

TO: Personnel Board

FROM: Emaan Abdel-Halim, Human Resource Analyst

DATE: 18 September 2014

SUBJECT: Contract Compliance Monitor Series-Department of Civil Rights

The Department of Civil Rights has requested a study of Contact Compliance Monitors. This request has multiple parts. First, the request is to determine whether the Contact Compliance Monitors should be created into a progression series similar to the EO Investigator/Conciliators 1-3. Second, the request is to determine whether the new classification series is appropriately placed within Compensation Group 18, Ranges 4, 6, and 8, respectively, consistent with the EO Investigator/Conciliator series. Third, the study will determine if a more appropriate title should be given to these positions as it relates to their overall duties and roles within the Department of Civil Rights. Lastly, the study will determine at what level the incumbents of these positions will be placed within the progression series, if one is created. Based on my review of the submitted materials, the updated positions descriptions for the Contact Compliance Monitors (see attached), interviews with Director of Civil Rights, Ms. Lucia Nuñez and Affirmative Action (AA) Manager Mr. Norman Davis, and the incumbents (Ms. Dana Hanaman, Mr. Austin Johnson and Mr. Colier McNair), as well as an evaluation against other positions/classifications in the City, I make the following recommendations:

- The Contract Compliance Monitors should be recreated and retitled into a progression series of Contract Compliance Specialist 1-3 to reflect the fact that the incumbents are ensuring compliance to the City's Affirmative Action policies as related to City contractor's Affirmative Action plans, Targeted Business Enterprises, and Prevailing Wage.
- The Contract Compliance Specialist 1-3 series should be placed in CG18, Ranges 4, 6, and 8, consistent with the EO Investigator/Conciliator series, for the reasons outlined in this memo.
- Delete the classification of Contract Compliance Monitor in CG 18, Range 2.
- Incumbent Ms. Dana Hanaman (position #4046) should be reclassified to a Contract Compliance Specialist 2, CG18, Range 6.
- Incumbent Mr. Austin Johnson (position #72) should be reclassified to a Contract Compliance Specialist 2, CG18, Range 6.
- Incumbent Mr. Colier McNair (position #3699) should be reclassified to a Contract Compliance Specialist 3, CG18, Range 8.

The title of Contract Compliance Monitor dates back to before the merging of the Equal Opportunities Department and the Affirmative Action Department into one Department of Civil Rights (DCR), and this classification of positions has not been studied in over 13 years. While the general responsibilities of these positions entail monitoring the status and compliance of a wide variety of contracts related to the City, the desire is to more accurately reflect the

intricate nature of these duties by retitling these positions to a Contract Compliance Specialist (“CC Specialist” for short in this memo).

The current CC Specialists have responsibilities in a three distinct program areas – Affirmative Action Plans, Targeted Business Enterprise, and Prevailing Wage programs. Within the AA Plans, the CC Specialist is most involved in plan revisions which involved communications with public works agencies, developing tracking systems, and overseeing non-compliance process. Under the Targeted Business Enterprise, the program coordinates with related state and county agencies to develop application materials and certify businesses into the program. Additionally, this program area oversees the job skills bank and the AASPIRE internship program designed to increase employment marketability for diverse communities. Lastly, the Prevailing Wage program performs onsite interviews with contractors and their employees to verify payroll and payments related to the required prevailing wage. All of these program areas include some component of hearings for non-compliance and regular audits of all their work.

The Contract Compliance Specialists provide an important function within the Department of Civil Rights. Their roles are defined in the classification specification as:

“...reviewing applications and Affirmative Action Plans for eligibility and compliance; performing on-site compliance reviews; maintaining or overseeing the maintenance of necessary records and databases; providing technical assistance; performing outreach and information dissemination; providing job counseling and related services to targeted group members; preparing audit and activity reports and recommendations, and providing input and recommendations relative to overall program operations.”

The CC Specialist classification currently is not part of a progression series with all positions in CG18, Range 2. Regarding appropriate placement within CG18, I find that the current placement of the CC Specialist in range 2 is inappropriate. Currently within DCR, the EO Investigator/Conciliator 1-3 series is placed in CG 18, Ranges 4, 6, and 8 respectively. Also, the State of Wisconsin has an Equal Rights Officer (ERO) classification series (see attached) with similar duties and responsibilities to both the CC Specialist and the EO Investigator/Conciliator series. In fact, when the EO Investigator/Conciliator series was studied in 2011, this series at the State was used as a comparable. Within the ERO series, there are individuals who perform work investigating EO complaints, as well as those performing contract compliance work. The series is also structured in a similar fashion in that the expectation is that an employee would move from an ERO-Entry to an ERO-Journey as a function of training and experience. It is instructive that positions performing investigations and contract compliance work are in the same series. Because of this, it is appropriate to place the CC Specialist in a comparable range to the EO Investigator/Conciliator series in CG18, Ranges 4, 6, and 8. An incumbent would be moved to a CC Specialist 2, in range 6, after demonstrating the ability to perform their duties with increased independence and judgment, approximately after two years experience as a CC Specialist 1. The CC Specialist 3 level is reserved for a specialist who has exhibited proficiency in two or more of the program areas of compliance and has four years experience. In addition, the CC Specialist 3 may be called upon to perform higher-level research and policy interpretation consistent with changes in AA law on a nationwide basis. This CC Specialist 3 role may also be reserved for a team leader who would serve as mentor to lower-level CC Specialists; or as necessary if the AAD Manager position was vacant, and would be so appointed

at the discretion of the Director or her designee. As a team lead position, it is not intended that every Specialist would attain this level as then there would be no team to lead. This position, rather, will depend on the needs of the Department as well as the skills and abilities of individual specialists. It is possible there will be times when the Department does not have a CC Specialist 3 if no one meets the minimum requirements or possesses the requisite skill set.

Regarding the incumbents, I recommend that Ms. Hanaman and Mr. Johnson be moved to the level of Contract Compliance Specialist 2 and Mr. McNair be moved to the level of Contract Compliance Specialist 3. Specifically in the area of AA Plans, the incumbent Ms. Hanaman has served in this capacity since 2012. Her primary responsibility is to educate and ensure hundreds of companies that conduct business with the City are in compliance with their mandatory AA plans. A large part of these duties rely on educational component of Federal and State laws to hold contractors accountable to the goals in their plans. Additionally, her work includes the problem solving necessary to communicate with vendors when they are in non-compliance with their AA plans. She also continually assesses the program to make recommendation on how to improve the hearing process. Lastly, Ms. Hanaman has recently obtained the Certified Compliance Administrator certification from the American Contract Compliance Association. Because she performs her work independently, exercising judgment in executing her job duties, and because she otherwise meets the standards for a CC Specialist 2, I am recommending that she be reallocated into a Contract Compliance Specialist 2 position, in CGI8, range 6.

The Prevailing Wage program is overseen by incumbent Mr. Austin Johnson, who has worked in the Department of Civil Rights since 2010. A majority of this work requires on site visits to interview contractor's employees and determine if they are being paid the prevailing wage and/or experience any workplace discrimination. This requires a high level of discretion to ensure employees avoid retaliation in the workplace. He is also required to have a strong understanding of the equipment used on a job site, as well as the safety standards and requirements. Within the investigative part of this position's duties, Mr. Johnson must delicately manage the interpersonal dynamics with contractors resistant to interview and actively ensure the contract complies with the requirements of the Prevailing Wage program. Given that the incumbent has performed these duties for four years and exercises independent judgment, he meets the requirements of a Contract Compliance Specialist 2, and should be reallocated appropriately.

Finally, the Targeted Business program is under the purview of the incumbent, Mr. Colier McNair, who has worked in the Department of Civil Rights since 2005. Mr. McNair began his employment working the Prevailing Wage program and in 2011 transitioned into the Targeted Business program. Additionally, he provides backup to the Affirmative Action Manager as needed. In his role for the Targeted Business program, the incumbent is required to conduct on site visits to a variety of businesses across Wisconsin. This program works in collaboration with Milwaukee County and Dane County, as well as the Department of Transportation. The goal of the program is to ensure companies applying for a minority or disadvantage business status are in compliance with the requirements both financially and demographically. Additionally, Mr. McNair oversees the AASPIRE internship program as well as the Job Skills bank. Both these initiatives are focused on providing employment training and opportunities to

underrepresented populations and can aid contractors in reaching their AA goals. Since the incumbent is proficient and experienced in both the Targeted Business and Prevailing Wage program areas, and serves as primary backup for the AA Manager, he meets the standards established for a CC Specialist 3, and he should be reallocated appropriately.

Regarding the CC Specialist series, the updated class specification outlines criteria for advancement to the Contact Compliance Specialist 2 level. Following the actions in the attached resolution, all positions will be budgeted minimally at the Contact Compliance Specialist 2 level. The department will then have the ability to move incumbents to the Contact Compliance Specialist 2 level when it determines that the incumbents have met the minimum criteria. This action will be accomplished by personnel action, similar to how other departments move incumbents from a 1 to a 2 where progression is anticipated as a function of increased skill, judgment, and independence of action.

We have prepared the necessary Resolution to implement this recommendation.

Editor's Note:

Compensation Group/Range	2014 Annual Minimum (Step 1)	2014 Annual Maximum (Step 5)	2014 Annual Maximum (+12% longevity)
18/04	\$48,180	\$55,560	\$62,218
18/06	\$51,222	\$60,311	\$67,458
18/08	\$55,560	\$65,931	\$73,840

cc: Lucia Nuñez-Director of Civil Rights
Norman Davis – Affirmative Action Manager
Dana Hanaman
Austin Johnson
Colier McNair