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**REPORT OF: CCOC Subcommittee to Review City Hiring Practices & Policies**

**TITLE: Recommendations on Hiring Practices Report & MPSEA Report**

**DATED: June 16, 2009**

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The Common Council Organizational Committee (CCOC) Subcommittee to Review City Hiring Practices and Policies was created by the CCOC on January 8, 2008. Ald. Brenda Konkel, District 2 and Ald. Michael Schumacher, District 18 were appointed to serve on the subcommittee. The subcommittee was charged with reviewing and making recommendations on the following reports:

1. Hiring Practices Report - Department of Civil Rights, Affirmative Action Division and the Human Resources Department dated December 2007 (*Attachment A*)
2. Recommendations for changes to the Madison General Ordinance and Administrative Procedure Memo regarding Hiring Practices - Madison Professional Supervisory Employees Association (MPSEA) dated December 4, 2007. (*Attachment B*)

The subcommittee further defined their charge to include:

1. Identifying related personnel issues (matrix). (*Attachment C*)
2. Identifying and making recommendations on the top three or four Council issues in the matrix and forward those recommendations to CCOC for feedback.
3. Forwarding final recommendations to CCOC, Personnel Board and Common Council.

The following is the list of identified issues, findings and recommendations (also contained in *Attachment D*):

**Position Description Language**

Issue: Position description terminology confusing to applicants externally and internally.

Recommendation: Concur with the recommendation in Hiring Practices Report to clarify terminology used in position descriptions.

**Strategic oversight over classification system**

Issue: Employees have a limited understanding of the classification process.

Recommendation: New Personnel Rules will clarify the classification process used by Human Resources.

**Human Resources processes need to be available on-line and customer-friendly**

Issue: No one area for employees to access information on personnel rules, Mayoral APM's, labor relations information, etc.

Recommendation: Human Resources staff will work with City IT staff to create a webpage in EmployeeNet for employees to access Human Resource information.

**Role of Personnel Board**

Issue: There are gaps in personnel issues that may be addressed by the Personnel Board.

Recommendation: Requested Human Resources Director to research other municipalities for Personnel Board missions and present findings to Personnel Board for discussion.

### **Career Advancement, Training and Performance Expectations**

Issue: No clear process for career advancement, training requests and conveying performance expectations.

Recommendation: Human Resources staff will identify gaps in training for career advancement and development of customer service skills.

### **Hiring and interview panels**

Issue: Hiring and interview panels should be diverse.

Recommendation: Concur with recommendation contained in Hiring Practices Report to insure interview panels and raters are diverse as well as the recommendations contained in the 2009 Affirmative Action Plan. Also recommend that one person on a certified interview panel not be under the appointing authority (Department Head).

### **Employee evaluations**

Issue: No formal evaluation process for employees.

Recommendation: Encourage departments to develop works plans and provide additional training to supervisors on giving performance feedback to employees.

### **Merit increases**

Issue: City does not provide merit increases.

Recommendation: Employees are currently offered COLA, longevity pay and collective bargaining through unions.

### **Council's role in union contracts/managerial contracts**

Issue: Language exists in Madison General Ordinances 3.13(5)(d)

Recommendation: Human Resource Director will insure that the ordinance is followed and notify the Council when Board of Estimates is meeting on labor relations activity.

### **Mayoral Managerial Hiring Practices**

Issue: Often with transitions between administrations there are differences in hiring managers. Some mayors promote employees from within to managerial positions, while others prefer to hire managers externally.

Recommendation: The city should always conduct a nationwide search to fill a Compensation Group 21 position and if a nationwide search is not used, the reason behind that decision should be communicated to the council.

### **Interim managerial appointments/double-filling/timing of appointments**

Issue: Process of appointing interim managers confusing.

Recommendation: Ordinance, Legislative File No. 11092 was adopted by the Common Council on 9/2/08 that addresses this issue.

### **Role in evaluation of Compensation Group 21 employees**

Issue: Develop a form where alders can provide input on city managers to the Mayor.

Recommendation: Update evaluation form used in 2000 and conduct yearly evaluations of all managers in January or February. (Human Resources Director is now noting how long manager has been in their position when emailing notice of managerial contract renewals).

### **Residency rules**

Issue: Residency rules are applied inconsistently in the city.

Recommendation: CCOC review draft ordinance to exempt Compensation Group 18 & 44 from the city's residency rules.

## **Recruitment & Promotion Policies**

Issue: Inconsistent and/or different policies and processes for recruitment and promotion of employees.

Recommendation: City Attorney will issue an opinion on Police and Fire Commission and Common Council interactions on police and fire promotions. (*Attachment E*)

## **Reorganizations**

Issue: No standard practice for department reorganizations.

Recommendation: Human Resources develop process steps for future reorganizations for CCOC review.

The subcommittee met twelve (12) times: January 29, 2008, February 28, 2008, March 12, 2008, March 27, 2008, April 23, 2008, June 23, 2008, December 16, 2008, January 8, 2009, March 3, 2009, March 9, 2009, March 25, 2009 and April 15, 2009. (*Attachment F*)

In addition to the subcommittee members the following staff attended meetings:

### Mayor's Office

Janet Piraino, Mayoral Chief of Staff

### Human Resources Department

Brad Wirtz, Director

Lorie Olsen, Personnel Services Manager

Mike Lipski, Compensation & Benefits Manager

Karl van Lith, Organizational Development & Training Officer

Judy Hughes, Personnel Analyst 2

Sylvia Moss, Personnel Technician 2

### Department of Civil Rights

Lucia Nunez, Director

Larry Studesville, Interim Director

Christie Hill, Affirmative Action Specialist

### MPSEA Representatives

Lorri Wendorf, President

Kelli Lamberty, Board Member

Chris Duerner, Board Member

### Common Council Office

Lisa Veldran, Administrative Assistant

# **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**

## Table of Contents

Executive Summary .....	1
Introduction.....	2
Process .....	2
Resolution Tasks and Findings .....	3
Other Resolutions.....	5
Recommendations.....	5
Attachments .....	7

## 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 Brasser 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	06/13/2007	Fiscal Note Pending	Council Office		06/13/2007	
	<b>Notes:</b> Knepp						

- |   |  |   |   |                   |            |
|---|--|---|---|-------------------|------------|
| 1 | Council Office                         | 06/13/2007  | RECOMMEND TO<br>COUNCIL TO<br>ADOPT UNDER<br>SUSPENSION OF<br>RULES 2.04, 2.05,<br>2.24, & 2.25 - MISC.<br>ITEMS  |                   |            |
| 1 | Comptroller's<br>Office/Approval Group | 06/19/2007  | Approved Fiscal<br>Note By The<br>Comptroller's Office<br>(AFTER CC INTRO)  | COMMON<br>COUNCIL | 06/19/2007 |
|   | Notes:                                 | Knepp   |   |                   |            |
| 2 | COMMON COUNCIL                         | 06/19/2007  | Adopt With<br>Amendment(s)  |                   | Pass       |
|   | Action Text:                           | 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<br>Amendment(s)  |                   | Pass       |
|   | Action Text:                           | 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<br>Amendment(s)  |                   | Fail       |
|   | Action Text:                           | 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 of 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**

Attachment 3

	<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>	

City-County Building, Room 403  
 210 Martin Luther King, Jr. Boulevard  
 Madison, Wisconsin 53703-3345  
 608 266-4611  
 866 704 2340 TTY  
 608 267-8671 Fax  
 mayor@cityofmadison.com

**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**

Department of Civil Rights

SEP 19 2007

Received

TO: Janet Piraino, Mayor's Office  
Brad Wirtz, Human Resources  
Lucia Nunez, Civil Rights Director  
Dean Brasser, 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. 353 (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

October 29, 2007

Page 2

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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 it's 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	Hire only MLS graduates for Librarian positions.
9	Look at testing process in MFD to ensure it has consistent standards and rely more on internal reviewers in hiring process.
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	Hire and promote from within, whenever possible.
12	Define ways to hire more diverse candidates.
13	Drop personality testing in MFD.
14	<p>It takes too long to hire people.</p> <p>Hire management positions from within.</p>
15	Job announcements should state how many vacancies the agency intends / hopes to fill.
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	Do background checks on all job offers. (Criminal checks.)
19	Feels HR staff is subjective and selective in hiring practices and compensation decisions. Appears inconsistent and not open and transparent.
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. Konkell, 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 Konkell

**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 <b>Notes:</b> Bohrod	05/09/2007	Fiscal Note Pending	Council Office	05/09/2007	
1	Council Office <b>Notes:</b> Affirmative Action Commission, Comptroller (for fiscal note)	05/09/2007	Referred for Introduction			
1	COMMON COUNCIL	05/15/2007	Refer	AFFIRMATIVE ACTION COMMISSION	06/12/2007	
1	AFFIRMATIVE ACTION COMMISSION <b>Notes:</b> Use after CC intro approval action & send to AAC.	05/16/2007	Fiscal Note Required / Approval	Comptroller's Office/Approval Group	06/19/2007	
1	Comptroller's Office/Approval Group <b>Notes:</b> Bohrod	06/12/2007	Fiscal Note Pending	AFFIRMATIVE ACTION COMMISSION	06/12/2007	
1	AFFIRMATIVE ACTION COMMISSION <b>Action Text:</b> A motion was made by Zipperer, seconded by Tatus, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. <b>Notes:</b> 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.	06/12/2007	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATION S - REPORT OF OFFICER			Pass
2	Council Office	06/19/2007	Fiscal Note Required / Approval	Comptroller's Office/Approval Group	06/19/2007	
2	Comptroller's Office/Approval Group <b>Notes:</b> Bohrod	06/19/2007	Approved Fiscal Note By The Comptroller's Office (SUBSTITUTES)	Council Office	06/19/2007	
3	COMMON COUNCIL <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.	06/19/2007	Adopt With Amendment(s)			Pass

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

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

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

**Notes:** Bohrod

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

**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			
1	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? <div style="text-align: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</div>		
2	Is there a valid eligibility list in the Human Resources Department for the position to be filled? <div style="text-align: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</div>		
	If yes, will the list of applicants conflict with goals established in the Affirmative Action Plan for the job description? <div style="text-align: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No    <input type="checkbox"/> N/A</div>		
Explain:			
3	Have you made a specific recommendation for recruitment on the request to fill vacancy form? <div style="text-align: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</div>		
	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

Objective	Activity	Person(s) Responsible	Time Frame
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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.

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.

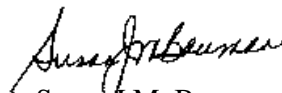
**SPECIAL NOTE: HOURLY POSITIONS**

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 - Overture 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 suspensionsof 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.

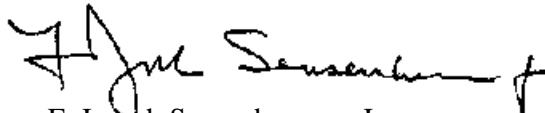
STEP THREE:

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.

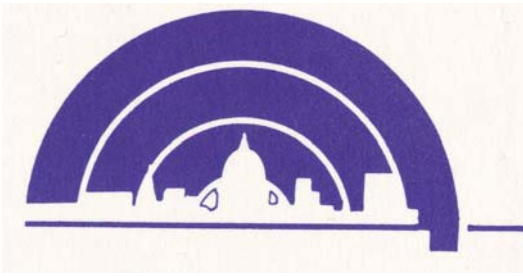
## **ORAL BOARD INTERVIEW PROCESS**

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.





# Madison Professional & Supervisory Employees Association

DATE: December 4, 2007

TO: City of Madison Common Council

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

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

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

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

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

## **EXECUTIVE SUMMARY**

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

### **HIRING PRACTICES**

1) **Issue:** MGO 3.35(7) Selection Process.

- a. There have been inconsistencies in the application of this process for filling vacancies in the Civil Service System.
- b. Although 'recruitment' is included in the definition of the selection process, there is no policy or guideline that states what the requirements are for this part of the selection process.

**Recommendations:**

- a. Insure consistent application of existing policies and procedures as set forth in MGO 3.35(7).
- b. Develop and implement procedures that clearly outline the recruitment and selection process to ensure consistency on their application based on the Civil Service system and union agreements.
- c. The Human Resources Department should provide training and resources to hiring managers to insure these processes are known.

2) **Issue:** MGO 3.35(9) Appointment Procedure.

- a. Candidates certified should meet the minimum training and experience requirements advertised. In addition, appointment procedures should be consistently followed.

**Recommendation:**

- a. Provide consistent application of existing policies and procedures as put forth in MGO 3.35(9).

3) **Issue:** MGO 3.35(10) Appointments in Civil Service.

- a. Application of the residency requirement of this process (MGO 3.35(10)(a)) to only selected compensation groups within the Civil Service system is fundamentally unfair and the penalties of this requirement create significant disparity in wages for similar responsibilities and duties.

**Recommendation:**

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

## **GENERAL EMPLOYMENT**

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

### **Recommendations:**

- a. Expand the role of the Personnel Board to include review and oversight of the classification system on a broad City-wide level.
- b. Human Resources Department, with agency input, should create written objective criteria for the classification of new and reclassified positions..

- 2) **Issue:** Disparity in minimum training and experience requirements within Comp Groups 18 & 44.

**Recommendation:** Increase minimum requirements commensurate with position responsibilities.

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

### **Recommendations:**

- a. Provide an overall philosophy and consistent performance standards for all employees.
- b. Develop and implement performance measures and a merit system.

- 4) **Issue:** Scattered hiring policies and procedures and lack of training for hiring managers.

### **Recommendations:**

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

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

## **MPSEA HIRING PRACTICES REPORT**

### **PROCESS / SCOPE**

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

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

### **FINDINGS & RECOMMENDATIONS**

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

#### **HIRING PRACTICES**

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

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

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

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

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

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

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

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

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

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

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

Recommendation: Provide consistent application of existing policies and procedures.

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

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

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

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

### **GENERAL EMPLOYMENT**

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

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

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

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

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

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

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

Recommendations:

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

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

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

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

For example, a review of the following financial positions:

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

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

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

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

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

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

Recommendation:

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

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

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

Recommendation: Update or eliminate the APM.

TRAINING

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

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

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

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



## **CLOSING**

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

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

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

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

**MATRIX DEVELOPED FROM 12/16/08 CCOC SUBCOMMITTEE TO REVIEW CITY HIRING PRACTICES & POLICIES**

**Attachment C**

	Issue	Training	Policies/Procedures Approval needed by Council	HR Department	Common Council	Union or MEM/MPSEA	Mayor	Personnel Board
1.	1. Job Description/Other Qualifications language ("plain language") 2. Strategic oversight over classification system a. Currently piecemeal/unique positions created b. Understanding the process of classification c. Similar jobs should be consistent across all Comp Groups and Ranges * Need for awareness of Affirmative Action requirements		X	X	X			X
2.	Human Resources process needs to be available on-line (electronically) and customer-friendly	X	X	X	Budget			
3.	Role of Personnel Board (HIGH)		X	X	Policy	X		X
4.	Career Advancement/Development		X	X		X	X	X
5.	Training a. Supervisory b. Leadership (managers, mid-managers)	X	X	X	Budget			X
6.	Hiring and interview panels – need to diversify/not have all from one department			X				
7.	Employee evaluations		X	X		X	X	X
8.	Merit increases (LOW)				Budget		X	X
9.	Performance Expectations: relates to training also (HIGH)			X	Budget	X	X	X
10.	Council's role in union contracts/managerial contracts (HIGH) a. Level of Council input/involvement b. Financial impacts			X	Budget Policy	X		
11.	Recruitment process a. B. Wirtz noted that with the hire of external managers often bring new recruitment ideas * Need for awareness of Affirmative Action requirements	X	X	X	Budget			
12.	Mayoral HR Preferences (LOW) a. Political transitions between administrations pull HR Department into new directions e.g. differences: train internally (one mayor) vs. hire externally (another mayor)				Policy		X	X
13.	Interim managerial appointments/double-filling/timing of appointments (HIGH)			X	Policy	X	X	
14.	Role in evaluation of Compensation Group 21 employees (city manages) (HIGH)			X	Policy	X	X	
15.	Residency rules (MEDIUM)			X	Policy	X	X	
16.	Financial resource problems (HIGH) a. Budget cuts to training and organizational development			X	Budget			
17.	Succession Planning (added 3/12/08)							
18.	Reorganizations (added 4/23/08)							
19.	Creating a webpage on EmployeeNet for employees to access HR process information/information (added 12/16/08)							

## Attachment D

	Identified Issue	Subcommittee Recommendation	Action Items	Additional Information
1.	Use of “plain language” in job announcements/position descriptions	<ul style="list-style-type: none"> <li>Concur with recommendation in Hiring Practices Report.</li> </ul>	<ul style="list-style-type: none"> <li>Summarize HR recommendation on “plain language”.</li> <li>Summarize DCR recommendation on “plain language”.</li> <li>Forward focus group comments on job announcements to Personnel Board for feedback to Human Resources Director. (Completed)</li> </ul>	<p>Recommendation contained in the Hiring Practices Report (dated December 2007), <i>“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.”</i> (Page 5)</p> <p>Focus group of AASPIRE interns was used to review recent job announcements.</p>
2.	Strategic oversight of City’s classification system	<ul style="list-style-type: none"> <li>See <i>Role of Personnel Board</i></li> <li>Classification system is updated in Personnel Rules</li> </ul>	<ul style="list-style-type: none"> <li>Mike Lipski will provide the subcommittee members with a snapshot report of reclassifications from September 2008 to present noting how many reclassifications were submitted, how many approved and how many were denied. (Completed - Forwarded information to subcommittee members)</li> </ul>	
3.	HR processes available on Employeeenet and are employee (customer) friendly	<ul style="list-style-type: none"> <li>HR will create a webpage on Employeeenet containing HR resources for employees. Links to existing information that would reference Personnel Rules, APM's and Labor Relations information and processes.</li> </ul>	<ul style="list-style-type: none"> <li>Lorie Olsen is in process of updating website/webpages. She will gather input from individuals from WIC, MAC, MPSEA and Payroll Users on what information is needed for webpage. Ask for feedback before website goes live.</li> </ul>	

4.	Role of Personnel Board	<ul style="list-style-type: none"> <li>❑ Further review is needed on if and how Personnel Board should address policy issues. Gaps in personnel issues need to be addressed.</li> </ul>	<ul style="list-style-type: none"> <li>❑ HR researches other municipalities' personnel board membership criteria and present findings to CCOC for discussion.</li> </ul>	
5.	Career Advancement, Training and Performance Expectations	<ul style="list-style-type: none"> <li>❑ New financial/HR software contain a module to track employee training</li> <li>❑ HR to provide a training report listing additional training needs for CCOC review by May 2009 to consider for 2010 budget process.</li> <li>❑ Review previous administration's decision pulling money from HR and allowing each department to budget for own training.</li> <li>❑ HR to identify agencies in need of customer service training.</li> <li>❑ Increase staffing in Training &amp; Organizational Development. Increase budget for training &amp; staff development (e.g. facilitator training, training on committee rules, etc.). Karl van Lith/Brad Wirtz to provide a summary of suggestions.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Requested Karl van Lith to review and update his recommendation list of current training opportunities, "wish list" of training opportunities and anything that may have changed after his meeting with MPSEA and their professional development training ideas.</li> </ul>	
6.	Hiring & Interview Panels	<ul style="list-style-type: none"> <li>❑ Recommend that one person on a certified interview panel NOT be under the appointing authority (Dept Head).</li> </ul>		Implement recommendations contained in the report (page 6): <i>"Develop specific criteria to make sure interview panels and raters are diverse."</i>

7.	Employee Evaluations	<input type="checkbox"/> Encourage departments to develop work plans and provide additional supervisory training on giving performance feedback.		
8.	Merit Increases	<input type="checkbox"/> Employees are currently offered COLA increases, longevity pay and collective bargaining. Due to funding constraints no additional merit increases are recommended at this time.		
9.	Council's Role in Union & Managerial Contract Negotiations	<input type="checkbox"/> Follow existing language in MGO 3.13(5)(d) and HR will notify Council members when BOE considered matters listed in ordinance language. <input type="checkbox"/> When alders are notified of a managerial contract renewal the HR Director also notes how long that employee has been in that position. <input type="checkbox"/> Prior to the first bargaining sessions, initial proposals and final actions on Local 60, Local 236, Local 311, MPPOA labor agreements alders will be specifically invited to closed sessions of the Board of Estimates.		<p>3.13(5)(d) Mayor and Common Council Control. The Board of Estimates shall confer with the Mayor and the Human Resources Director regarding initial bargaining proposals to be presented to each duly recognized bargaining unit. All labor contracts and agreements negotiated under the terms of this section shall be subject to the approval of the Mayor and Common Council. No labor contract or agreement shall be binding upon the City nor shall any of the terms of such agreements be implemented until such time as the agreement is approved and executed by the Mayor and City Clerk in the manner prescribed by law.</p> <p>1. The Human Resources Director shall report periodically on labor relations activities to the Mayor and the Board of Estimates.</p> <p>2. The Human Resources Director shall complete such reports as the Mayor and Common Council shall require and attend such conferences or meetings as designated for purposes of ensuring sufficient communications with the Mayor, Board of Estimates and Common Council on labor relations matters.</p>
10.	Recruitment Process		<input type="checkbox"/> Lorie Olsen & Judy Hughes to provide a report on the recruitment process.	

11.	Mayoral Hiring Preferences	<ul style="list-style-type: none"> <li>❑ New Personnel Rules will state that Comp Group 21 positions are always subject to a nationwide search</li> </ul>		
12.	Interim/double-filling managerial appointments	<ul style="list-style-type: none"> <li>❑ Ordinance, Legislative File No. 11092 adopted by Council on 9/2/08 to address this issue.</li> </ul>		
13.	Evaluating Comp Group 21 employees	<ul style="list-style-type: none"> <li>❑ Update 2000 evaluation form (possibly make it online)</li> <li>❑ Ald. Brenda Konkel &amp; Ald. Michael Schumacher draft letter for Council Leadership to the Mayor that Council members will fill out the evaluation form annually with the anticipation that the Mayor will analyze and utilize the information that could improve performance, particularly relationships between managers and the Council. Ald. Brenda Konkel suggested that evaluations be completed annually every January or February.</li> <li>❑ When alders are notified of a managerial contract renewal the HR Director also notes how long that employee has been in that position.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Request that staff check with City Attorney about confidentiality of the evaluations and open records law.</li> <li>❑ When the subcommittee report is submitted ask CCOC to review a draft evaluation form for comment/suggestions.</li> <li>❑ Parking Lot Issue: MPSEA – develop a mechanism for employees to provide feedback on managers</li> </ul>	

14.	Residency rules	<ul style="list-style-type: none"> <li>❑ Place draft ordinance to exempt Compensation Group 18 &amp; 44 from the city's residency rules on CCOC agenda for discussion.</li> </ul>	<ul style="list-style-type: none"> <li>❑ When referred, request lead referral agency to ask for MPSEA input.</li> </ul>	
15.	Recruitment and Promotion Policies	<ul style="list-style-type: none"> <li>❑ Human Resources Director will prepare a set of recommendations or variables (i.e. Best Practices) to recruit/attract the highest caliber candidates for Compensation Group 21 &amp; top 18 positions</li> <li>❑ Develop a system/process to alert Common Council members when a position has been filled before the media/public is alerted.</li> <li>❑ Human Resources develop a monthly report on all vacancies and their status, including if they are advertised and when the position became vacant. The monthly report would go to CCOC.</li> <li>❑ MPD/MFD will provide information on recruitment to alders that can be used in newsletters, listservs, career fairs, etc.</li> <li>❑ Request that the MPD/MFD provide ongoing budget information so that alders can develop a priority list.</li> <li>❑ City Attorney Opinion outlining alder input process to Chiefs and the PFC.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Invite MFD and MPD staff to future meeting to discuss recruitment and promotion policies</li> <li>❑ Human Resources Director will provide data on retirements in the next 5-year and how the city is prepared to handle future retirement numbers.</li> <li>❑ Ald. Brenda Konkel requested that the "Best Practices" recommendations include data to display what other cities with comparable jobs are paying.</li> </ul>	

16.	Reorganizations	<input type="checkbox"/> Human Resources will develop a set of process steps to insure a better outcome for future reorganizations. These steps will be forwarded to CCOC.		
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CITY OF MADISON  
OFFICE OF THE CITY ATTORNEY  
Room 401, CCB  
266-4511

Attachment E

Date: May 18, 2009

**OPINION NO. 09-001**

TO: Alder Michael Schumacher

FROM: Michael P. May, City Attorney

RE: **Alders and Personnel Matters before the Police and Fire Commission**

You have requested my opinion on the manner in which Alders could provide information or otherwise make their views known on matters related to the promotion of Police Officers, as recommended by the Chief of Police, and approved by the Police and Fire Commission (PFC). I will consider the question only as to Police Officers, although similar issues might arise with Firefighters.

**Short Answer**

As will be set out in detail below, I recommend that Alders utilize the existing system established by the Madison Police Department (MPD). Under this system, compliments, complaints or concerns about an officer's conduct are to be made in writing to the Chief of Police. Such communications become part of the employee's personnel file. The Police Chief and the PFC then review these matters at the time that the officer is considered for promotion.

There is also a more formal complaint process that any citizen may utilize; such complaints are handled by the Professional Standards & Internal Affairs Unit (PS&IA) of the MPD. It should be noted that the informal communications mentioned above may also trigger a PS&IA investigation, if the information provided implicates a possible rule violation. My understanding is that this investigatory/disciplinary process was not part of your inquiry.

**Discussion**

The question you raise is a mixed question of legal and policy determinations. Because of this, I will first discuss the law applicable to the situation you discuss, will then describe the current procedure for operation of the Police Department and the PFC with respect to personnel matters, and will finally explain why I make the recommendation outlined above.

### **Legal Attributes of the Police and Fire Commission**

Under Wisconsin law, Madison is required to have a PFC. This is pursuant to Sec. 62.13 of the Wisconsin Statutes. By statute, the powers and operations of a PFC are a matter of statewide concern and may not be modified in any significant respect by municipalities. Sec. 62.13(12), Wis. Stats. In accordance with Sec. 62.13(4), Wis. Stats., chiefs appoint subordinates, both initial hires and promotions, subject to approval by the PFC.

One of the major purposes of a PFC is to remove the appointment and promotion of police officers and firefighters from the vicissitudes of political processes and municipal elections. *Conway v. Board of Police and Fire Commissioners of City of Madison*, 262 Wis. 2d 1, 20, 662 N.W. 2d 335 (2003), citing *State ex re. Pieritz v. Hartwig*, 201 Wis. 450, 230 N.W. 42 (1930). It is to be "an impartial body that operates independently of the city itself ..." and "is designed to prevent the board from operating as an agent of a city official or police or fire chief." *Heil v. Green Bay Police and Fire Commission*, 2002 WI APP 228, ¶ 14, 256 Wis. 2d 1008, 1016, 652 N.W. 2d 118 (2002), citing other cases. In furtherance of that, the PFC is given significant independence. It constitutes its own legal entity for purposes of suing and being sued. *Racine Fire and Police Commission v. Stanfield*, 70 Wis.2d 395, 402, 234 NW 2d 307 (1975). As such an independent entity, it also has its own legal counsel. When complaints are brought by the Chief of Police before the PFC seeking discipline or removal of an officer, the City Attorney represents the Chief of Police, while the PFC has its own attorney.

Moreover, the Madison PFC is not a body which is entrusted with operating the Police or Fire Department. While some PFC's are given the "optional powers" set out in Sec. 62.13(6), Wis. Stats., Madison's PFC does not have those powers. Thus it is the Chiefs of Police and Fire who have the obligation for operational control of the departments. While these positions are subject to some oversight by the Mayor and Common Council under Sec. 62.09 (8) and (13), Wis. Stats., the chiefs enjoy a great deal of independence. This issue is explored in some length in a report prepared by our office with respect to a resolution on tasers offered some years ago. See Report of the City Attorney on Resolution ID # 00572, April 19, 2005.

In short, the Madison PFC operates as an independent personnel body with respect to matters before the Police Department.

### **PFC and MPD Procedures**

In furtherance of the above legal guidelines and pursuant to the authority granted under Sec. 62.13 (4) and (5), Wis. Stats., the PFC has adopted rules to guide it in the exercise of its statutory responsibilities. These rules address the entry level hiring process as well as appointment to promoted ranks. In addition, MPD has developed a very specific procedure to assist the PFC in undertaking its personnel obligations. As mentioned above, the PFC must approve the recommendations of the Chief of Police

with respect to officer promotion or hiring. The PFC has additional obligations with respect to hiring.

As part of its management responsibilities, the MPD maintains a personnel file on each and every officer in the department. Comments that are received from any member of the public are collected within these files. The comments may be positive, negative, or merely neutral. If they are deemed relevant to future decisions with respect to the officer's advancement, they are maintained in the file. The MPD has developed a specific form – the "Officer Conduct Reporting Form" -- which may be used to provide these comments to the Department, the Chief of Police, and eventually the PFC. This form, together with a letter from the Chief of Police and a summary of the complaint resolution process, are available on the MPD website at:

<http://www.cityofmadison.com/police/about/professionalStandards.cfm>

A copy of those documents are attached.

Use of the personnel file in the decision-making process with respect to an officer's advancement has been formally incorporated into the promotional procedures of both the Police Chief and the PFC. Pursuant to an MOU between the Chief (City) and the MPPOA, the Chief's process for selection provides that each candidate's captain will review the personnel and complaint files as well as the resume for the candidate. In addition, the commanding officer of the candidate makes a presentation to the MPD Management Team to give a comprehensive picture of the candidate. This includes information in the candidate's personnel and complaint files. It is my understanding that this review has historically been part of the Chief's promotional process.

The PFC's rules with respect to appointments by promotion are set forth in PFC Rule 4.f. On the matter of personnel file review, the PFC's process is detailed and explicit:

At each regular meeting of the Board, the Chief shall inform the Board regarding any promotional appointments which the Chief then intends to present to the Board at either of the next two Board meetings. During the interim between receiving that information and acting on the Chief's recommendation, any Commissioner by arrangement with the Chief may examine the complete personnel record of the prospective appointee. The Board shall act on recommendations of the Chief for promotional appointment at any regular or duly scheduled special meeting following such opportunity for examination of the appointee's record. PFC Rules and Regulations 4.f.v.

In practice, either some or all of the PFC actually review the entire personnel file for each officer being considered for promotion. The existing systems established by the MPD and the PFC ensures that compliments, complaints and concerns about an

officer's conduct can be folded into an orderly review process and given due consideration by both the Police Chief and the PFC at the appropriate stage.

I noted in my Short Answer to this opinion that my understanding is that the MPD and PFC disciplinary process was not part of your inquiry. Consequently, this opinion does not address that matter in any depth; I include only the following brief summary. There is also a specific and much more detailed procedure with respect to complaint proceedings seeking suspension, demotion or removal of a police officer. The procedure ensures the Chief of Police, as to MPD's investigatory process and disciplinary decision, and the PFC, as part of its quasi-judicial proceedings and final determination, comply with statutory requirements and satisfy the "seven just cause standards" in Sec. 62.13(5), Wis. Stats., as to any discipline imposed. Sec. 62.13(5), Wis. Stats., "provides procedural steps to be followed in proceedings against a member of a municipal police department"; "embodies the 'substantial elements' of a common-law hearing ... by providing for the filing of a written formal charge ..., a public hearing at which the officer may be represented by counsel and may subpoena witnesses; and an appeal to the circuit court." The statutory procedure has been held by the Wisconsin Supreme Court "to meet the requirements of due process." *State ex. rel. Richey v. Neenah Police and Fire Commission*, 48 Wis.2d. 575, 580-81, 180 N.W.2d 743 (1970).

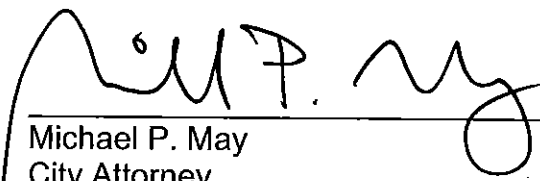
Finally, it should be noted that because of the legal nature and attributes of the PFC outlined above, it does not have the same procedures that many City committees have. There is no required public comment period before the PFC; Alders do not enjoy the right of participation at the PFC; it has adopted a series of rules and policies independent of those established by the Common Council for other City committees, which are considered arms of the Council or the Executive, or both. In one of the cases cited above, *Heil v. Green Bay Police and Fire Commission*, a liaison from the common council participated in discharge proceedings before the Green Bay PFC, but did not have the right to vote. The court held that the proceedings were void because the officer's due process rights had been violated by the participation of this outside person.

### **Recommendation:**

Based upon the above-discussed legal limitations, I am very concerned about Alders appearing at meetings of the Police and Fire Commission and making statements about individual police officers, at least outside of a formal complaint proceeding. As with other citizens, Alders can certainly bring formal complaints if they believe it is warranted. However, appearance at these meetings begins to raise troubling questions of whether the Alders are -- in spirit if not in law -- crossing the line of independence from political action that the PFC has been established to prevent. This concern is highlighted by the outcome in the *Heil* case mentioned above.

Alders may, as may any other citizen, submit comments to the Chief of Police with respect to the performance of any officer. Those comments are gathered and will be available to the PFC when it deliberates upon future personnel actions with respect to that officer.

I recommend that the Council members take advantage of this existing MPD procedure. I further recommend that the comments actually be submitted in a written, paper document. While the MPD attempts to gather comments filed by email, it may be difficult in an individual case to determine a person's intentions; i.e., whether a person is commenting on an MPD policy, raising a concern or passing on a compliment about the performance of a particular officer, or simply complaining about something that may or may not actually reflect on the officer's conduct. Thus, a paper copy delivered to the Chief of Police will not be mistaken as having some other intention.



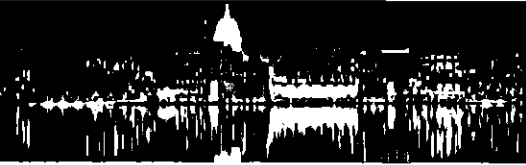
Michael P. May  
City Attorney

#### Attachments

SYNOPSIS: Due to the independent nature of the Police and Fire Commission, Alders who desire to comment on the performance of police officers or firefighters should use the established process of filing written comments with the Departments.

cc: City Clerk  
Mayor Dave Cieslewicz  
All Alders  
Chief Noble Wray  
Chief Debra Amesqua

"Policing in  
partnership with  
our community"



City-County Building  
211 South Carroll Street  
Madison, WI 53703-3303  
Phone: 608 266-4022  
TDD: 608 266-6562  
[www.madisonpolice.com](http://www.madisonpolice.com)

Dear Citizen:

Thank you for contacting the Madison Police department to express your concerns. The Madison Police department is committed to investigating complaints in an open and fair manner with determining the truth as our primary objective. To assist us with this effort, please provide as much information as possible, including specific dates, times and the names of officers involved. State the reasons you believe the officer's conduct was inappropriate and provide us with the names of witnesses and how they can be contacted. It is especially important that you provide us with your contact information as well. You may use additional paper as needed.

Before completing and signing your statement, please read the section regarding confidentiality and select the statement of your choice. Your complaint and related documents are a public record and subject to disclosure upon a request for documents from the news media or any other person. The Department routinely discloses summaries of complaint investigations and their dispositions to the news media. If you request confidentiality, the Department will make every legal effort to respect your request. However, it is not possible to guarantee confidentiality.

It is also important to note that depending upon the nature of your complaint, it may not be necessary for you to submit your complaint in writing. Many citizen complaints can be more efficiently and appropriately addressed by speaking directly with the employee's Commanding Officer or Supervisor.

If you choose to submit your complaint in writing, you may mail it or drop it off in person at:

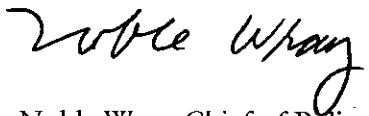
Madison Police Department Professional Standards  
211 South Carroll Street (GR28)  
Madison, WI 53703-3303

You may contact the Professional Standards and Internal Affairs Unit to discuss the nature of your complaint. The Internal Affairs sergeant can also answer any questions you may have about the process. The Professional Standards and Internal Affairs Unit is open Monday through Friday during regular business hours. The direct telephone line is (608) 266-6502.

You may decide to take your complaint directly to the Madison Police and Fire Commission (PFC). Forms for that purpose are available in the city Clerk's Office and the Mayor's Office. In some cases, the Department or officers involved may take your complaint to the PFC. Any proceedings before the PFC are public. Documents related to PFC proceedings are public records and are generally subject to disclosure under Wisconsin Law.

Lastly, the Department is required by State Law to inform you that, "**whoever knowingly makes a false complaint regarding the conduct of law enforcement officer is subject to a Class A forfeiture.**"

Sincerely,

A handwritten signature in cursive script that reads "Noble Wray".

Noble Wray, Chief of Police

Enclosure: Complaint Statement Form



**MADISON POLICE DEPARTMENT  
Officer Conduct Reporting Form**

**Complainant and Contact Information**

NAME		
ADDRESS		
CITY	STATE	ZIP CODE
HOME PHONE	WORK PHONE	CELL PHONE
STATEMENT GIVER IS <input type="checkbox"/> Aggrieved Party <input type="checkbox"/> Witness to Incident <input type="checkbox"/> Other		

**Involved MPD Personnel and Allegation**

OFFICER(S) NAME AND/OR NUMBER
MPD CASE NUMBER (IF AVAILABLE)
DATE AND APPROXIMATE TIME OF INCIDENT
LOCATION
ALLEGATION(S)

*Please attach a description narrative of the incident.*

**Please Read Carefully Before Signing**

Choose one statement regarding confidentiality:

- ☐ I request my name be kept confidential.  
☐ I request my name, address and phone number be kept confidential.  
☐ I will not provide any information regarding this matter unless I am pledged confidentiality as indicated above.  
☐ I do not request confidentiality in regard to this matter.

By signing the line below, I am affirming that I have read the letter from the Chief of Police pertaining to the complaint process and confidentiality; the details contained in my statement are true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

PS & IA USE ONLY			
DATE	EMPLOYEE	CR #	INTAKE NAME



## INFORMATION NEEDED

The supervisor assigned to investigate your complaint will ask for the following information:

- Your name, address and phone number;
- The date and time of the incident about which you are complaining;
- The names, addresses, and phone numbers of any witnesses, if available;
- If the incident involves an arrest, the name, address, and phone number of the person arrested, if known;
- The name, badge number, and car number of the officer(s) involved, if known;
- Details of the incident that prompted your complaint.

The Madison Police Department is in compliance with the equal opportunity policy and standards and all applicable state and federal statutes and regulations relating to nondiscrimination in employment and service delivery.

MADISON POLICE DEPARTMENT

# COMPLAINT RESOLUTION PROCESS



The best way to insure that we have an honest and excellent police department is to first police ourselves.

Noble Wray, Chief of Police



MADISON POLICE DEPARTMENT  
211 S CARROLL ST  
MADISON WI 53703  
Phone: (608) 266-4022  
Fax: (608) 266-4855

## HOW TO FILE A COMPLAINT

The Madison Police Department is committed to investigating complaints in an open and fair manner with truth as its primary objective. Therefore, this Department will accept complaints against its employees, policies or procedures, and investigate all such complaints to the appropriate disposition.

Complaints will not be investigated if the complaint is received more than ninety (90) days after the alleged incident, except if the complaint involves an alleged criminal violation, or the complainant can show good cause for not making the complaint within the specified time limit.

## COMPLAINT OPTIONS

Generally, citizens are encouraged to pursue their complaint through the internal process. However, you should know about both options available to you:

1. You may file a complaint with the Professional Standards Office within the office of the Chief of Police, or

2. You may file a complaint against a commissioned employee with the Board of Police and Fire Commissioners, as provided by State law. This is done by filing your complaint through the Mayor's Office, Room 403, or the City Clerk's Office, Room 103, both in the City-County Building.

## COMPLAINT PROCESS

1. Call, write, e-mail, or stop by the Chief's Office in GR-28 of the City-County Building, 211 S. Carroll Street, Madison, WI 53703 (608) 266-6502.

Complaints placed after 4:00 p.m. or on weekends should be directed to the Officer-in-Charge at (608) 266-4418.

2. Your complaint will be filed with the Professional Standards Unit, within the Executive Office. You will receive confirmation that your complaint has been received, and an indication as to whether your complaint will or will not be investigated.

3. Upon completion of an investigation, the Lieutenant assigned to investigate your complaint will make one of the following determinations:

### Unfounded

The investigation conclusively showed the incident complained of did not occur, or that the individual named in the complaint was not involved.

### Exonerated

The incident complained about did occur, but was justified, lawful and proper.

### Non-Sustained

The investigation failed to reveal enough evidence to clearly prove or disprove the allegation.

### Sustained

The investigation disclosed enough evidence to clearly prove the allegation.

The Chief of Police reviews all findings. When a finding of "sustained" is reported, the Chief will decide whether to take immediate corrective action or to forward the report to the commanding officer of the individual named in the complaint. Appropriate corrective action, which may include counseling, training, oral reprimand, written reprimand, suspension, demotion, or dismissal, may be taken. The Chief of Police will make the final determination.

A notary public is available at the Madison Police Department at no charge.

**CCOC Subcommittee to Review  
City Hiring Practices & Policies  
Tuesday, January 29, 2008  
11:00 a.m.  
Room 417, City-County Building**

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

Staff Attending: Lisa Veldran (Council Office), Brad Wirtz (HR Director), Christie Hill (Affirmative Action Division), Lorie Olsen (HR Department), Lorrie Wendorf (MPSEA) and Chris Duerner (MPSEA)

Meeting was called to order at 11:03 a.m.

**Develop subcommittee work plan to review the Hiring Practices reports submitted by City staff and MPSEA and make recommendations for changes to the Madison General Ordinances and/or the Administrative Procedure Memos to CCOC members (final recommendations to be made to the Council)**

Ald. Michael Schumacher explained that the purpose of the first meeting was to draft a subcommittee work plan that would assist in identifying what recommendations from the reports require Council action or direction. The subcommittee would then draft recommendations to the CCOC for their review.

Ald. Brenda Konkel noted that the information contained in the reports was good and answered many questions that were highlighted in the resolution. She also noted that the proposed changes to hiring practices and policies were occurring at a good time with recent city staff changes.

Ald. Michael Schumacher stated that strategic direction is still needed in implementing the recommendations. He noted that he was still receiving emails from Water Utility employees. Ald. Brenda Konkel concurred that she too was receiving city employee emails/calls primarily on specific hires. She would like the City to restore people's comfort zone in trusting the city's hiring process and practices.

Christie Hill noted that Lucia Nunez was unable to attend the meeting but wanted Ms. Hill to communicate to the subcommittee members that this was a great opportunity to work closely with Human Resources on creating the report and that it was beneficial for both departments.

Lorie Wendorf asked for clarification on the role of the Personnel Board in the recommendations.

Ald. Brenda Konkel noted that many city committees do not understand what their role and function are and in the third case they take on additional responsibilities. She was concerned that the Personnel Committee does not really review hiring policies or practices.

Ald. Michael Schumacher believed that appointments to the Personnel Board should at least contain a requirement that the appointees have a human resource background. Brad Wirtz noted that the two most recent appointments do have a human resource background. Ald. Michael Schumacher thought that the CCOC Subcommittee on Committee Creation and Committee Rules might want to include the issue of qualifications in a future discussion on the composition of specialized committees. (He asked Council staff to forward that recommendation to the subcommittee.)

Ald. Brenda Konkel said she understood from the work plan that there were going to be to MGO Chapter 3.53 and wanted to know if those changes were going to happen. She was unclear as to where Human Resources was in the process.

Brad Wirtz stated that the ordinance changes were already part of the Human Resources original work plan and that they have had two meetings so far. He believed that the Mayor would sponsor any ordinance changes. Ald. Konkel wanted to avoid having both the subcommittee and the Mayor working on the same changes. Brad Wirtz will keep alders updated on the progress of the ordinance changes. Lisa Veldran noted that any ordinance changes to 3.53 could also be referred to CCOC so alders were aware of any changes to MGO 3.53 as they were introduced to Council.

Ald. Michael Schumacher recommended creating a matrix with the following headings and then creates an inventory of what efforts are currently underway/what issues require follow-up:

- Training
- Policies/Procedures
- Human Resources Department
- Common Council
- Unions/Associations

Christie Hill questioned what the role of the subcommittee was in reviewing the reports. Ald. Brenda Konkel stated that she saw the role of the subcommittee as one developing recommendations to CCOC for any changes to hiring policies or ordinances. She noted that one recommendation of the subcommittee may be that CCOC receive a follow-up report 6 months to one year from now the on the progress of the recommendations contained in the report. Ald. Michael Schumacher noted for example, collective bargaining: the Council may want to know if the collective bargaining is working right now for the City.

(The matrix is attached following these minutes)

**Next Meeting(s)**

Tuesday, February 12, 2008  
1:30 p.m.  
Room 417, CCB

Friday, February 28, 2008  
10:00 a.m.  
Room 417, CCB

Wednesday, March 12, 2008  
2:00 p.m.  
Room 417, CCB

**Adjournment**

Meeting ended at 12:26 p.m.

Recording Secretary: Lisa Veldran, Administrative Assistant to Council

**CCOC Subcommittee to Review  
City Hiring Practices & Policies  
Thursday, February 28, 2008  
10:00 a.m.  
Room 417, City-County Building**

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

Staff Attending: Lisa Veldran (Council Office), Janet Piraino (Mayoral Chief of Staff), Larry Stutesville (Acting DCR Director), Christie Hill (Affirmative Action Division), Lorrie Wendorf (MPSEA) and Kelly Lamberty (MPSEA)

Meeting was called to order at 10:09 a.m.

**Approval of January 29, 2008 minutes**  
Minutes were approved

**Develop subcommittee work plan to review the Hiring Practices reports submitted by City staff and MPSEA and make recommendations for changes to the Madison General Ordinances and/or the Administrative Procedure Memos to CCOC members (final recommendations to be made to the Council)**

The subcommittee members continued discussion on the matrix that was developed from the January 29, 2008 meeting.

The following were changes made to the matrix:

Add columns "Personnel Board" and "Mayor"

"Job Description"

- o Add to Council column
- o Council may approve any changes to policies

"Human Resources process"

- o Ald. Brenda Konkel believed that this was a high priority.
- o Add to Council column - there may be some budget implications

Clarified the issue of compensation groups: similar jobs should be consistent across all Compensation Groups and Ranges.

"Role of Personnel Board"

- o Add to Personnel Board column

"Career Advancement"

- o Add to Mayor column
- o The subcommittee saw the need for career ladders/succession. Ald. Schumacher would like to see individual development plans.

"Job Description", "Strategic Oversight" and "Compensation Groups"

- o List under one heading
- o Add to Personnel Board column
- o Place Affirmative Action on this issue.

"Mayoral HR Preferences"

- o Ald. Michael Schumacher thought it would be helpful to provide a new mayor with transition materials. Transition also affects employee morale.

"Employee Evaluations" tie in with "Performance Expectations".

"Interim Appointments"

- o Ald. Michael Schumacher did not want to tie the Mayor's hand but that there could be an expectation of values.

"Recruitment"

- o Place Affirmative Action under this issue also.

Ald. Michael Schumacher asked the guests in attendance if they thought that the subcommittee had captured everything.

Lori Wendorf noted that the City's report did not find any instances of inconsistencies. MPSEA found two: hiring of the Facilities & Sustainability Manager position and the filling of the Interim Community Services position and wanted to know if the subcommittee was going to address these instances.

Subcommittee members noted that this was a practice problem and not so much a policy problem. Subcommittee members believed that many of these issues would be addressed through policy changes. Ald. Schumacher noted that now a dialog needs to occur and that through the report process these problems were acknowledged. By making the recommended changes for the future all employees will benefit. He did not want to focus on the past issues or that is where we will continue to be stuck.

Lori Wendorf and Kelly Lamberty both stated that they appreciated the acknowledgement and felt better knowing that actual concrete steps were now being taken to address their concerns.

Christie Hill noted that the collaboration between Department of Civil Rights and HR created a good synergy that both departments look forward to continuing.

The subcommittee noted that there were three pieces to their report:

1. Identify those issues in the matrix and request a report/update by Human Resources in 6 months on the issues.
2. Subcommittee will identify and make recommendations on the top three or four Council issues in the matrix and forward those recommendations to CCOC for feedback.
3. Forward final recommendations to CCOC, Personnel Board and Common Council.

Ald. Michael Schumacher and Council staff will rework the matrix. Ald. Brenda Konkel requested that Human Resource specific issues be taken off the matrix. Those issues would then be forwarded to Human Resources with a request to report back on their progress.

It was requested that Council staff:

- o Find out what the Council can or cannot do in terms of merit increases.
- o Find out if other cities use a merit pay system.
- o Invite Mike Deiters, Labor Relations Manager to the next meeting to discuss the Council's role in union/managerial contracts.
- o Locate MGO on double-filling positions
- o Request Personnel Board notices a possible quorum of the subcommittee.

**Next Meeting Dates**

Wednesday, March 12, 2008 at 2:00 p.m.

Thursday, March 27, 2008 at 2:30 p.m.

**Adjournment**

The meeting ended at 11:23 a.m.

**March 12, 2008**  
**CCOC Subcommittee to Review**  
**City Hiring Practices & Policies**  
**2:00 p.m.**  
**Room 417, City-County Building**

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

Staff Attending: Others: Lisa Veldran (Council Office, Sylvia Moss (Human Resources Department), Larry Studesville (Acting DCR Director), Christie Hill (Affirmative Action Division) Kelli Lamberty (MPSEA), Lorie Olsen (Human Resources Department) and Brad Wirtz (Human Resources Director)

The meeting was called to order at 2:05 p.m.

**Approval of February 28, 2008 minutes**

Minutes were approved.

**Continued discussion and review of the Hiring Practices reports submitted by City staff and MPSEA and developing recommendations for changes to the Madison General Ordinances and/or the Administrative Procedure Memos to CCOC members (final recommendations to be made to the Council)**

Ald. Michael Schumacher suggested that the subcommittee review the list of issues that were brought up at the last meeting.

Review the matrix and bring the items identified by the subcommittee to the CCOC.

Additional work for subcommittee would include attending Personnel Board meetings and requesting information from Human Resources Director and City Attorney as the subcommittee proceeds in the review.

Find out from Human Resources Department what issues they are working on currently or because it was identified as an issue by the Council Human Resources is moving it up "on their plate" and if it is possible to receive an update in 3-6 months.

Continue to narrow down anything with budget implications. For example, staffing issues when several positions are open. How does this affect the department in getting work done?

**Issues 1.1. Job Description/Other Qualifications language** – Brad Wirtz stated that this was addressed in the report and is in the process of being reviewed. Ald. Brenda Konkel asked if the plan was to make "other qualifications" more clearly to applicants. She stated that people felt like they were unqualified for a position so they did not apply. Ald. Konkel suggested that the language include a variety of work experiences. Ald. Michael Schumacher requested that sample of user-friendly language be provided in the update.

**ACTION ITEM: Subcommittee members provide examples of what they consider "vague" language used in job announcements.**

*Example from City Treasurer Job Announcement:*

**TRAINING AND EXPERIENCE:** Three years of directly related supervisory experience incorporating substantive involvement in City Treasurer statutory responsibilities and the strategic investment and management of governmental funds. Such experience would normally be gained after graduation from an accredited college or university with a major in public administration, business, finance, accounting or a closely related field. **Other combinations of training and/or experience that can be demonstrated to result in the possession of the knowledge, skills and abilities necessary to perform the duties of these positions will also be considered.**

**Issue 1.2 Classification System** – Brad Wirtz noted that a study of the city’s classification system was done 10-12 years ago. After the study was completed the city continued to have the same classification system in place. Many positions were paid above the market rate of similar private sector positions. The city’s uses two pieces: how many people apply and what is the retention rate. Today 100’s of people apply and retention is high. We are the envy of employers.

Ald. Brenda Konkel stated that the classification system itself was not the issue. The issue was how positions with the same job title can be different between departments. Brad Wirtz stated that this was more a perception issues. For example an Analyst 1 at Metro is not the same as an Analyst 1 in other departments because Metro is an exception (federal positions).

Ald. Michael Schumacher thought that, for example, the Warner Park Community Recreation Center Facility Manager position should be at a higher salary, particularly if you compare the same type of position around the country.

Ald. Brenda Konkel thought that it was more about reclassification process: why did one person get reclassified and another in a similar position did not. Is there a system in place for reclassification?

Brad Wirtz stated that a department head, supervisor or the employee themselves can request a reclassification study. He noted that the Personnel Board oversees classification and reclassification of positions.

Ald. Michael Schumacher asked what the reclassification study entailed. Brad Wirtz stated that a job analysis is done and that Human Resources staff interviews the affected employee and the supervisor/department head. The Personnel Board then reviews the recommendation.

**ACTION ITEM: Copy of the Personnel Rules for subcommittee members**

**ACTION ITEM: Email link to the Salary Schedules to subcommittee members**

Kelli Lamberty noted that the problems MPSEA sees with reclassification system is that it is hard to understand the process and evaluation methods. The process is not written down anywhere. For example, what is the difference between Compensation Group 18, Range 4 and Compensation Group 18, Range 8 – what are the requirements?

Ald. Brenda Konkel thought that this might be a communication problem; what are the decision points, criteria, and education as it relates to the City’s classification system?



Brad Wirtz noted that Human Resources staff appears before the Personnel Board with a written analysis. The written analysis is attached in Legistar.

**ACTION: This might be an education issue. Brad Wirtz to evaluate what can and cannot be done relative to the City's classification system (e.g. another review, enhance the educational component so that people understand the classification system) and bring those ideas back to the subcommittee.**

**Issue 2. Human Resources Process Available On-Line/Customer Friendly** – Ald. Michael Schumacher would like to see the entire process on-line, similar to the process used by the Federal government. You are given a user name/ID to set up a profile. This allows you go back and apply for a number of positions.

Brad Wirtz noted that the RFP for the new financial software would include a human resources component. He was not sure if this type of on-line application would be part of the package. He would check.

**ACTION ITEM: Brad will give periodic updates on the RFP as it progresses.**

**Issue 3. Role of Personnel Board (Council High Priority)** - Ald. Brenda Konkel suggested that the subcommittee attend an upcoming Personnel Board meeting to let them know what the subcommittee is working on. It was noted that the Personnel Board members do receive training after they have been appointed to the board.

**ACTION ITEM: Notice the subcommittee quorum at future Personnel Board meetings and add them to a future meeting to provide an update to the Personnel Board.**

**Issue 4. Career Advancement/Development** – Kelli Lamberty, noted that MPSEA would be providing professional development opportunities for their members. She has participated in the Supervisory Academy and believed it to be very helpful.

Ald. Brenda Konkel noted that training budgets have been cut extensively over the last few years.

Ald. Michael Schumacher wanted to know how the city was doing overall on staff development and how managers are promoting this with their employees (particularly as it relates to Issues 4., 5., 6. and 7.)

Brad Wirtz stated that Karl van Lith is doing the best with the resources he is given in terms of staff development. The department head approves staff development and training.

Ald. Michael Schumacher sees Karl van Lith as a delivery mechanism for staff development opportunities. He wanted to know if Brad Wirtz or Karl van Lith have sat down with managers to find out what staff development issues they have and find out what gaps might exist. Brad Wirtz indicated that is no one is able to currently do this.

Larry Studesville noted that managers have many different levels of skill sets and you cannot assume that it is presumptive to expect every manager is an expert in staff development. He noted that the job he came from had performance evaluations and that they were tied into training. He also stated that not everyone wants to be a supervisor or manager.

It was noted that the city offers the following types of training:

Supervisory Academy: supervisor learns basic supervisory skills.

Leadership Academy: department managers, come together to solve problems (no longer offered?)

Ald. Brenda Konkel wanted to know if continuing training is offered for supervisors or department heads.

Brad Wirtz stated that if the Council wanted a performance function they would need an additional staff person.

**ACTION ITEM: Request Karl van Lith to attend a future meeting to discuss ongoing training of managers, supervisors.**

**Issue 5. Performance Evaluations** – Ald. Brenda Konkel noted that she was conflicted about performance evaluations. She believed that the use of ongoing feedback was more beneficial than a once-a-year performance review.

**ACTION ITEM: Add Issue 17. – Succession Planning to matrix.**

Ald. Brenda Konkel said she had noticed that the city does not seem to have as many assistant directors as they once had. The subcommittee thought that this contributed to brain drain, not having a person to step in and that it was an issue with retirements.

Brad Wirtz noted that there is usually not a lot of time to do overlap training of new department head. Comp Group 21 employees are required to give a 3-month notice but the hiring process can take as long as 4-5 months.

**ACTION ITEM: Brad Wirtz to provide data on retirements in the next 5-year and how the city is prepared to handle future retirement numbers.**

It was noted that to create a succession plan would require money, time and other barriers but if we don't plan we will be reactive rather than proactive.

#### **Issue 6. Hiring & Interview panels -**

Lorie Olsen noted that hiring and interview panels are set up by each agency. They can have their own panel or they can request a panel from Human Resources.

Christie Hill noted that Department of Civil Rights has a list in order to diversify the panel.

#### **Next Meeting**

Thursday, March 27, 2008 at 2:30 p.m., Room 417, City-County Building.

Review Issues 7 – 17

#### **Adjournment**

The meeting adjourned at 3:30 p.m.

**March 27, 2008**  
**CCOC Subcommittee to Review**  
**City Hiring Practices & Policies**  
**2:30 p.m.**  
**Room 417, City-County Building**

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

Staff Attending: Lisa Veldran (Council Office, Sylvia Moss (Human Resources Department), Christie Hill (Affirmative Action Division) Kelli Lamberty (MPSEA), Lorie Olsen (Human Resources Department), Karl van Lith (Training & Organizational Development) and Brad Wirtz (Human Resources Director)

The meeting was called to order at 2:32 p.m.

**Approval of March 12, 2008 minutes**

Minutes were approved.

**Continued discussion and review of the Hiring Practices reports submitted by City staff and MPSEA and developing recommendations for changes to the Madison General Ordinances and/or the Administrative Procedure Memos to CCOC members (final recommendations to be made to the Council)**

**Issues 5. Training a. Supervisory and b. Leadership (managers, mid-managers)** – Karl van Lith was present to provide information on training opportunities available to city employees and the goals of Organizational Development & Training (ODT) Unit:

**Citywide Training Opportunities**

- Basic to Advance Computer Training (Outlook, Excel, etc.)
- Supervisory Academy
- Leadership Development (any employee can enroll in this course)
- New Supervisory Orientation – provides new supervisors with information on the APM's, labor relations, etc.
- Skills Training: Spanish, leading meetings, (employee development training)

(City Employee Training website link: <http://www.cityofmadison.com/employeeenet/training/TrainingHome.html>)

**Organizational Development Opportunities**

- Leadership Academy – UW Madison CPM Program - <http://www.dcs.wisc.edu/pda/cpm>
- Organizational Develop & Training Unit assists with department reorganizations, departmental facilitation, etc.
- Organizational Develop & Training Unit also works on specific projects. For example, the Hiring Practices & Policies report, updating Personnel Rules, etc.

Ald. Michael Schumacher questioned whether or not ODT, if they were given the financial resources and staff, could have worked with Water Utility employees to facilitate and conduct a utility-wide, participatory self-assessment of organizational issues, communication, work practices, and technology; identify opportunities for improvement; and implement recommendations as identified in the contract with EMA. Karl van Lith stated that EMA was able to work from “square one” but that he did not easily see where in the strategic plan implementation occurs. The Water Utility steering committee now understands the various processes but is not able to make

recommendations. That piece is missing from EMA. Karl van Lith noted that his unit receives \$27,000 per year for citywide training and the EMA contract was approved for \$50,000.

**ACTION ITEM: Ald. Michael Schumacher asked Karl to put together a cost benefits analysis on hiring outside consultants vs. using city staff to conduct organizational development or training programs/initiatives (for example the EMA contract).**

If the city could save money by using in house staff to do this type of work Ald. Schumacher suggested a budget proposal could be developed to increase the training budget and add additional staff to the ODT Unit.

Karl noted that the ODT lost \$47,000 in their budget during the Bauman administration and many programs and initiatives were lost due to that cut (example: working with committees by facilitating, developing processes, etc.)

**ACTION ITEM: Ald. Brenda Konkel would like to see a list of training opportunities, staff development initiatives etc. (and cost if possible) from ODT.**

Ald. Brenda Konkel asked what the city is doing in terms of development of staff. What kind of training for example are IT employees receiving? What types of training would economic development staff be able to access for improvement/development? How do our employees stay “fresh”?

Ald. Michael Schumacher stated that there was a flip side to this discussion. The city doesn't have a lot of monitoring of supervisors requesting training for employee development. Who is reviewing training requests so that requests are not granted as favoritism or the “latest gadget” being touted by the HR industry?

Karl van Lith used IT as an example. They would have certain certification programs that they budget for and are not offered by the ODT. In IT it is a given that you need continual staff certification and development.

Ald. Michael Schumacher asked for Karl what he believed was a better way to budget for training: training be part of a centralized training budget again or keep the current budgeting process, individual departments budget for their training.

Karl van Lith said that was a hard question to answer. Departments know what their training needs are for their organizations and can budget accordingly. The challenge is that city department budgets are set up on a yearly basis and you don't know what is going to happen. It becomes the easiest thing to cut when asked to cut 3% of your budget.

Karl stated that management policies and practices need to align with Human Resource policies and practices.

Lorri Wendorf noted that the city lost the dynamic components of (Tom Mosgaller era) a conflict resolution group and a facilitation group. Karl said ODT is looking at resurrecting some sort of a mediation team. They are looking at problematic system issues and how to work on them.

Brad Wirtz noted that vendor the city contracts with has individual mediation services and would provide a list of the services they offer. (<http://www.symmetryeap.org>)

**ACTION ITEM: ODT to provide a list of mediation services and other facilitation services provided either by the city or Symmetry.**

Ald. Konkel remember that one time there was a list of facilitators. Karl stated that at one time there was but it no longer exists.

Ald. Schumacher asked what changed. Karl van Lith believed it was a change in administrations but process improvement is always at the core of any program supported by various administrations (e.g. Framework for Excellent, Q & I, etc.)

Lorri Wendorf said that there is another side to this discussion; the climate of the city has changed in that “if I’m not asked, I’m not offering” or “If I’m slapped down (again), I’m not doing it again”.

Ald. Konkel asked if there were opportunities for managers to discuss department process/employee improvement issues. Brad Wirtz indicated that the individual manager comes to him to discuss department issues. Ald. Schumacher noted that a former mayor had many more managers on his management team and promoted dialogues among them. Karl van Lith noted the last time there was an all manager meeting was 2003. Today discussions occur but tend to be topical (e.g. succession planning).

Lorri Wendorf noted that MPSEA is making a significant push for HR changes in part due to succession related issues. They have a number of members who are professional staff (below the department head) who are ready to move up. MPSEA leadership have heard a number of people who desire to move up are not being afforded the training opportunities to move up either due to politics or personal interaction issues. MPSEA is now investigating bringing in development trainers for MPSEA members.

Karl van Lith did not believe this should be separate initiative from ODT offers. MPSEA could identify specific training and a needs analysis piece could be developed.

Lorri Wendorf doesn’t feel that Human Resources is there for MPSEA members. More and more professional people are coming to MPSEA for those kinds of supports listed above. MPSEA did a climate survey of all 18/4 employees. Employees thought it was great and wanted to know why HR hadn’t done the climate survey.

**ACTION ITEM: Ald. Brenda Konkel asked MPSEA for a list of training and ongoing development ideas as well.**

**ACTION ITEM: Karl van Lith will develop a list of identified ongoing development and training classes not currently funded and the budget implications.**

Possible training opportunities:

Ald. Michael Schumacher: how alders and mayoral aides impact the system.

Ald. Brenda Konkel: how should alders communicate with department staff (can be confusing), how do we educate people about legislative process (Legistar), and where employees need to go for a variety of issues

**Issue 7. Employee Evaluations and Issue 14. Role in evaluation of Comp Group 21 employees (city managers)** - Ald. Schumacher believed that performance evaluations do more harm (referenced: [“Punished by Rewards”](#)). Kelly Lamberty would like to see sort of evaluation

process and be able to utilize that if they want and could be used as a tool to encourage development and training and work with your supervisor to know what you want to do. Ald. Brenda Konkel thought that in general people want feedback that is more employee driven versus a more formal legal process and that a HR system needs to support an opportunity for feedback.

Brad Wirtz said that he had talked with Karl about the need to work with managers to develop that skill (feedback) versus just implementing an annual performance evaluation.

Ald. Michael Schumacher who encourages or motivates managers to use this skill. Brad noted that when he was at the university managers needed to get their evaluations in or they would not get their wage increase. Brad Wirtz said that there are tools out there to encourage performance review but he was not sure what tool is right for the city at this time.

Karl van Lith said that one tool is to have the employee work on a development plan, possibly offer peer evaluations vs. performance appraisals.

Ald. Brenda Konkel noted that during former Ald. Dorothy Borchardt's presidency she had an evaluation form developed for Comp Group 21 employees (managers). The issue at that time was finding a vehicle for alders to provide input during the reappointment process and the form was developed during those discussions. Today alders are only notified when a reappointment is coming up and that they should provide input to the Mayor.

Alds. Konkel and Schumacher would like to see some sort of tool or mechanism developed for alders to use in evaluating Comp Group 21 employees when they are being reappointed to a position.

Brad Wirtz stated that HR already has researching performance management systems in their work plan. Karl van Lith thought that Comp Group 21 employees would be a good group to act as a pilot. Lorri Wendorf thought this would provide an opportunity for benchmarks to be developed.

Christie Hill commented that from the perspective of Department of Civil Rights there are many issues out there that would be addressed by additional training, development and conflict resolution.

**ACTION ITEM: Brad Wirtz would email the Human Resources work plan.**

#### **Next Meeting**

No next meeting date was set.

#### **Adjournment**

The meeting adjourned at 4:00 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant

**April 23, 2008**  
**CCOC Subcommittee to Review**  
**City Hiring Practices & Policies**  
**2:30 p.m.**  
**Room 417, City-County Building**

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

Staff Attending: Lisa Veldran (Council Office, Sylvia Moss (Human Resources Department), Larry Studesville (Department of Civil Rights Interim Director) Kelli Lamberty (MPSEA), Lorie Olsen (Human Resources Department), Judy Hughes (Human Resources Department) and Brad Wirtz (Human Resources Director)

Others Attending: Darlene Kambiwa (UW Student)

The meeting was called to order at 2:06 p.m.

**Approval of March 27, 2008 minutes**  
Minutes were approved.

**Public Comment**

There was no public comment.

**Continued discussion and review of the Hiring Practices reports submitted by City staff and MPSEA and developing recommendations for changes to the Madison General Ordinances and/or the Administrative Procedure Memos to CCOC members (final recommendations to be made to the Council)**

Ald. Brenda Konkel requested that the materials for the meeting be attached to the agenda PDF copy in the future.

Lisa Veldran noted that she had forwarded a copy of Legislative File No. 01550 – Substitute Ordinance to streamline the process for aldermanic participation in the evaluation of City managers and the agency feedback form that had been developed in 2000.

Ald. Michael Schumacher noted that at the last meeting the subcommittee reviewed things that the Human Resources Department's work plan but now he wanted to focus on a couple of other issues. He had issues with how the Common Council was notified about the appointment of the City Treasurer position (D. Gawenda). The media knew about the appointment before the Council members did. He thought it was an issue that should either be addressed as a function of Council Leadership or a process is developed to notify alders in a timely manner.

Ald. Brenda Konkel asked where this issue would be located in the matrix. Ald. Michael Schumacher believed there were two options to address the information gap:

1. Each individual alder is responsible for his or her own interest – if they alder is interested they will make their own phone calls to find out.
2. Set up some kind of procedure where the Comp Group 21 or comparable positions are in the hiring process. Possibly a standing report at CCOC.

**RECOMMENDATION: Develop a system/process to alert Common Council members when a position has been filled before the media/public is alerted.**



Brad Wirtz explained the process of hiring Comp Group 21 positions. Once HR is down to 5 candidates then the names can be released. Prior to that during the process they can release where it is at, number of applicants, if interviews have been set up. The one thing they couldn't release were the names of the candidates. Judy Hughes believed that the number 5 was by State Statute. Comp Group 18 falls under the confidentiality laws because they are in an entirely category (although Lorrie Olsen noted that if the person did not request confidentiality the name could be released).

Ald. Brenda Konkel if the Council were going to have a monthly update from Human Resources she would like to see the vacancies on all positions, what's been advertised – so that alders knew where positions were in the process (e.g. Warren Kenney's former position). Judy Hughes noted that HR would not know all the positions that were vacant (e.g. Warren Kenney's former position) but that the Comptroller's office could provide that information. Some departments do not put in a request to fill a position in order to generate salary savings. Brad Wirtz will investigate whether a report can be generated for vacant Comp Group 21, Comp Group 18 and comparable Police and Fire positions. Brad was looking forward to the new software being able to provide this information more readily for him and others.

**RECOMMENDATION: Human Resources develop a monthly report on all vacancies and their status, including if they are advertised and when the position became vacant. The monthly report would go to CCOC.**

Ald. Michael Schumacher questioned whether alders should provide input into position descriptions and if so how should they do that. Ald. Brenda Konkel noted that alders had an opportunity in the Planning & Development reorganization. Ald. Konkel thought it would be useful to see the job announcements (and also required by ordinance?).

**ACTION ITEM: Judy Hughes will add ALL ALDERS to the job announcement email alerts. Council office can stop posting hard copy of job vacancies.**

**14. Role in evaluation of Compensation Group 21 employees (city managers)** Ald. Michael Schumacher asked about the evaluation forms. Lisa Veldran noted that the evaluation form subcommittee members had in their packets had been used previously but were no longer used with the adoption of the amended ordinance language 3.36(3). It was noted that this was separate from the notification of Comp Group 21 contract renewal. Ald. Brenda Konkel thought that the old form could be used (update technology items) as a start. Ald. Michael Schumacher asked how this would be done. Ald. Brenda Konkel stated Council staff could send the form out at specified time each year. Ald. Michael Schumacher questioned how confidential the evaluations would be. Lisa Veldran noted that the ordinance states: MGO 3.38(3)(b): "Any comments or information provided by the alders shall be on a confidential basis and pursuant to Sec. 19.36(10) Wis. Stats., shall not be made available to the public." (Note this section was renumbered to 3.54 (3))

Ald. Michael Schumacher asked besides the Mayor who else would use these evaluations. Brad Wirtz stated that the Mayor would be the only using the evaluations alders submitted.

**RECOMMENDATIONS:**

- 1. Use form developed in 2000 (and update where needed). Brad Wirtz suggested an online form and then data collection could occur (vs. 20 pieces of paper). Council staff will work with IT staff to develop this online form. Encourage Mayor to use data/comments in evaluation of managers.**



2. **Ald. Brenda Konkel & Ald. Michael Schumacher will draft a letter for Council Leadership to the Mayor that the Common Council members will fill out the form annually with the anticipation that the Mayor will analyze and utilize the information that could improve performance, particularly relationships with managers and the Council. Ald. Brenda Konkel suggested that evaluations be done annually every January or February.**

Ald. Brenda Konkel asked the subcommittee to discuss when alders are notified when Comp Group 21 contracts are up for renewal. Brad Wirtz noted that alders receive notification 60 days prior to the renewal date for a managerial employee contract. (The HR Director is to notify all alders of such renewal date and the expiration date of the managerial employee's contract and notify the alders if they wish to provide comments to the Mayor regarding the managerial employee, they should do so promptly - 3.54(6)(c)(3)c.) Managers are notified 90 days prior to the expiration of their contracts if they are being renewed or not.

**RECOMMENDATION: When alders are notified of a managerial contract renewal the HR Director also notes how long that employee has been in that position.**

**ACTION ITEM: Council staff to find resolution that changed new managerial probationary periods from 1 year to 2 years (2004 or 2005).**

Ald. Michael Schumacher asked staff in attendance if there were any other concerns about position vacancies that could be addressed by alder intervention.

Lorrie Olsen stated some departments purposely budget vacant positions in order to benefit from salary savings, while other departments need to keep positions vacant because of budget cuts.

**ACTION ITEM: Human Resources to develop a report on the number of reclassified positions.**

Ald. Brenda Konkel also noted that alders do not always have access to information they need to make decisions on Comp Group 21 contracts on whether the manager is doing a good job or a bad job. Ald. Michael Schumacher believed that getting more information, making alders more aware and letting the Mayor know that the Council is paying more attention may trigger a change over time.

Lorrie Olsen noted the Council had cut advertising costs cut across the board and that has hurt Human Resources because advertising is one of the primary costs in their department (as it relates to recruitment). Ald. Brenda Konkel noted that this is a case of the Council not being informed.

**Issue 3. Role of Personnel Board** – Brad Wirtz noted that two new members were recently appointed and he was in the process of educating Personnel Board members on the city's classification system. In addition Personnel Board members have also requested to have an overview of the City's Personnel Rules. They are in the process of identifying those educational components (e.g. ordinance requirements). Michael Schumacher asked if there was value in bringing to the Personnel Board and Council together for a joint meeting. Brad thought it might be too technical for alders. Ald. Brenda Konkel suggested that alders be invited when policy issues are on a Personnel Board agenda, alders could be invited and notice it as a possible quorum (possibly the June 4, 2008 Personnel Board meeting?)

**Issue 10. Council's role in union contracts/managerial contracts – a. Level of Council input/involvement and b. Financial impacts** – Ald. Brenda Konkel noted that the contracts are already negotiated by the time the Council sees them and are usually accompanied by four lines on changes from the previous year (salary changes, benefits went up, etc.). Ald. Michael Schumacher asked if this worked for the Council. Ald. Brenda Konkel thought it would be helpful to have more background on the contracts themselves. Brad Wirtz noted that the contracts are all on a 2-year cycle.

Ald. Brenda Konkel thought it would be helpful for Labor Relations to provide an update on contract negotiations during a closed session of the Board of Estimates midway through the process (if possible). Alders would then be more aware of possible changes, not feel shut out of the process and in essence be better informed by the time they vote on the contracts. Brad Wirtz stated that there were many contracts and alders might not be interested in all labor contracts. Ald. Michael Schumacher thought that alders would be most interested in the contracts that shape the budget.

**RECOMMENDATION – Prior to the first bargaining sessions, initial proposals and final actions on Local 60, Local 236, Local 311, MPPOA labor agreements alders will be specifically invited to closed sessions of the Board of Estimates.**

**Issue 3. Role of Personnel Board (continued)** – Ald. Michael Schumacher wanted to know if the Council could assist Personnel Board. Ald. Brenda Konkel thought Personnel Board is now thinking about their role and maybe the information CCOC members receive should also go to the Personnel Board. Ald. Michael Schumacher thought membership to the Personnel Board should require certain criteria. Ald. Brenda Konkel thought that there were already criteria stated in the ordinances. Brad Wirtz noted that he is happy with the current membership.

*(MGO 3.53 (3)(a) reads: (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.)*

**ACTION ITEM: HR to research additional criteria for membership to the Personnel Board be investigated and be presented for review and discussion by the Personnel Board.**

Ald. Brenda Konkel thought there should be clearer roles between the Common Council, Mayor and Personnel Board. She noted that the Personnel Board was left out of the discussion on the recent reorganizations. Brad Wirtz stated that the Personnel Board would discuss reclassification of positions affected by reorganization versus commenting on the broader policy issues (not a management/consultant group). Ald. Brenda Konkel noted that the DCR and Planning & Development reorganizations and the reorganization of the Parking Utility Director didn't go to the Personnel Board but by the Board of Estimates where it does not always receive a proper vetting. Ald. Michael Schumacher asked who does the analysis of reorganizations. Ald. Brenda Konkel noted that the mayor's assistants do the needed analysis (Janet Piraino). Brad Wirtz noted that Human Resources Department (himself, Karl van Lith) is very involved in the process and that Janet is not just sitting in her office reorganization departments.

**ACTION ITEM: Add #18 – Reorganizations.**

**ACTION ITEM: List of recommendations for the subcommittee to review and provide an interim report to CCOC.**

**Next Meeting**

No next meeting date was set.

**Adjournment**

The meeting adjourned at 3:37 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant

**June 23, 2008**  
**CCOC Subcommittee to Review**  
**City Hiring Practices & Policies**  
**2:00 p.m.**  
**Room 417, City-County Building**

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

Staff Attending: Lisa Veldran (Council Office), Sylvia Moss (Human Resources Department), Kelli Lamberty (MPSEA), Lorie Olsen (Human Resources Department), Karl van Lith (Human Resources Department) and Brad Wirtz (Human Resources Director)

The meeting was called to order at 2:03 p.m.

**Approval of April 23, 2008 minutes**

Minutes were approved.

**Public Comment**

There was no public comment.

**Develop recommendations to CCOC from subcommittee review process of the Hiring Practices reports submitted by City staff and MPSEA and recommendations for changes to the Madison General Ordinances and/or the Administrative Procedure Memos.**

**Issue 1.1 – Plain Language** - It was noted that a recommendation was contained in the Hiring Practices Report (dated December 2007), *“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.”* (Page 5) Ald. Brenda Konkel suggested that a focus group review recent job descriptions and forward their comments to the Personnel Board.

**RECOMMENDATION:** Pull recent job descriptions and have a focus group review them for possible “plain language” revisions. Forward focus group (possibly use AASPIRE interns) comments to Personnel Board for feedback to Human Resources.

**Issue 18. Reorganizations** - Ald. Michael Schumacher noted that the city has no formal written process for reorganizations.

**RECOMMENDATION:** Human Resources develop, at the very least, minimum process steps to insure a better outcome for future reorganizations. Karl van Lith will work on a draft reorganization process for review by July 2008.

**Issue 17. Succession Planning** - Brad Wirtz noted that overall the balance seemed right and did not perceive a problem in recruitment and retention of city employees. Ald. Michael Schumacher was disheartened that the Water Utility Director position took two rounds to find a successful candidate.

**RECOMMENDATION:** Human Resources to prepare a set of recommendations (i.e. Best Practices) to recruit/attract the highest caliber candidates for Compensation Group 21 & 18 positions. Ald. Brenda Konkel requested that a comparable salaries data field be added for the most recently Comp Group 21 employees hired. Brad Wirtz will look at Madison Police

and Madison Fire Departments internal recruitment policies that Council members should be made of aware of.

**Issue 16. a. Financial resource problems, a. budget cuts to training and organizational development**

**RECOMMENDATION:** Increase staffing in Training & Organizational Development. Increase budget for training & staff development (e.g. facilitator training, training on committee rules, etc.). Karl van Lith to provide a summary of suggestions.

**Issue 15. Residency Rules**

**RECOMMENDATION:** Ordinance is being drafted to exempt Compensation Group 18 & 44 from the city's residency rules. Council look at exempting Compensation Group 21 sometime in the future.

**Issue 14. Role in evaluation of Compensation Group 21**

**RECOMMENDATION:** This issue was addressed at April 23, 2008 meeting.

**Issue 13. Interim managerial appointments/double-filling/timing of appointments**

**RECOMMENDATION:** Brad Wirtz is working on an ordinance that to clarify the purposes of a provisional appointment and to allow person in CG 18 or 44 to receive the higher salary of a position they might fill on a temporary basis. Recommend that language be added that provisional appointments in excess of six months need Council approval.

**Issue 12. a. Mayoral managerial hiring preferences, a. Political transitions between administrations pull HR Department into new directions, e.g. train potential employees internally to become managers vs. hire philosophy of hiring managers externally.**

**RECOMMENDATION:** No recommendation. Brad Wirtz noted that this may be addressed in a new Personnel Rules policy statement.

**Issue 11. Recruitment process**

**RECOMMENDATION:** This issue was addressed in Issue 17. Succession Planning (Comp Groups 21 & 18)

**Issue 10. a. Council's role in union contracts/managerial contracts, a. Level of Council input/involvement** - Language exists Section indicates that Labor Relations manager will go to BOE prior to negotiations to discuss the city's position.

**RECOMMENDATION:** Follow existing language in Madison General Ordinances 3.13(5)(d);

**(d) Mayor and Common Council Control.** The Board of Estimates shall confer with the Mayor and the Human Resources Director regarding initial bargaining proposals to be presented to each duly recognized bargaining unit. All labor contracts and agreements negotiated under the terms of this section shall be subject to the approval of the Mayor and Common Council. No labor contract or agreement shall be binding upon the City nor shall any of the terms of such agreements be implemented until such time as the agreement is approved and executed by the Mayor and City Clerk in the manner prescribed by law.

1. The Human Resources Director shall report periodically on labor relations activities to the Mayor and the Board of Estimates.
2. The Human Resources Director shall complete such reports as the Mayor and Common Council shall require and attend such conferences or meetings as designated for purposes of ensuring sufficient communications with the Mayor, Board of Estimates and Common Council on labor relations matters.

Additional recommendation that all alders be notified when Human Resources is meeting with Board of Estimates on matters listed in the ordinance above.

**Issue 10. Council's role in union contracts/managerial contracts, b. Financial impact -** Fiscal impact is contained in union contract language. Salary information (for new positions, reclassifications, etc.) is contained in the fiscal note for resolutions/ordinances.

**RECOMMENDATION: No recommendation.**

**Issue 9. Performance Expectations** – Ald. Michael Schumacher noted that he thought this was an area that needed attention. Karl van Lith mentioned that the 311 Study Team's discussion on expectations of the city's front line employees in assisting the public.

**RECOMMENDATION: Managing performance expectations for front line employees, particularly in the area of customer service training.**

**Issue 8. Merit increases**

**RECOMMENDATION: No recommendation.**

**Issue 7. Employee evaluations**

**RECOMMENDATION: No recommendation.**

**Issue 6. Hiring & interview panels – need to diversify/not have all from one department**

**RECOMMENDATION: Implement recommendations contained in the report (page 6 of report: *"Develop specific criteria to make sure interview panels and raters are diverse."*)**

#### **Next Meeting**

Members requested Lisa Veldran to prepare a list of recommendations and include attachments as appendices. No next meeting date was set.

#### **Adjournment**

The meeting adjourned at 3:20 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant

**December 16, 2008**  
**Minutes**  
**CCOC Subcommittee to Review**  
**City Hiring Practices & Policies**

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

Staff Attending: Lisa Veldran (Council Office), Sylvia Moss (Human Resources Department), Kelli Lamberty (MPSEA), Lorie Olsen (Human Resources Department), Judy Hughes (Human Resources Department), Karl van Lith (Human Resource Department) and Mike Lipski (Human Resources Department)

The meeting was called to order at 1:12 p.m.

**Approval of June 23, 2008 minutes**

Ald. Brenda Konkel requested the following changes be made to the minutes:

Ald. Konkel questioned the makeup of the focus group and if it was a staff focus group. Lisa Veldran indicated that the subcommittee believed that the focus group could be made up of AASPIRE interns.

Minutes were amended to read:

**Issue 1.1 – Plain Language** - It was noted that a recommendation was contained in the Hiring Practices Report (dated December 2007), *“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.”* (Page 5) Ald. Brenda Konkel suggested that a focus group review recent job descriptions and forward their comments to the Personnel Board. It was suggested that HR could use the AASPIRE interns as a focus group.

**RECOMMENDATION:** Pull recent job descriptions and have a focus group review them for possible “plain language” revisions. Forward focus group ~~(possibly use AASPIRE interns)~~ comments to Personnel Board for feedback to Human Resources Director.

Ald. Konkel questioned who was to review the draft reorganization process. Ald. Schumacher indicated that the reorganization was to come back to this subcommittee.

Minutes were amended to read:

**Issue 18. Reorganizations** - Ald. Michael Schumacher noted that the city has no formal written process for reorganizations.

**RECOMMENDATION:** Human Resources develop, at the very least, minimum process steps to insure a better outcome for future reorganizations. Karl van Lith will work on a draft reorganization process for review by July 2008 by the CCOC Subcommittee to Review Hiring Practices & Policies.

Ald. Konkel requested that the section “Issue 17. Succession Planning” be clarified.

**Issue 17. Succession Planning** - Brad Wirtz believed that the city was well balanced in promoting internal employees vs. hiring externally and that his numbers bear this out.

**Ald. Michael Schumacher questioned the hiring of the Community Services Director. Mr. Wirtz indicated that there were 12 people applied and that two candidates made it through the final interview. Ald. Michael Schumacher was also disheartened that the Water Utility Director position took two rounds to find a successful candidate.**

Ald. Michael Schumacher requested that Mr. Wirtz develop a set of recommendations or variables he thought would be needed to recruit and attract high caliber candidates for management positions. Ald. Brenda Konkel noted that he should include data to display other cities with comparable jobs that are being paid more. She noted that the average person on the street believes that city employees are being paid too much.

Mr. Wirtz stated that it is the handful of 25 positions that the city doesn't receive the right number of applicants. Usually positions have more applicants than they need (250 applicants for a clerk/typist and 10 applicants for a community services manager).

Ald. Brenda Konkel was curious about the Madison Police Department succession process (e.g. change in captains). Mr. Wirtz noted that the police department has a much better retirement package compared to other city employees and that may be one reason that there is more turnover. Karl van Lith noted that the police department has a structured rotation cycle and that is why you see more captain/officer changes.

Ald. Michael Schumacher requested that Human Resources look at Madison Fire and Madison Police Departments to see if there is anything that the Council should become aware of in the near future relative to staffing changes.

**RECOMMENDATION:**

1. Human Resources Director will prepare a set of recommendations or variables (i.e. Best Practices) to recruit/attract the highest caliber candidates for Compensation Group 21 & top 18 positions.
2. Human Resources Director to review turnover in the Madison Fire Department and Madison Police Department and to see if there is anything that the Council should be made aware of relative to staffing changes.

Ald. Konkel requested that "Issue 9. Performance Expectations" be clarified to indicate who manages performance expectations. Also move this issue under Issue 5. Training.

**Issue 9. Performance Expectations** – Ald. Michael Schumacher noted that he though this was an area that needed attention. Karl van Lith mentioned that the 311 Study Team's discussion on expectations of the city's front line employees in assisting the public.

**RECOMMENDATION:** That the immediate supervisor manage managing performance expectations for front line employees, particularly in the area of customer service training.

Minutes were approved as amended.

**Public Comment**

There was no public comment.

**Discuss and finalize subcommittee report with recommendations to be forwarded to the Common Council Organizational Committee, Personnel Board and the Common Council**

Ald. Michael Schumacher provided the following framework for completing the final report:

- ☐ Develop the set of recommendations to the CCOC
- ☐ Work down the road for this subcommittee
- ☐ Address Lorri Wendorff's comments in her email
- ☐ Indicate who has responsibility for recommendations



## Updates to recommendations

### **Issue 5 –Training**

Karl van Lith provided an update. He generated a needs assessment questionnaire and sent it to MPSEA members to gather input on their training needs. Karl will be meeting sometime in early January with representatives from MPSEA and Erin Stenson from Labor Relations to identify areas that need to be updated in the Supervisory Academy.

Ald. Michael Schumacher thought that the question for the subcommittee is that the Training & Organizational office should be involved more systematically with department service issues to identify training opportunities. Karl also noted that improving customer service by working on customer service initiatives (external and internal customers) is part of the Human Resources 2009 Work Plan and it evolved out of the Call Center discussions.

**Recommendation: a. Identify agencies in need of customer service training b. Within a year spend time with agency, identify what customer service means for them, provide them with information on expectations and then provide on-going training and support (Example: City Clerk's office, Parks office, Treasurer's office, and Building Permit desk).**

### **Issue 1.1 – Job Description/Other Qualifications language ("plain language")**

Lorie Olsen provided an update. A focus group of AASPIRE interns was formed to review the sample city job announcements. The focus group identified one issue with "other training/experience" on a laborer job announcement and wanted to know what would be an alternate training or experience that would be considered by Human Resources. They suggested maybe listing other types of comparable training/experience. Human Resources made no changes because it only affected one job description. She noted that the Personnel Board developed this phrase many years ago.

Mike Lipski, the new Compensation and Benefits Manager, noted that the focus group did not have an issue with the phrase only when it was applied to that one job announcement. Ald. Brenda Konkell believed that this phrase is the one phrase that makes employees the most upset. Lorie Olsen indicated that Human Resources also look at knowledge, experience and skills of the applicant in addition to other training/experience.

Mike Lipski stated that the language used in position descriptions are more specific than the job announcement and that language is not designed to be "plain language". The job announcements could be created to be more accessible to the public.

Ald. Brenda Konkell also noted the issue that people are confused by language that is known internally and not known by outside applicants (e.g. Planner 1, Planner 2). Lorie Olsen recalled this issue and stated that the request was to insert in the job announcement an explanation of what the experience as a Planner 2 is vs. a one-line statement that the experience would be gained as a Planner 2.

Ald. Michael Schumacher would like to see a glossary of terms attached to job announcements. For example what is the definition of "working knowledge" vs. "thorough knowledge". Ald. Brenda Konkell suggested a paragraph or two explaining more of what the city is looking for in an applicant.

### **Action Items:**

#### **Ald. Michael Schumacher requested that HR:**

- ☐ **Check with DCR on plain language recommendation**
- ☐ **Summarize focus group results**
- ☐ **Summarize HR recommendations on the issue of plain language**
- ☐ **Bring example of language describing what a job classification vs. a one-line statement to be used in future job announcements.**

## **Issue 1.2 – Strategic oversight over classification system**

No changes/updates.

## **Issue 2 – Human resources process needs to be available on-line and customer friendly**

Mike Lipski noted that staff has been meeting with financial human resource system vendors (Enterprise Resource Planning system project). Ald. Brenda Konkel thought the disciplinary process was going to be on-line also. Karl van Lith noted that the Personnel Rules themselves are in the process of being updated.

Mike Lipski noted that the city's work rules are accessible in APM 2-33. He noted that disciplinary process is also different by union contract and may not be consistent. Ald. Michael Schumacher thought that it could be more of a clearinghouse of information for the employee, like a frequently asked questions format. People don't know when they should go to the HR office, the Mayor, the alder, Labor Relations or Affirmative Action.

**Action Item: Add Issue 19. Creating a webpage on Employee.net for employees with links to existing information that would reference Personnel Rules (in the process of being updated), APM's on-line and information from Labor Relations (HR is the lead).**

## **Issue 3. Role of Personnel Board**

Mike Lipski noted that the Personnel Board is populated with human resource specialists. They have had a series of presentations by former Personnel Director, Marianne Walluks.

Ald. Michael Schumacher stated that is not where the subcommittee left this issue. What the subcommittee wanted to know was: description of Personnel Board, function of Personnel Board and how should it interact with CCOC and BOE.

Mike Lipski noted that the function of the Personnel Board will be encompassed in the Personnel Rules updates. Ald. Schumacher stated that this issue was more than the technical aspect of the Personnel Board. He questioned who should have the lead on this issue. It was agreed that the lead on this issue would be the Human Resources Director.

Ald. Schumacher wanted to expand upon the initial recommendation that the HR Director research membership composition of other personnel boards in other municipalities. He would like to include an additional recommendation that the Personnel Board take a look at reclassification issues (example when there is a discrepancy between the job description and who is actually hired for the position). Lorie Olsen noted that this is already in the ordinances:

*"3.53 (7)(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)"*

**Recommendation: Requested Human Resources Director to research additional criteria used by other municipalities for membership to the Personnel Board and present findings to CCOC (vs. Personnel Board) for discussion.**

## **4. Career Advancement and 5. Training (should also be combined with Issue 9)**

Ald. Michael Schumacher wanted to know if HR knew what types of training led to higher performance by city employees. He also wanted to know if departments guaranteed their employees some amount of training each year. Karl van Lith stated that departments do not guarantee their employees training. \$54,000 was taken out of the training budget in 2003 and each department was responsible for budgeting training for their own employees. Lorie Olsen stated that Brad Wirtz would like to see an increase in the tuition refund account. It has been stuck at \$5,000 per year for several years and often runs out of money. Ald. Schumacher noted that companies are getting away from the tuition reimbursement model. He would rather see money expended, for example, on planners to attend planning conferences. Karl van Lith noted again that departments have their own training budgets. Ald. Schumacher thought that the very office that has the

word "training" in it is out of the loop with training in the City of Madison. He felt that there should be some check off. Mike Lipski noted that the new ERP software would have a component to track training by departments. Karl van Lith stated that most of the training money is going towards conference/education and that there are guidelines interspersed within the APM's (e.g.: 1-5 Policy Regarding Travel, 2-9 Tuition Assistance Program, 2-10 Policies & Procedures for Internal/External Training)

**Recommendation:**

- ☐ That the new ERP system contain a notification system to track training
- ☐ During the 2010 budget process, have CCOC (or subcommittee) review an updated training report that has been prepared by June 1, 2009 that would list additional training needs
- ☐ Evaluate and provide additional funds if necessary
- ☐ Review decision that took money out of HR and possibly put training money back into their budget

**Issue 6. Hiring and interview panels - need to diversity/not have all from one department**

Lorie Olsen stated that this has been implemented. Affirmative Action has put it in their Affirmative Action Plan and HR has changed their certification process so that when they certify a list out to the department Affirmative Action also receives the list. Affirmative Action can choose to follow up with the department to see if they have a diversified interview panel. Ald. Schumacher questioned whether this recommendation should include the statement that one person on the panel must be from outside the department. Mike Lipski thought it depended upon the nature of the position and that you want an interview panel that had familiarity with the position so that when candidates are answering questions they understand the answer. An oral panel is different from interview panel. Oral panels are totally diversified and from outside the department.

**Recommendation:**

- ☐ That one person who is on a certified interview panel not be under the appointing authority.
- ☐ An informational annual report from DCR on certified interview panel membership to the CCOC Subcommittee to Review City Hiring Practices & Policies

**Issue 7. Ongoing Employee evaluations**

It was noted that a variety of departments have work plans; Information Technology, Human Resources, Planning Department (needs to be updated) and the Council Office that provide a framework for benchmarks and improvement. Ald. Brenda Konkel thought that the city had abandoned formal employee evaluations in favor of additional supervisory training.

**Recommendation: Encourage departments to develop work plans and provide additional supervisory training on feedback and evaluation.**

**Issue 8. Merit Increases**

**Recommendation: Employees are currently offered COLA, longevity and collective bargaining. Due to funding constraints no additional merit increases are recommended at this time.**

**Issue 9. Performance Expectations: relates to training also**

Combine with Issue 4 and 5.

**Issue 10. Council's role in union/managerial contracts**

**a. Level of Council input/involvement**

Use existing recommendation.

**RECOMMENDATION:**

- ☐ Follow existing language in Madison General Ordinances 3.13(5)(d);

*(d) Mayor and Common Council Control. The Board of Estimates shall confer with the Mayor and the Human Resources Director regarding initial bargaining proposals to be presented to each duly recognized bargaining unit. All labor contracts and agreements negotiated under the terms of this section shall be subject to the approval of the Mayor and Common Council.*

*No labor contract or agreement shall be binding upon the City nor shall any of the terms of such agreements be implemented until such time as the agreement is approved and executed by the Mayor and City Clerk in the manner prescribed by law.*

*1. The Human Resources Director shall report periodically on labor relations activities to the Mayor and the Board of Estimates.*

*2. The Human Resources Director shall complete such reports as the Mayor and Common Council shall require and attend such conferences or meetings as designated for purposes of ensuring sufficient communications with the Mayor, Board of Estimates and Common Council on labor relations matters.*

- ☐ That all alders be notified when Human Resources is meeting with Board of Estimates on matters listed in the ordinance above.

#### **Issue 10. Council's role in union contracts/managerial contracts**

##### **b. Financial impacts**

The concern was how the Council is kept informed of changes to contracts that have financial consequences (e.g. MOU's).

##### **Recommendation:**

- ☐ Any MOU with financial impact is copied to the Board of Estimates.
- ☐ The Council President and the CCOC will monitor the implementation of the existing language in MGO 3.13 (5)(d): *Mayor and Common Council Control. The Board of Estimates shall confer with the Mayor and the Human Resources Director regarding initial bargaining proposals to be presented to each duly recognized bargaining unit. All labor contracts and agreements negotiated under the terms of this section shall be subject to the approval of the Mayor and Common Council. No labor contract or agreement shall be binding upon the City nor shall any of the terms of such agreements be implemented until such time as the agreement is approved and executed by the Mayor and City Clerk in the manner prescribed by law.*

#### **Issue 11. Recruitment process**

Lorie Olsen noted that a majority of their website hits are resulting in applications being submitted in electronically. They also utilize a huge Affirmative Action email list for recruitment. Judy Hughes has been working with Harper Donahue in DCR on high level job recruitments (Comp Groups 21 & 18) and he has been able to identify areas to recruit sometimes with very limited funds. **Ald. Schumacher requested Lorie Olsen and Judy Hughes to write the recommendation.**

Ald. Brenda Konkel asked if HR had thought about using Craigslist. Staff indicated that the city has not tried posting to Craigslist (and city employees are prohibited access to Craigslist). It was noted that there were issues with security. She also wanted to know who works with department heads in terms of advertising – how do they know where to advertise? The HR department works with the department head and Harper Donahue.

#### **Next Meeting**

- ☐ Start with issue 12. Mayoral HR Preferences
- ☐ Finalize Report
- ☐ Continuing role of the subcommittee

#### **Adjournment**

The meeting adjourned at 2:31 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant

**Minutes  
CCOC Subcommittee to Review  
City Hiring Practices & Policies  
January 8, 2009**

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

Staff Attending: Brad Wirtz (HR Director), Lisa Veldran (Council Office), Lorri Wendorf (MPSEA), Sylvia Moss (Human Resources Department), Kelli Lamberty (MPSEA), Lorie Olsen (Human Resources Department), Judy Hughes (Human Resources Department), Karl van Lith (Human Resource Department) and Mike Lipski (Human Resources Department)

The meeting was called to order at 10:40 a.m.

**Approval of December 16, 2008 minutes**

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

**Public Comment**

There was no public comment.

**Discuss and finalize subcommittee report with recommendations to be forwarded to the Common Council Organizational Committee, Personnel Board and the Common Council**

Ald. Michael Schumacher if asked anyone wanted to add any more information to the issues discussed at the December 16, 2008 subcommittee meeting (Issues 1 through 11) No additional information was provided.

**Issue 12. Mayoral HR Preferences – a. Political transitions between administrations pull HR Department into new directions relative to hiring policies.** For example, differences in promoting employees – one mayor may support training to develop internal employees to promote to higher-level positions and another mayor favors exclusively hiring externally.

Brad Wirtz noted that the draft Personnel Rules are currently in the City Attorney's office for review and will address this issue. The rules will go to the Personnel Board and the Council for approval.

Ald. Michael Schumacher recalled that this issue revolved around Comp Group 21 positions and whether the city had the expertise "in-house" vs. hiring externally. Mr. Wirtz noted that Comp Group 21 positions should always be subject to a nationwide search vs. an in-house job posting and these positions (along with higher Comp Group 18 positions) should be open to anyone. Mr. Wirtz stated that Comp Group 21 positions are always subject to nationwide search.

Mr. Wirtz will send the subcommittee members the draft Resolution/Personnel Rules when they appear on the Personnel Board agenda.

**RECOMMENDATION: New Personnel Rules will state that Compensation Group 21 positions are always subject to a nationwide search.**

**Issue 13. Interim managerial appointments/double-filling/timing of appointments**

Ordinance was passed to address this issue. The change to MGO Section 3.54(10)(c) clarified the purposes of a provisional appointment and to allow persons in CG 18 or 44 to receive the higher salary of a position they might fill on a temporary basis. (Legislative File No. 11092 Adopted by Common Council 9/2/08).

#### **Issue 14. Role in evaluation of Compensation Group 21 employees (city managers)**

1. **Update and use form developed in 2000. Council staff works with IT staff to develop online form. Encourage Mayor to use data/comments in evaluation of managers.**

**Action Item: Request that staff check with City Attorney about confidentiality of the evaluations and open records law.**

**Parking Lot Issue – MPSEA requested that the city investigate providing a vehicle for city employees to provide feedback on managers.**

Mr. Wirtz indicated that he preferred the current ordinance language but would work to implement any changes made to the ordinance relative to the evaluation process of city managers. Ald. Brenda Konkel noted that the ordinance would not need to be amended and that CCOC could implement the process.

**Action Item: When the subcommittee report is submitted ask CCOC to review a draft evaluation form for comment/suggestions.**

2. **Ald. Brenda Konkel & Ald. Michael Schumacher will draft a letter for Council Leadership to the Mayor that Common Council members will fill out the form annually with the anticipation that the Mayor will analyze and utilize the information that could improve performance, particularly relationships with managers and the Council. Ald. Brenda Konkel suggested that evaluations be done annually every January or February.**

**Action Item: Ald. Brenda Konkel and Ald. Michael Schumacher will work on drafting letter.**

3. **When alders are notified of a managerial contract renewal the HR Director also notes how long that employee has been in that position.**

Brad Wirtz noted that this process is currently being done.

The subcommittee discussed the issue of probationary periods being changed from 1 year to 2 years and whether it was a detriment to recruiting efforts. Mr. Wirtz indicated that he has never had anyone say that they would not take the position due to the 2-year probationary period. This issue was dropped from the matrix.

Discussion on a request from Human Resources to develop a report on the number of reclassified positions. Ald. Brenda Konkel was concerned reclassifications weren't done in a systematic way and that managers advocate for reclassifications but some are not as proactive. Mr. Wirtz noted that when departments go through organizational changes the Council would see an influx of reclassifications.

**Action Item: Mike Lipski will provide the subcommittee with a snapshot report of reclassifications from September 2008 to present noting how many reclassifications were submitted, how many approved and how many were denied.**

Lori Wendorf noted that MPSEA had issues with the reclassification system:

- ☐ There seems to be a missing educational component for managers
- ☐ It also was a managerial style issue. Some managers feel that they will not receive the money to fund a reclassified position so they do not initiate a reclassification study and other managers find the money and request the reclassification study because they know the person has taken on more duties.

Brad Wirtz stated that managers shouldn't make their decisions solely based upon their budget. The decision needs to be based upon the additional responsibilities given to a position. Mr. Wirtz also noted that only 33% of the positions that are requested for reclassification actually receive one. He also stated that the

department head is hired to create the organizational structure and that includes reclassifications. Ald. Ald. Brenda Konkel stated that the subcommittee wasn't looking for a system with more checks and balances but a system that was more permissible. Mike Lipski noted that employees currently have the right to request a reclassification study if their supervisor has turned them down.

Kelly Lamberty stated that having information more accessible to employees on understanding how to request a reclassification and how a reclassification study was conducted would be helpful. There is confusion among city employees on the how reclassification decisions are made. The subcommittee thought this could also be something added to the webpage on Employeeenet (resource page).

#### **Issue 15. Residency rules**

**RECOMMENDATION: Place draft ordinance to exempt Compensation Group 18 & 44 from the city's residency rules on CCOC agenda for discussion.**

#### **Issue 16. Financial resource problems**

- **Budget cuts to training and organizational development**

Roll this issue/recommendation into #4, #5 and #9

RECOMMENDATION: Increase staffing in Training & Organizational Development. Increase budget for training & staff development (e.g. facilitator training, training on committee rules, etc.). Karl van Lith to provide a summary of suggestions.

Ald. Michael Schumacher saw the value in cross-departmental meetings. For example Framework for Excellence meetings and believed that there are no longer these connections being made. Karl van Lith noted that although the city no longer has dedicated cross-departmental meetings there are other examples of cross-departmental connections, The Natural Step, Supervisory Academy, Madison Measures which involve improving processes and efficiency within the City.

**Action Item: Requested Karl van Lith to review and update his recommendation list of current training opportunities, "wish list" of training opportunities and anything that may have changed after his meeting with MPSEA and their professional development training ideas.**

#### **Issue 17. Succession Planning**

##### **REVISED RECOMMENDATION:**

**Human Resources Director will prepare a set of recommendations or variables (i.e. Best Practices) to recruit/attract the highest caliber candidates for Compensation Group 21 & top 18 positions. Human Resources Director will provide data on retirements in the next 5-year and how the city is prepared to handle future retirement numbers.**

**Action Item: Request someone from Madison Fire Department and Madison Police Department to attend the next subcommittee meeting to explain their internal recruitment and promotion policies.**

#### **Issue 18. Reorganizations**

**REVISED RECOMMENDATION: Human Resources will develop a set of process steps to insure a better outcome for future reorganizations. These steps will be forwarded to CCOC.**



**Issue 19. Creating a webpage on Employeeenet for employees with links to existing Human Resources information and references to Personnel Rules.** (Added 12/16/08)

**RECOMMENDATION: Human Resources develop webpage with City Information Technology staff that will provide resource information for city employees.**

**Next Meeting**

- ☐ Pull out all action items that are parking lot items and recommendations that have been implemented and then review all remaining recommendations that subcommittee is recommending to CCOC
- ☐ Discuss draft ordinance on residency issue (Issue 15.)
- ☐ Invite staff from MFD & MPD to next meeting to speak on recruitment and promotion policies within their respective departments.
- ☐ Expressly invite DCR staff to next meeting
- ☐ Review Lorri Wendorf's comments from email dated December 16, 2008.
- ☐ Comparable salary data for CG 21 (Issue 17.) Mike Lipski recently submitted a draft report to Brad Wirtz. This data will be available after his review (present it to subcommittee members to see if they wish to sponsor ordinance changes). Will require modifications to existing ordinances (relatively competitive) to philosophy to ensure that our maximum lower range is at or above the median of the comparable group in the Midwest – 4 of our existing positions are not (they are below).
- ☐ Schedule a 2-hour meeting and add additional issues (requested by Ald. Konkel)

Anticipate having one more meeting to flesh out any other issues/action items, a meeting to start working on a draft report and then one last meeting to finalize report.

**Adjournment**

The meeting adjourned at 12:09 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant



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

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

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

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

**Approval of January 8, 2009 minutes**

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

**Public Comment**

There was no public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The first comment she believed still applied:

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

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

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

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

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

*Issue 1.2/Strategic Oversight of Classification System:*

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

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

*Issue 15/Residency rules*

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

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

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

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

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

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

**Comparable Salary Data Report-**

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

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

**Next meeting date**

Email out to members actions that have occurred.

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

**Adjournment**

The meeting adjourned at 1:47 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant

**Minutes  
CCOC Subcommittee to Review  
City Hiring Practices & Policies  
March 9, 2009**

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

Staff Attending: Michael May (City Attorney) and Lisa Veldran (Council Office)

Others Attending: Attorney Scott Herrick, Rosemary Lee

The meeting was called to order at 1:32 p.m.

**Discuss Council Involvement/Input to the Police & Fire Commission (PFC)**

Ald. Brenda Konkel stated that the issue she wanted to discuss was when, if, can, should and how alders provide input on promotions to the PFC. What she heard from the Police Chief was just write him a letter and he will put it in their file. Carolyn Hogg stated at the 3/3/09 meeting that alders could attend PFC meetings and give public testimony or lobby the PFC members.

City Attorney Michael May stated that the best way to provide input is for that alder to send something immediately to the Chief and it would go into that officer's personnel file. By sending something immediately you avoid two years later trying to remember the incident. By that point it is reconstructed and at the time it is factual. When PFC reviews personnel files for promotions it would be in the officer's file. If it was a serious offense the alder could file a citizen complaint. He noted that it was inappropriate for alders to show up at a PFC meeting. The reason we have a PFC is to insulate the process from political influence. He wasn't sure what would happen if an alder showed up a PFC meeting. He thought that the PFC would ask the alder to provide written correspondence to the PFC.

Ald. Konkel stated that she had sent an email about a particular officer to the Chief Noble Wray, Capt. Mary Schauf, Mayor and two of his staff but didn't think that information was considered at the time of their promotion. She doubted that it was printed and placed in the personnel file. She also called Capt. Schauf about the same officer several times to discuss it but did not document those conversations. When the officer was promoted she was surprised.

Ald. Michael Schumacher questioned the issue of accessing the agenda and attachments of the PFC.

Ald. Konkel noted that:

1. The agenda have no links so no attachments are accessible.
2. The same item appears every time but now they are at least listing the names.
3. Materials were not even available in the Clerk's Office.
4. There is no public comment section on their agenda.

City Attorney May believed that the Chief would treat emails the same as written correspondence and place them in the personnel file. He would follow up with Chief Wray.

Attorney Scott Herrick spoke to the issue of PFC agendas. He delivers a hard copy of the PFC agenda to the Council Office. The PFC is not in Legistar. The PFC is sui juris in that it operates like an independent agency and he is their staff. One solution to this is having PFC put into Legistar. He usually receives hard copies of documents (mainly police reports) and they are not submitted to him in electronic format. Attorney Herrick asked how he could assist in providing agenda/minute information to alders.

Ald. Konkel asked if Attorney Herrick had anything to add to City Attorney May's analysis of alder input. Attorney Herrick believed that the monthly business of the PFC is not a matter of Council business. It is not secret, but he would not advise sending out an agenda every month to all alders. If individual alders want a copy of the agenda they can contact him directly (he keeps an email group).

Attorney Herrick also spoke to input on officers. He concurred that correspondence should go to the Chief. Ald. Konkel reiterated her belief that the emailed input she sent to the Chief was never placed in the personnel file of the officer. City Attorney May asked why she thought it was not in the file. If that was the case, the PFC or Chief should follow up on her concerns. She noted that she had emailed and spoke to MPD about her concerns regarding an individual who was then ultimately promoted. She was shocked at the promotion and that was why she believed it was not in their personnel file.

Attorney Herrick stated that the alder could write down their comments and send them directly to the PFC. City Attorney May will contact Chief Wray to find out how he wants to receive comments on officers – either formal written memo or email or either.

Ald. Michael Schumacher questioned the PFC's role in the budget process for positions and promotions. Attorney Herrick stated that the PFC does not make decisions regarding the MPD or MFD internal budgeting process for positions or promotions. City Attorney May noted that the PFC acts more like a personnel board (input on process of hiring, recruitment and examinations, approves the promotions, etc.) and not in the management of the department or the budgeting details.

Ald. Konkel brought up alder influence on promotions. She believed that there were a couple of alders that had a close relationship with the MPD and were able to influence the process. Attorney Herrick disputed that perception. The Chief forwards names for promotion and in all his years as staff attorney to the PFC no promotion has ever been turned down. He believed that this fact should indicate that there is no influence in the process.

Ald. Schumacher summed up the meeting:

1. There is not a lot of involvement for alders in this process.
2. If there is involvement it should be in the budget or policy area or sitting down with the Chief.
3. Any recommendation to the Chief, favorable or not, on a police officer could be sent electronically and possibly back it up with a hard copy.
4. Getting some type of electronic data from PFC to be sent to all alders or to alders that want it.
5. Established there are alders that have first-hand knowledge of promotions because they are focused on MPD. Did not know how to prevent this.

Ald. Konkel missed the most important point – how is an alder to give input:

1. At the time of the issue make sure you address it immediately.
2. Can alders attend the PFC to give input under public comment?
3. Can alders lobby the PFC?

City Attorney May will issue an opinion that outlines the Common Council input process to the Chief and the PFC. This opinion will also be attached to the final report.

#### **Registration:**

Rosemary Lee, 111 W. Wilson Street

Neither Support/Oppose

Spoke

Rosemary Lee stated that she was able to download a copy of the PFC agenda that day. She noted that the agenda was complete and sufficient from a public citizen point of view. She has been able to provide input at the PFC meetings.

#### **Adjournment**

The meeting adjourned at 2:30 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant

**Draft Minutes  
CCOC Subcommittee to Review  
City Hiring Practices & Policies  
March 25, 2009**

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

Staff Attending: Brad Wirtz (HR Director), Mike Lipski (HR), Sylvia Moss (HR), Lorie Olsen (HR), Christie Hill (DCR), Kelli Lamberty (MPSEA) and Lisa Veldran (Council Office)

The meeting was called to order at 1:50 p.m.

**Approval of March 3, 2009 and March 9, 2009 minutes**

Brad Wirtz requested one editorial change to the March 3, 2009 minutes to read:

"Requested that Brad Wirtz ~~provide a~~ will report on number of CG 18 & 44 people who may take advantage of the change in residency and the possible costs associate with the change (longevity)."

Ald. Brenda Konkel moved, seconded by Ald. Michael Schumacher to approve the minutes with the editorial change. Minutes were approved unanimously.

**Public Comment**

There was no public comment.

**Review of Outstanding Action Items, Identified Issues and Subcommittee Recommendations**

Ald. Michael Schumacher thought the final report should separate out:

- ☐ Issues that were accomplished
- ☐ Outstanding issues
- ☐ Any recommendations from the subcommittee

Identified Issue 1. Plain Language – Brad Wirtz will follow up on report recommendations dealing with hiring terminology.

Identified Issue 2. Classification System– See Identified Issue 4. "Role of Personnel Board" discussion.

Identified Issue 3. Employee webpage with HR information – Lorie Olsen is working on updating the webpage, which will incorporate information from Employment, Labor Relations and EAP and a FAQ section. Ald. Brenda Konkel suggested that employees review the webpages before they go live. Ms. Olsen will ask for employee input when developing the webpages. Christie Hill suggested using employees from the Minority Affairs Committee or Women's Issues Committee. Lisa Veldran suggested possibly the Payroll Users Group.

Identified Issue 4. Personnel Board – Brad Wirtz stated that the Personnel Rules are in the process of review by the board and have also been sent to the labor unions for input. Ald. Konkel questioned if there was a role for the Personnel Board in reorganizations, particularly in the area of oversight. Ald. Schumacher stated that he had contacted the Mayor noting that there is a lack of organizational analysis when organizational changes occur or the Council should have a committee to review proposed changes to departments. Mr. Wirtz noted that the Personnel Board has a very defined role: formulates rules and regulations for the administration of the Civil Service System; acts on personnel items referred by the Common Council; and hears appeals from the decisions of Hearing Examiners on disciplinary matters involving nonunion employees. They do not deal with the policy issues surround reorganizations. Personnel Board members may be notified that a number of reclassifications will be on their agenda due to an impending reorganization.

Kelli Lamberty noted that MPSEA was pleased that new members on the Personnel Board have more experience in the personnel field and that HR has provided them with training by Marian Wallucks (former Personnel Director). However MPSEA believed that the appeal process for decisions is confusing. She



noted that she had to appeal a decision made by the Personnel Board to the Human Resource Director. The decision was sent to the Board of Estimates and the director at that time disagreed with the decision made by the Personnel Board. Board of Estimates re-referred the reclassification back to the Personnel Board and they then concurred with the Human Resource Director's decision not to support the reclassification. She believes she should have appealed to directly Human Resource Director before it even went to the Personnel Board. The process was described as follows:

- ☐ Human Resources denies reclassification request
- ☐ Employee appeals to Personnel Board
- ☐ Employee's appeal is denied or accepted – recommendation goes to BOE
- ☐ BOE accepts the Personnel Board's decision to accept the appeal and makes recommendation to Council
- ☐ BOE accepts the Human Resources recommendation to deny and refers it back to Personnel Board.
- ☐ Personnel Board votes to deny or accept the appeal and it goes to Council

Ald. Konkell believed that there needs to be a more systemic approach to addressing issues like this and argued that due to mayoral changes the Personnel Board should take up human resource policy issues. She thought this was why this subcommittee was formed - to look at the gaps in policy.

Identified Issue 5. Career advancement, training. Kelli Lamberty noted that they would be sending out the survey. Ald. Schumacher also noted that funding is minimal and that there is a lack in facilitation skills by employees.

There was discussion on how training money was allocated and if changes should be made. Currently each department budgets for training. Before Mayor Bauman's tenure all training money was in Human Resources budget only. Ald. Schumacher thought supervisors should allocate \$/employee and then money doesn't become the issue. Ms. Moss brought up the issue of inequality of employees sent to training and thought personally, the city as a culture, views training as an interruption to the workday. Ald. Konkell suggested that there should be a training review is conducted.

Ald. Schumacher believed that this should be a recommendation to the Mayor that the Council communicate training is important, there is a gap emerging and the city is not paying attention to staff development and will miss organizational opportunities. Recommendation to CCOC that this issue requires further review.

Ald. Konkell also recommended that an annual report be made to the Common Council on how training money is being spent and the perceived training needs before the budget process (e.g. May 1).

Identified Issue 6. Hiring/Interview Panels – Recommendation on this issue would note that this was added in the Affirmative Action 5-year plan.

Identified Issue 7. Employee evaluations. Departments are allowed to evaluate employees but Human Resources do not promote them. Change from "giving feedback/conducting evaluations" to "giving performance feedback".

Identified Issue 8. Merit increases – will start with this issue at the next meeting

#### **Next meeting date**

Lisa Veldran will ask that staff email comments on the remaining issues.

One more meeting is necessary to finalize and approve the recommendations for the report.

#### **Adjournment**

The meeting adjourned at 3:02 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant

**Draft Minutes  
CCOC Subcommittee to Review  
City Hiring Practices & Policies  
April 15, 2009**

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

Staff Attending: Christie Hill (DCR), Lorri Wendorf (MPSEA) and Lisa Veldran (Council Office)

The meeting was called to order at 3:22 p.m.

**Public Comment**

There was no public comment.

**Discussion on drafting CCOC Subcommittee to Review City Hiring Practices & Policies Final Report**

Ald. Michael Schumacher noted that he had met with Lisa Veldran to work on a draft report. Recommended to keep report short, outline what mandate was, identify key findings. Recommendations, things to be done and things that have been accomplished and everything else would be added as appendices.

Ald. Brenda Konkell requested a change to page 2 of the draft report:

*Recommendation: Update evaluation form from 2000 and conduct yearly evaluations of all managers in January or February.*

Identified Issue 11. Mayoral Hiring Practices – Email from Brad Wirtz dated 3/31/09 regarding recommendation. He noted in the email that Personnel Rules cover positions designated as Classified Civil Service. CG 21 employees are exempted from the classified civil service so this issue would not be appropriately dealt with in the new Personnel Rules. He suggested it might be addressed by as a Human Resources practice.

Ald. Schumacher suggested that the recommendation be revised. Request HR Director to email alders, with a copy to the HR (formerly DCR) recruitment specialist (suggested by Christie Hill), on whether a nationwide search is or is not used to fill a CG 21 position and if a nationwide search is not used the reason behind that decision. This will appear in the resolution adopting the report.

Identified Issue 6. Hiring & Interview Panels – Email from Christie Hill dated 3/26/09 regarding recommendation. She noted that currently the data regarding who is on an interview panel is not collected and cannot be centrally collected at this time. Issue is addressed in 2009 Affirmative Action Plan <http://www.cityofmadison.com/dcr/documents/AAPlan2009/SectionV.pdf> (and will be updated annually):

***Hiring-Examination/interview Panel Members***

*The City of Madison believes that balanced panels promote equal employment opportunity in the hiring process; minimize cultural, racial, gender and disability differences between interviewers and interviewees; and provides a more thorough evaluation of applicant responses.*

*A “balanced panel” means that the panel (usually 3 people) includes at least one affirmative action target group member (a woman, a racial/ethnic minority or a person with a disability). In the event in which an agency is unsuccessful in securing an affirmative action target group member to participate on their panel the Department of Civil Rights shall be contacted immediately for assistance.*

*To further promote equal employment opportunity all panel members shall be made aware of the relevant position’s job family category including the position’s representation/under-representation status prior to interviews. All examination questions, whether oral or written, must be related to the job to be filled, and must reliably predict successful job performance. All questions must be directly related to the employment posting requirements for knowledge, skills, and abilities. Interview questions should not cause disparate impact on under-represented group members.*

*Each agency's selection process will consist of a set of pre-established benchmarks that are used to define the needs of the position. The City's Department of Civil Rights will monitor selection and/or hiring procedures in accordance with the City Affirmative Action Program's systems for monitoring and evaluating Affirmative Action achievements.*

Christie Hill stated that DCR saw no problem with the additional recommendation that one (1) person on a certified interview panel NOT be under the appointing authority (Department Head).

Identified Issue 3. HR processes available on Employee.net and employee (customer) friendly. Lorie Olsen wanted it noted that she would gather input from WIC, MAC, MPSEA and Payroll Users on information needed for the webpage. The subcommittee recommended that HR receive feedback on the webpage before it goes live. Ald. Schumacher volunteered to review the webpage also.

Identified Issue 5. Career Advancement, Training and Performance Expectations. Brad Wirtz and Karl van Lith identify training needs and the budget implications. Lorri Wendorf noted that HR came to their MPSEA meeting to talk about training needs.

Ald. Konkel suggested the resolution include the report and add the attachments in Legistar.

Ald. Schumacher asked Lisa Veldran to follow-up on the residency ordinance for CG 18 & 44 with the City Attorney. Ordinance could be introduced at the May 5, 2009 Council meeting and referred to CCOC (May 19) and BOE. Ask City Attorney if an effective date needs to be added.

Discussion on Draft Report:

Lorri Wendorf asked if it was important to have timelines. Ald. Schumacher suggested that a 3-month update to CCOC on status of recommendations (written or verbal).

Draft report as discussed was approved on motion of Ald. Brenda Konkel, seconded by Ald. Michael Schumacher.

### **Adjournment**

The meeting adjourned sine die at 4:10 p.m.

Minutes prepared by Lisa Veldran, Administrative Assistant