the “acting” employee shall return to the position held prior to the acting appointment and pay and other benefits to that employee shall be as though no promotion to an acting appointment had occurred. In the event that it is determined that the “permanent” employee will not return, the “acting” appointment will automatically become a permanent appointment. (Am. by Ord. 8543, 3-18-85; Renum. by ORD-07-00048, 4-12-07)

- (g) Appointments under the foregoing definitions shall be subject to provisions of this section so far as applicable, but to the extent the Personnel Board finds it necessary to permit variances to meet temporary or recurring exigencies, it may establish rules permitting modifications in procedure, provided that any such rules shall be based on the principles of merit.
  - (h) The Human Resources Director, with the approval of the Mayor, and of the Common Council if the action requires the expenditure of more than \$2000 and/or is for longer than 30 days, is authorized to double-fill any position for a period not to exceed forty-five (45) calendar days unless such period is extended by action of the Common Council. (Am. by Ord. 9929, 1-11-90; Renum. by ORD-07-00048, 4-12-07)
- (7) Selection Process . The selection process is defined as the process by which a vacant position is filled. A vacant position is either a newly created position or an existing position no longer occupied by an incumbent. The selection process includes recruitment, candidate evaluation, certification and final appointment.
- (a) The City may contract or otherwise arrange for such technical services as may be desired, including the giving of examinations, in connection with personnel selection and administration.
  - (b) The Council shall appropriate funds as, in its judgment, are necessary to carry out the provisions of this ordinance. Every City office, division, or department shall upon request cooperate in the operation of the civil service system, including the temporary loan of personnel.
  - (c) The Human Resources Director shall require persons applying for admission to any examination provided for by Section **3.53** or by the personnel rules, to file a completed formal application for employment on the form provided in the Office of the Human Resources Department at a specific time prior to the proposed examination. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
  - (d) The Human Resources Director may, in connection with such application, require such certificates of immigration or visa status, physician's certificates, license certificates, educational achievement certificates, or any other documentation which bears upon an applicant's qualifications or eligibility. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
  - (e) The Human Resources Director may refuse to examine an applicant, or after examination may refuse to certify as eligible any applicant who is found to lack any of the requirements established for the position of employment for which the person has applied; or any applicant who had made a false statement of any material fact; or who directly or indirectly gave, paid or promised to give any money, service or other valuable thing to any person for or on account of, or in connection with, her/his selection process or appointment; or has secured or attempted to secure any improper advantage in the examination process; or has practiced, or attempted to practice any deception or fraud in the selection process of any such application, certificate filed in connection with or in securing eligibility or appointment, or who refuses to furnish testimony as required by law, and any applicant who commits any such act or acts shall, if hired, be subject to dismissal. (Am. by Ord. 10,167, 12-28-90; Renum. by ORD-07-00048, 4-12-07)
  - (f) No person shall be given employment in the civil service until the appointment authority shall have notified the Human Resources Director in writing of the need for such employee in such manner as the personnel rules and other lawful regulations may prescribe, and the Human Resources Director shall have in writing certified such person as eligible for appointment. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

- (g) If there are any changes in the duties of a position that would affect the classification, compensation, or training and experience requirements of the position between the time of initial posting of the position opening and the time of selection, the position shall not be filled; rather, the position as changed shall be posted again and a new application and selection process will be started. (Cr. by ORD-06-00136; Renum. by ORD-07-00048, 4-12-07)

(8) Certification Process .

- (a) Certification is the process by which the Human Resources Director officially declares on forms provided for such purpose that candidates so certified are eligible and qualified for selection, from appropriate eligibility lists, for the position to which certification is made. No appointing authority shall make a selection without such certification in writing from the Human Resources Director. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
- (b) Certification Procedure . Upon receiving written notice that a position in the civil service is to be filled, the Human Resources Director, or designee, shall forthwith certify the names and addresses of the four (4) highest ranking eligible candidates from the most appropriate eligible list, or of qualified candidates eligible through transfer, reinstatement, or demotion. In case of two (2) vacancies in the same classification, two (2) additional ranks shall be certified for each additional vacancy up to a maximum of twenty (20)ranks.

In situations where a position falls in a job family that is underutilized, the Human Resources Director, or designee, shall certify the names and addresses of the eight (8) highest ranking eligible candidates from the most appropriate eligible list as provided above. In case of two (2) vacancies in the same classification, two (2) additional ranks shall be certified for each additional vacancy up to a maximum of twenty (20) ranks. The Human Resources Director and Director of Affirmative Action shall annually update the job family utilization data. (Am. by Ord. 10,984, 9-14-94; Renum. by ORD-07-00048, 4-12-07)

(9) Appointment Procedure .

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

(10) Appointments in the Civil Service.

- (a) Residency. Every person appointed to any permanent position in the classified civil service in Compensation Groups 18 and 44, and 19 other than mayoral aides, Secretary to the Mayor or

Library Development Director, shall establish residence within Dane County within sixty (60) days after the completion of his or her probationary period. An employee who moves by any City personnel transaction from a position which does not require residence within Dane County to one which requires such residence shall establish residence within Dane County within two hundred forty (240) days of the change in position.

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

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

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

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

)

(11) Notice of Vacancies .

- (a) Upon receiving notice of a vacancy of any position in the civil service, the Human Resources Department shall forward written notice of such vacancy or vacancies to every member of the Common Council prior to the commencement of recruitment or the taking of any other action to fill such positions. (Am. by Ord. 10,052, Adopted 6-19-90); Renum. by ORD-07-00048, 4-12-07
- (b) The Police Chief and the Fire Chief shall each forward a written notice of all vacancies occurring in their respective departments which are to be filled pursuant to the provisions of Sec. 62.13, Wisconsin Statutes, by either recruitment, promotion or otherwise, to every member of the Common Council prior to the commencement of recruitment or the taking of any other action to fill such vacancies.
- (c) The filing of written notice of vacancies in the Office of the Secretary of the Common Council for posting and distribution pursuant to administrative directive shall fulfill the requirements of forwarding written notice of vacancies to every member of the Common Council as set forth above.

(12) (a) Promotions . Promotion is defined as the movement of an employee from one classification to another classification having a higher salary range. The Personnel Board shall establish rules for the administration of promotion to assure that promotional criteria are based on principles of merit and equal opportunity.

- (b) Trial Period . In cases of promotion, lateral transfer, or competitive demotion to a permanent position, the employee shall serve a minimum trial period of six (6) months following the date of promotion, lateral transfer, or competitive demotion during which time, the employee shall

be returned to her/his former position, if either the employee or employer so decides. Upon successful completion of the trial period, the employee shall be "permanent" in the new position. (Am. by Ord. 10,183, 1-31-91; Renum. by ORD-07-00048, 4-12-07)

(13) Transfers . Transfer is defined as the movement of an employee from one classification to another classification in the same or similar salary range or from one position to another in the same salary range in a different division or department.

(a) Transfers to positions with essentially identical job duties and qualifications may be accomplished with the agreement of the appointing authority(s), the Human Resources Director and the affected employee. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

(b) Transfers to positions in the same salary range but with differing job duties and qualifications may be accomplished with the agreement of the appointing authority(s), the Human Resources Director and the affected employee. (Am. by Ord. 10052, Adopted 6-19-90)

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.35(13)Am. by Ord. 6293, 6-27-78)

(14) (R. by Ord. 8735, 11-29-85)

(15) Demotion . Demotion is defined as the movement of an employee from one classification to another classification having a lower salary range.

(a) Involuntary Demotion . Involuntary demotions may be accomplished without resorting to the selection procedures set forth herein and may be appealed pursuant to Sec.3.53 (16).

1. In instances of involuntary demotion, a new probationary period must be served by the affected employee in accordance with Sec.3.53 (17).

2. An employee who has been involuntarily demoted shall have his/her salary set at the same step in the new salary range.

(b) Voluntary Demotion . Voluntary demotions may be accomplished without resorting to the selection procedures set forth herein upon agreement of the appointing authority(s), the Human Resources Director and the affected employee. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

1. Employees who agree to voluntary demotion shall not be required to serve a new trial or probationary period.

2. Salary shall not be reduced as a result of voluntary demotion without agreement of the employee. Base rate salary shall be frozen in the amount existing at the time of such voluntary demotion and until such time as the base rate salary of the new position of the affected employee increases above the employee's frozen salary rate.

(c) A competitive demotion is defined as and shall be accomplished by the movement of an employee from a permanent position to another permanent position in a lower salary range through regular civil service selection procedures. In cases of competitive demotion, the employee's new salary shall be at the step closest to her or his previous salary not exceeding the maximum of the range. The employee shall serve a trial period in the new position. (Cr. by Ord. 10,183, 1-31-91; Renum. by ORD-07-00048, 4-12-07)

(16) Removals, Suspensions, Discharges, Reductions, Dismissals, Layoffs, Resignations and Procedure for Appeal .

(a) Disciplinary Authority . Any appointing authority or department head in whom is vested disciplinary or removal power, shall be allowed full freedom in his or her action on such matters, it being the intent and spirit of this ordinance to provide a fair and just approach to municipal employment for every inhabitant of the City in order that City employees may be selected on a basis of merit, but in no sense, to handicap or curtail responsible administrative officers in securing efficient service. With the concurrence of the HumanResources Director, an appointing authority may place an employee on paid off-duty status in order to secure the workplace and/or the safety of employees during an investigation of any alleged misconduct. All persons holding positions in the civil service shall be subject to suspension without pay for a period of not exceeding ninety (90) working days within one (1) year, except that employees who are exempt from the provisions of the Fair Labor Standards Act shall not be subject to disciplinary suspensions of less than one week and, except that extensions of such suspension may be made pending any investigation and hearing, or to demotion or removal from office or employment or reduction in pay by their appointing authority, division, or department head for misconduct, incompetence, inefficiency, or failure to perform duties, or to observe the rules and regulations of the department, office or board. In all such cases, the affected permanent employee may appeal the action taken in the manner prescribed in Subdivision (b) hereof. (Am. by Ord. 11, 889, 6-27-97; Renum. by ORD-07-00048, 4-12-07)

(b) Appeals .

1. Any permanent employee who has completed his or her probationary period shall receive a written statement of the reason for any such action taken against him or her, a copy of which shall be supplied by the disciplining or discharging person to the Human Resources Director, not later than three (3) days after the effective date of such action. The employee shall have ten (10) days from the date of the presentation of such statement to file a written reply thereto with the Human Resources Director as an answer or protest to the taking of such action. Any employee against whom such action has been taken and who has filed a written answer or protest, may, within three (3) days after filing such answer or protest, file a written notice with the Human Resources Director requesting a review of such action. The Human Resources Director shall, without delay, file a copy of said reasons, the answer or protest of the employee and the notice requesting review, together with such other information as may be provided forin the rules and regulations, with the Personnel Board, for its information.
2. Within ten (10) days of the receipt of the notice, the Human Resources Director shall schedule a conference for the selection of an Appeal Examiner by the parties. At this and all subsequent proceedings, the affected employee may be represented by counsel and the appointing authority, division or department head, shall be represented by the City Attorney or his assistant. An Appeal Examiner may be agreed upon by the parties. If no agreement is reached, the Human Resources Director shall, by lot, select five(5) names from the Appeal Examiner panel. The parties shall alternately eliminate names until the Appeal Examiner is selected. The flip of a coin shall determine which party is to eliminate the first name. The Human Resources Director shall immediately contact the selected person to ascertain the person's availability and willingness to undertake the hearing and shall notify the parties of acceptance. In the event of non-acceptance, the selection process will be repeated until an Appeal Examiner is selected.
3. The Human Resources Director shall transmit all documents to the Appeal Examiner within five (5) days of acceptance of the hearing. As soon as is practicable thereafter, the Appeal Examiner shall schedule dates and proceed with the hearing. All hearings shall be held in a public building. The Appeal Examiner shall have the authority to administer oaths and to issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. All testimony shall be taken under oath and shall be recorded stenographically or by a recording machine under the supervision and control of the Appeal Examiner. The City shall have the burden of



proof to substantiate and justify the action taken against the employee by the preponderance of the evidence. The Appeal Examiner shall submit his or her determination affirming or reversing the action with the reasons therefore in writing to the Human Resources Director within thirty (30) days of the close of the hearing or the submission of the parties' briefs, if any, whichever is later, and the Human Resources Director shall immediately mail in the normal course of business a copy of the determination and reasons therefore to the last known address of each of the parties.

4. Within fourteen (14) days of such mailing, either party may file with the Human Resources Director a written notice of appeal of the Appeal Examiner's determination to the Personnel Board. Any such appeal shall be on the written record, the preparation of which shall be the responsibility of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the Human Resources Director within twenty (20) days of the notice of appeal unless such time is extended by the Personnel Board. The Personnel Board shall receive no further evidence on the matter but may request additional briefs of the parties.
5. Within sixty (60) days of the receipt of the written record, the Personnel Board shall make and file its Decision and its reasons therefore with the Human Resources Director who within five (5) days thereafter shall mail in the normal course of business a copy of the decision and reasons therefore to the last known address of each of the parties. The Appeal Examiner's determination shall be affirmed if it is supported by the credible evidence in the record. If the determination is found not to be so supported by a majority of the Board, the Board may reverse the determination or modify it to serve the best interest of the City service. Either party may within thirty (30) days of the mailing of the Board's decision commence judicial action to review the decision of the Board, after which time the decision shall become final.

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

(c) Appeal Examiner .

1. The City may engage an Appeal Examiner to hear and determine appeals of disciplinary or discharge actions against City employees by any appointing authority, division or department head taken pursuant to this section. Any Appeal Examiner so engaged shall not be a City employee nor entitled to any compensation or benefits other than those described herein.
2. The Human Resources Director shall maintain a panel of at least fifteen (15) individuals who have indicated a willingness to serve in such capacity and who are experienced in personnel matters or who are attorneys, retired members of the judiciary, or currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission. When required, an Appeal Examiner shall be selected from such panel as provided in Subdivision (b) for the purposes described therein. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
3. The Appeal Examiner shall be compensated at an hourly rate established by the Common Council for time devoted to these proceedings and shall be reimbursed for reasonable expenses related thereto. Funds shall be provided and distributed through the Human Resources Department. The Personnel Board shall periodically review this rate to keep it current and equitable. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

- (d) During the period of suspension of an employee or pending final action on proceedings to review a suspension, demotion, or dismissal of an employee, the vacancy created may be filled by the

appointing authority only by temporary or provisional appointment.

- (e) In case of a reduction in force because of a stoppage of work or funds or because of material change in duties or organization, permanent employees shall be laid off in accordance with Subsection (24). Before affecting a proposed layoff, the appointing authority shall confer with the Human Resources Director a reasonable time before the effective date thereof in order to assure compliance with the provisions of this ordinance and the Personnel Rules. Persons so laid off shall be placed on the appropriate reinstatement list. Resignations from the civil service shall be regulated by the rules of the Personnel Board. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
  - (f) Emergency employees and provisional employees defined in Sec.3.53 (6) may be dismissed or laid off at any time.
  - (g) The provisions of this subsection shall apply to persons occupying the position of Crossing Guard.
  - (h) The procedure contained in this subsection shall not apply to matters involving the interpretation of labor contracts nor to matters of alleged discrimination nor to amounts of salary increases made pursuant to Section3.54 (6). (Am. by Ord. 8323, 5-11-84; Renum. by ORD-07-00048, 4-12-07)
- (17) Probationary Period . The probationary period which shall be for a minimum of six (6) months is the time during which a newly hired employee's performance, conduct and general suitability are critically evaluated to determine whether such employee shall be continued in the service. The probationary period may be extended for up to an additional six (6) months by the appointing authority. For certain complex supervisory, administrative or professional positions, a probationary period of one (1) year may be recommended by the appointing authority subject to the approval of the Human Resources Director at the time of appointment. This probationary period may be extended for up to an additional twelve (12) months by the appointing authority. The appointing authority shall notify the Human Resources Director of any extension of probation. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
- (a) Employees may be terminated at any time during the probationary period or an extension thereof and such decision shall not be appealable.
  - (b) The decision to extend a probationary period shall not be appealed.
  - (c) A leave of absence without pay for employees on probation shall act to extend the probationary period by the length of time on leave. (Cr. by Ord. 6291, 6-27-78; Renum. by ORD-07-00048, 4-12-07)

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

(18) Efficient and Effective Performance .

- (a) Policy. It is the policy of the City of Madison to maintain efficient and effective performance by all employees, to make reasonable accommodations for employees with disabilities due to age, and to do everything possible to bring injured employees or employees with disabilities back to work as soon as their physician permits. (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)
- (b) Temporary Disabilities. Where a physician certifies that an employee is unable to perform his/her regular duties because of a temporary disability, but certifies that he/she would be able to work part-time or to perform less arduous duties, the appointing authority shall assign the

employee to perform light duty work, according to procedures which the Mayor shall establish. These procedures may include temporary transfer to another work unit when that is feasible. For the purpose of this ordinance, and of these procedures, any temporary disability related to pregnancy shall be treated the same as other temporary disabilities.

- (c) Employees with Disabilities. For the purpose of this subsection the term "person with a disability" has the same meaning as "person with a disability " in Section 3.58 of these ordinances. The Mayor shall establish procedures for the provision of reasonable accommodations for qualified applicants and employees with disabilities. Such reasonable accommodation shall, at minimum, provide for feasible adjustments in testing, and in equipment, schedule, accessibility of work areas and facilities, and for feasible task modifications. For employees who acquire a disability after their employment with the City, these procedures shall include the options of transfer to other City jobs which the employee is able and qualified to perform, in accordance with Section 3.53 (15) of these ordinances, and of demotion, in accordance with Sections 3.53 (15) and (16) of these ordinances. (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)
- (d) Termination . If the employee's physical or mental disability results in his/her being unable to perform his/her duties efficiently and effectively, with reasonable accommodation, he/she may be terminated, in accordance with the provisions set forth in Section 3.53 (16) of these ordinances. If an employee who is terminated due to physical or mental disability under this section is eligible for retirement benefits, he/she shall be deemed to have retired. Notwithstanding any other provision to the contrary, he/she is eligible for payment of accumulated unused sick leave credits, unused vacation credits and all other retirement-related benefits. Compulsory retirement is abolished.

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

- (19) Part-Time Work Restrictions . No permanent full-time City employee shall be permitted to hold more than one position in the City service except as approved by the Mayor. (Am. by Ord. 13,084, 6-25-02; Renum. by ORD-07-00048, 4-12-07).
- (20) (R. by Ord. 7903, 12-29-82; Renum. by ORD-07-00048, 4-12-07)
- (21) Severability . If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- (22) Repeal of Conflicting Ordinances . All conflicting ordinances or inconsistent provisions found in different sections of the general ordinances are hereby repealed.
- (23) Penalty .
- (a) Any willful violation or violation through culpable negligence of this section or rules established thereunder, shall be sufficient grounds to authorize the discharge of any officer or employee.
- (b) Any person, firm or corporation that shall violate any of the provisions of this section shall be fined not more than two hundred dollars (\$200).
- (24) Layoff . Layoff is defined as a reduction in work force for any reason excepting discipline.
- (a) Definitions . The following definitions shall be applicable to these layoff provisions. Other definitions contained in this Chapter 3 are hereby incorporated but only to the extent that those incorporated definitions are not contrary to the definitions which follow.

1. "Employment options" and "capacity to work" refer to those employment situations which are clearly related to an employee's education, preparation, background, and skills.
2. "Evaluation Period" shall mean that period of time following an employee displacement during which the employer shall determine if the employee is performing at acceptable levels.
3. "General Seniority" shall be defined as an employee's total continuous time of service with the City less any time on leave of absence without pay or any time on layoff status.
4. "A person with a disability" is one who, for purposes of this section:
  - a. Meets the qualification for the position in question; and,
  - b. Has a physical or mental impairment which substantially limits or is likely to limit employment options; the capacity to work; and/or the ability to secure, retain, and/or advance in employment situations (e.g., impairments which affect speaking/communicating, hearing, seeing, mobility, ability to learn and/or retain information, etc.); or,
  - c. Has had a physical or mental impairment which has been cured or brought under control, but whose history of such impairment still limits or is likely to limit employment options and/or the ability to secure, retain, and/or advance in employment situations (e.g., cancer, mental illness, epilepsy, etc.); or,
  - d. Is considered by others (particularly those in control of employment opportunities) to be a person with a disability whether or not such a condition exists), such that it substantially limits or is likely to limit the person's employment options and/or the ability to secure, retain, and/or advance in employment situations.
5. "Job Family" is a group of jobs closely related by similarities in wages or salaries, level of responsibility and comparability to existing federal job family definitions. The composition of each job family shall be that determined by the Director of Affirmative Action as of the effective date of this ordinance. Thereafter, each job family shall be annually updated, reviewed and reestablished by the Human Resources Director after consultation with the Director of Affirmative Action. (Am. by Ord. 10,498, Adopted 8-18-92; Renum. by ORD-07-00048, 4-12-07)

(Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)

6. "Lower Classification" shall mean a classification established in Sec. 3.54 of these ordinances whose biweekly base rate salary schedule for step one is lower than the biweekly base rate salary for step one for another classification.
7. "Minority" shall be defined in accordance with Sec. 3.58(8) of the Madison General Ordinances.
8. "Protected Group Employee" shall mean an employee who is one or more of the following:
  - a. Female;
  - b. Minority; or
  - c. Person with a disability (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048,

4-12-07)

9. "Recall List" is a list compiled and kept by the Human Resources Director or his or her designee. Such list shall be kept by layoff unit in the event of layoff or displacement and shall contain the name(s) of each employee laid off or displaced, the employee's address, and the date the employee's name is placed on the list. Such list shall be periodically updated. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
10. "Service Credits" are a measure of an employee's time on the City payroll including time off for compensable periods of absence from duty such as vacation and sick leave.
11. "Layoff Unit" shall mean the smallest organizational structure established by ordinance. However, no single position established by ordinance shall be construed as a smallest organizational structure.

(Sec. 3.35(24)(a) Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)

- (b) Layoff shall be by classification within the layoff unit. The employee with the least general seniority in the classification being reduced shall be displaced first. Such displaced employee may in turn displace the employee with the least general seniority in a lower classification within the layoff unit, provided that the displacing employee has more general seniority than the least senior employee in the lower classification and so long as the displacing employee meets all of the following conditions:

1. The minimum training and experience requirements as established in the official job description as maintained by the Personnel Department. The Human Resources Director or his or her designee shall after consultation with the employee's department head determine whether the displacing employee meets said requirements. The determination of the Human Resources Director shall be based upon the official personnel record on file in the Human Resources Department at the time and shall include but not be limited to the employee's original application for employment, any subsequent applications filed and kept, and records of training and education received while employed by the City. Each employee has a continuing duty to inform the Human Resources Director or his or her designee of any other relevant experiences, training and education which was not City-sponsored. However, an employee shall have twenty-four (24) hours from the time of notification of displacement to present to the Human Resources Department any additional information regarding relevant experiences, training, and education. There shall be no appeal from the decision of the Human Resources Director. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
2. Successfully completes an examination if any has been established for the position selected by the employee and the exam is determined by the Human Resources Director to be necessary to establish the employee's ability to perform the duties of the new position. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

- (c) Each employee who displaces into a lower classification as a result of a layoff shall serve a six-month evaluation period. If at any time during the evaluation period, the appointing authority determines that performance is unsatisfactory, said employee shall be permitted to displace into any other eligible lower classification pursuant to Sec. **3.53** (24)(b) and (c) of this ordinance. A displaced employee who fails to perform satisfactorily during an evaluation period in the lower classification, who has no other positions into which he or she may displace pursuant to this subsection (24), shall be terminated from City employment. However, such terminated employee shall retain recall rights pursuant to Sec. **3.53** (24)(h) below. The decision by the employer not to retain an employee during the evaluation period shall not be appealable. (Am.

by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)

- (d) Employees whose positions are being eliminated shall be given written notice of the action not less than five (5) calendar days prior to the effective date; provided, however, a junior employee shall receive no prior notice in case of a senior employee displacing a junior employee. Displaced employees shall have forty-eight (48) hours after receiving notice to exercise whatever options may be available to them. If a decision is not made within the 48-hour period, said employee shall be deemed to have been laid off by the City. Employees who cannot displace into a lower position and therefore are to be laid off shall receive written notice of the action not less than fourteen (14) calendar days prior to the effective date.
- (e) An employee who displaces into a position in a lower classification shall be placed at the salary step in the lower classification which most closely corresponds with but does not exceed the employee's salary at the time of displacement.
- (f) Employees serving their initial probationary period who are displaced or laid off shall be terminated without displacement or recall rights.
- (g) No permanent employee shall be laid off from any position while any emergency, limited-term, temporary, provisional or probationary employee is continued in a position of the same classification in the layoff unit.
- (h) Recall Provisions .
  1. Employees who are laid off or displaced shall be placed on a recall list for a period of twenty-four (24) months, after which time all recall rights are terminated. Should a vacancy authorized to be filled occur in the classification in the unit from which an employee(s) was laid off or displaced, said employee(s) shall be recalled in order of their general seniority; that is, the employee with the most general seniority shall be recalled first. If the classification vacancy occurs in a different layoff unit from that which the employee was originally laid off or displaced, that employee shall be recalled to said position. If a recall list for a classification within one department, division, or unit exists and a vacancy authorized to be filled occurs in the same classification in a different department, division, or unit with no recall list, then the existing recall list shall be used to fill said vacancy.
  2. Employees to be recalled shall be notified by certified mail addressed to the most recent address appearing on the City's records. Laid off employees shall notify the Human Resources Department of any change of address. Employees so recalled shall notify the City of their acceptance or rejection of recall within seven (7) calendar days from the date of the employee's receipt of the certified letter of recall and shall report for work within fourteen (14) calendar days of the date of mail certification of the recall letter. Failure to so notify or failure to so report or the refusal of an offer of reemployment shall terminate an employee's rights to recall. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)
  3. Employees on layoff status shall not lose service credits accumulated at the time of layoff nor shall continuous service be considered interrupted if the employee is recalled and/or rehired within twenty-four (24) months of layoff. However, time spent on layoff status shall not be counted in subsequently computing service credits. (Am. by Ord. 9103, 2-27-87; Renum. by ORD-07-00048, 4-12-07)
  4. An employee placed on layoff status and recalled and/or rehired within twenty-four (24) months shall be credited with the sick leave accumulated as of the date of layoff. (Am. by Ord. 9103, 2-27-87; Renum. by ORD-07-00048, 4-12-07)

5. An employee placed on layoff status and recalled to his or her former position within twenty-four (24) months shall have his or her salary set at the same step and longevity percentage in effect at the time of the layoff. The salary range shall be that established for the position at the time of recall. An employee placed on layoff status and rehired to a position within twenty-four (24) months, shall have his or her salary set at the same longevity percentage in effect at the time of layoff and at a salary step as determined by applicable personnel rules or labor agreement provisions. (Am. by Ord. 9103, 2-27-87; Renum. by ORD-07-00048, 4-12-07)
  6. The word “employee” as used in this recall provision shall not be construed to extend to such “employee”, any rights or privileges not granted in this Sec.3.53 (24)(h). (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
- (i) Appeals . The decision to layoff or displace cannot be appealed. The manner in which the layoff or displacement is applied is appealable only if it is contrary to the provisions contained herein. Such appeal shall not delay the effective date of the layoff or displacement.
  - (j) Affirmative Action Provisions . The City recognizes that past discrimination in hiring and promotion which prevented protected group employees from acquiring seniority on the one hand and the relative youth of affirmative hiring efforts since the inception of the City’s affirmative action program which has resulted in newly hired protected group employees earning little seniority on the other hand, results in a work force of protected group employees with relatively little general seniority who will bear the brunt of a system of employee reductions based substantially on seniority. The City recognizes the need to balance work force reductions with a level of protection for its past affirmative action efforts. Such a balanced system of employee reductions is deemed to be of benefit to the welfare of the community. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
1. In order to effectuate this purpose and policy, protected group employees subject to layoff through the provisions of this ordinance, shall be exempted from termination of employment when such action would create or increase significant underutilization in any of the City’s official 26 job families. Handicapped employees, however, shall also be protected from displacement if the position into which the handicapped employee would be placed is one in which accommodation to the employee’s handicap cannot be reasonably achieved. Significant underutilization for protected group employees shall be deemed present when a given job family’s actual percentage representation of protected group employees is less than eighty percent (80%) of the parity percentage established for each of the protected groups in each of the 26 job families. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
  2. These affirmative action provisions shall only protect employees from possible termination of employment, but not from displacement except that handicapped employees shall be protected from displacement to the extent specified in Sec.3.53 (24)(j)1. above. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)
  3. These affirmative action provisions shall not be applicable when all the positions in a given classification are deleted.
  4. Termination actions which force a choice between protected group employees shall be made so as to protect the employee whose termination would create or increase significant underutilization to the greatest degree. In all cases where significant underutilization has been established, the employee with membership in the greatest number of significantly underutilized protected groups shall be retained. (Am. by Ord. 7878, 11-29-82; Renum. by ORD-07-00048, 4-12-07)

5. (R. by Ord. 8482, 12-10-84; Renum. by ORD-07-00048, 4-12-07)

- (k) Technical Correction . The provisions of Section **3.53** (24) in effect as of 11/01/82 shall apply to positions and employees included in bargaining units certified by the WERC in case LXXXVI, No. 29220, ME-2084, and case LXXXIX, No. 29422, ME-2095. (Cr. by Ord. 7894, 12-29-8; Renum. by ORD-07-00048, 4-12-072)
- (l) Employees who are displaced and become unemployed as a direct cause of the transfer of a Department/Division operation to another government or the subcontracting of said operation to a private entity shall be eligible to receive up to the equivalent value of their accumulated unused sick leave credits computed at their prevailing rate (including longevity pay) in effect at the time of the employee's layoff not to exceed the value of six (6) months of the employer's normal contribution toward health insurance. These funds will be placed in an escrow account administered by the City and will be used to continue the City's normal contribution toward health insurance premiums for a period not to exceed six (6) months following the date of layoff or until such time as he/she becomes employed or until such funds are exhausted whichever occurs first. If the eligible employee is recalled or rehired by the City of Madison within twenty-four (24) months of the layoff the accumulated unused sick leave credits not converted to the escrow account for health insurance contributions pursuant to this article shall be restored to the employee. (Cr. by Ord. 9103, 2-27-87; Renum. by ORD-07-00048, 4-12-07)

(Renum. by ORD-07-00048, 4-12-07 ); (Sec. 3.35(24) Cr. by Ord. 7577, 11-27-81)



**FROM THE OFFICE OF THE MAYOR****ADMINISTRATIVE PROCEDURE  
MEMORANDUM NO. 2-16****SUBJECT: GRIEVANCE PROCEDURE FOR NONREPRESENTED EMPLOYEES**

Definition: a grievance shall be defined as a dispute or disagreement as to the application of any provision specifically expressed in Sections 3.35, 3.36, 3.37 and 3.38 of the Madison General Ordinances, Personnel Rules or Mayor's Administrative Procedure Memoranda relating to personnel matters except as otherwise provided. The Human Resources Director shall determine whether or not a dispute or disagreement constitutes a grievance as defined herein. This grievance procedure is intended to provide an opportunity for employees and supervisors to address and resolve concerns within the organization in a manner as informal as possible.

General Provision:

1. Grievances may only be filed by permanent nonrepresented employees.
2. Employees and supervisors are encouraged to meet and discuss concerns before proceeding with this procedure.
3. All grievances must be filed within thirty (30) calendar days of the time the employee knew or should have known with the exercise of reasonable diligence of the act giving rise to the grievance and in no case later than ninety (90) calendar days from the date of occurrence of such act(s), otherwise the right to file a grievance is forfeited and no grievance is deemed to exist.
4. Items exempt from consideration for processing under this grievance procedure shall include: disciplinary matters, allegations of discrimination, residency compliance determinations, decisions on passage or extension of probation or trial periods which do not exceed six (6) months, layoffs and displacements pursuant to Sec. 3.35(24) MGO and establishment of position qualification standards.
5. Departure from the steps of the grievance procedure or the time limits in Steps One, Two and Three below may be made by mutual written agreement of the Appointing Authority and the employee. If the Employer, as defined in each step of the grievance procedure, does not answer a grievance within the specified time limits, the employee may elect to treat the grievance as denied at that step and may appeal the grievance to the next step.
6. All grievances must be submitted on the Employee Grievance Report and such report must be completed properly.
7. The City shall recognize, at the grievant's request, one employee representative who shall be a nonrepresented employee. Each nonrepresented compensation group shall designate one (1) primary representative and one (1) alternate. The grievant and either the employee representative of his/her choice or the representative designated by the appropriate Compensation Group shall be allowed to participate in meetings convened pursuant to the steps of the grievance procedure without loss of regular wages.
8. Retaliation against an employee who files a grievance is expressly prohibited.

Steps of the Appeals Procedure:

STEP ONE:

1. An employee's grievance shall be made in writing to the employee's immediate supervisor with a copy to the Human Resources Director. The written grievance shall set forth the nature of the grievance, the fact(s) upon which it is based, the provision(s) allegedly violated and the relief requested.
2. The employee's immediate supervisor or his/her designated representative shall, in consultation with the Human Resources Director, submit a written reply giving the reason(s) for his/her determination to the employee within ten (10) calendar days after the receipt of the written grievance.

STEP TWO:

1. The grievance shall be considered settled on the basis of the Employer's answer at Step One unless within ten (10) calendar days after the supervisor's written answer in Step One, the grievance is again reduced to writing and submitted to the employee's Appointing Authority with a copy to the Human Resources Director.
2. Within ten (10) days of receipt of the grievance, the Appointing Authority or designated representative shall meet with the grievant and his/her representatives to discuss the grievance. The Appointing Authority or a designated representative shall, in consultation with the Human Resources Director, submit a written reply giving the reason for his/her determination to the employee within ten (10) calendar days after the meeting with the grievant.

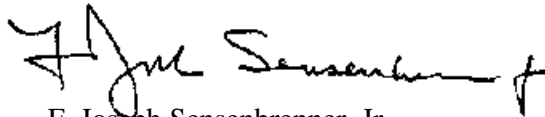
STEP THREE:

1. The grievance shall be considered settled on the basis of the Employer's answer at Step Two unless the employee submits the issue to a dispute resolution panel by filing a written request with the employee's Appointing Authority with a copy to the Human Resources Director within fifteen (15) calendar days after the Employer's answer in Step Two. No item or issue may be the subject of dispute resolution unless such is requested in a timely manner. The dispute resolution panel shall consist of five (5) members appointed by the Mayor. The panel shall not include any person directly involved in the issue giving rise to the grievance. No panel member may serve who is from the same unit or division as the grievant. The five (5) members seats shall be as follows:
  - a. A department/division head who shall act as a management representative.
  - b. A member of the Personnel Board
  - c. A representative of Compensation Group 21.
  - d. A representative of Compensation Group 18/44.
  - e. A representative of Compensation Group 17.

2. Duties of the Dispute Resolution Panel:

The dispute resolution panel shall have no right to amend, modify, nullify, ignore, add to or subtract from the Madison General Ordinances, Personnel Rules or Mayor's Administrative Procedure Memoranda. The panel shall consider and decide only the specific issue(s) submitted to it and shall have no authority to make a decision, submit observations or make declarations of opinions on any other issue(s) not so submitted. No item or issue may be submitted to the panel which has not been first submitted at either Step One or Step Two of the grievance procedure. The Human Resources Director shall assist the Appointing Authority in presenting his/her case to the dispute resolution panel. In cases where there is the granting of discretionary authority to an employer representative, the panel shall sustain the exercise of such discretion unless the exercise is found to be arbitrary or capricious. No award of the panel may be retroactive for a period greater than thirty (30) days prior to the presentation of the grievance in Step One.

3. The decision(s) of the dispute resolution panel shall be final and binding unless such decision is determined by the City Attorney to require the approval of the Common Council in which case such matter(s) shall be submitted to the Common Council for consideration and final approval.



F. Joseph Sensenbrenner, Jr.  
Mayor

APM No. 2-16  
April 17, 1989

**DRAFT**

## **SUPPLEMENTAL QUESTIONNAIRE**

A Supplemental Questionnaire is generally part of the initial application process. It is considered a Civil Service Examination. The Questionnaire is attached to the job announcement. Applicants are requested to complete a formal City of Madison Job Application Form and respond to the Supplemental Questionnaire. All application materials are due in the Human Resources Department by 4:30 p.m. on the closing date listed on our job announcement.

The purpose of a Supplemental Questionnaire is to assist the Human Resources Department to identify the relative merit of each of the applicants for a specific position. Questions are developed from the job announcement to explore a candidate's capabilities or expertise in a specific job related area. A set of benchmark answers is developed to assess the level of expertise of each candidate. The benchmarks developed cannot include every answer possible, but are provided to the subject matter experts as guidelines for evaluation purposes. Subject matter experts are requested to review each applicant's response and make a decision on the rating scale of high, average, or low. The attached Instruction for Questionnaire Evaluators are provided to our raters, along with a copy of the job announcement, the questions and benchmark answers by which to evaluate. A separate evaluation sheet is completed for each applicant. Only numerical scores are required of our evaluators.

## **ACHIEVEMENT HISTORY QUESTIONNAIRE**

An Achievement History Questionnaire is generally sent to qualified applicants after the Human Resources staff conducts an initial screening process after the closing of acceptance of applications for a position. It is considered a Civil Service Examination. Only those qualified applicants are requested to remain in the process and complete an Achievement History Questionnaire as part of the selection process.

The purpose of an Achievement History Questionnaire is to assist the Human Resources Department to identify the relative merit of each of the applicants for a specific position. Questions are developed from the job announcement to explore a candidate's capabilities or expertise in a specific job related area. A set of benchmark answers is developed to assess the level of expertise of each candidate. The benchmarks developed cannot include every answer possible, but are provided to the subject matter experts as guidelines for evaluation purposes. Subject matter experts are requested to review each applicant's response and make a decision on the rating scale of high, average, or low. The attached Instruction for Questionnaire Evaluators are provided to our raters, along with a copy of the job announcement, the questions and benchmark answers by which to evaluate. A separate evaluation sheet is completed for each applicant. Only numerical scores are required of our evaluators.

## **ORAL BOARD INTERVIEW PROCESS**

An Oral Board Interview process is conducted of qualified applicants for positions. It is considered a Civil Service Examination. Those applicants invited to an Oral Board Interview process may have already been assessed through one of these evaluations: Human Resources Department comparative evaluation of application documents; a review of a Supplemental Questionnaire by an independent assessment panel; a review of an Achievement History Questionnaire by an independent assessment panel.

The purpose of an Oral Board Interview process is to identify the relative merit of each of the applicants for a specific position. Questions are developed from the job announcement to explore a candidate's capabilities or expertise in a specific job related area. A set of benchmark answers is developed to assess the level of expertise of each candidate. The benchmarks developed cannot include every answer possible, but are provided to the subject matter experts as guidelines for evaluation purposes. Subject matter experts are requested to interview each candidate before them, asking the core interview questions developed and evaluate each applicant's response and make a decision on the rating scale of high, average, or low. Panel members may ask follow-up or clarification questions as needed to properly assess each candidate on job related merits. Panel members are provided interview guidelines, a copy of the job announcement, the questions and benchmark answers, and copies of all information the applicants have provided to the Human Resources Department. At the end of the Oral Board Interview process, the panel must discuss the applicants interviewed and come to a decision on those applicants to be Certified\* to the position for final consideration and possible hire. If the Oral Board panel determines that no candidates should move forward as eligible for Certification and hire, none will be sent and the position will be reopened.

\*MGO 3 53(8)(a) Certification is the process by which the Human Resources Director officially declares on forms provided for such purpose that candidates so certified are eligible and qualified for selection, from appropriate eligibility lists, for the position to which certification is made. No appointing authority shall make a selection without such certification in writing from the Human Resources Director.