

TO: Personnel Board

FROM: Michael Lipski, Human Resources

DATE: November 13, 2009

SUBJECT: Creation of Deputy City Attorney

In August, 2009, Assistant City Attorney-Confidential Larry O'Brien retired. Mr. O'Brien provided support to the City Human Resources Department on confidential matters, including employee disciplinary issues and collective-bargaining issues, and because of this, the position was non-represented. Upon his retirement, City Attorney Michael May evaluated the operations of the City Attorney's Office and requested that a Deputy City Attorney position be created to assist with the administration and supervision of the City Attorney's Office and to provide confidential legal support to the City Human Resources Department regarding labor and employment law issues. This position was proposed and approved in the 2010 Operating Budget.

A position description (attached) has been provided for the Deputy City Attorney. After reviewing the position description, I propose creation of a new classification called Deputy City Attorney. The draft class specification is also attached. The Deputy would provide support to the City Attorney in administering the City Attorney's Office. The Deputy would assist in policy development, budget development and monitoring, and would be in charge of implementing initiatives at the direction of the City Attorney. The Deputy would be authorized to make decisions, interpret ordinances, and provide advice in the absence of the City Attorney. The Deputy may be called upon to supervise a team of attorneys. Right now, the City Attorney's Office does not have a position designated to provide this sort of assistance to the City Attorney. However, since the City Attorney's Office has grown to a staff of 14 attorneys, this assistance is needed.

This position would also have responsibility for supporting the Human Resources Department, similar to Mr. O'Brien's role as Assistant City Attorney-Confidential. The Deputy would provide advice on labor relations issues, including providing strategies for collective-bargaining, assisting in grievance processing, providing advice regarding discipline and termination of employees, and representing the City in administrative proceedings, including interest arbitrations, grievance arbitrations, and hearings before the Wisconsin Employment Relations Commission. The Deputy would also provide advice and support to the Human Resources Department on employment-law related matters, including the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, and other employment statutes.

The normal salary progression for the Assistant City Attorneys has a 16-step schedule in its contract. This is designed so that newly hired attorneys do not need to have experience but would eventually progress to a high salary level. The Deputy position would be non-represented as it would be involved in the management of the City Attorney's Office and may also be supervising a team of attorneys. In addition, the work of the Deputy is confidential as it provides support to the City relative to collective-bargaining and labor relations matters. Because this

position would be supervising other attorneys and is expected to be a manager within the City Attorney's Office, I recommend placement of the position in Compensation Group 18, with other City managers and supervisors. In addition, placement in Compensation Group 18 is appropriate because although CG 18 only has a 5 step progression, a longer progression is not needed for this position because the City will be seeking an experienced attorney to fill the position. I recommend placement in Range 22 of CG18, which would ensure that this position, at the highest level, would make approximately 4% more than the represented attorneys it supervises.

We have prepared the necessary Ordinance to implement this recommendation.

Editor's Note:

Compensation Group/Range	2009 Annual Minimum (Step 1)	2009 Annual Maximum (Step 5)	2009 Annual Maximum +12% longevity
18/22	\$98,721	\$118,476	\$132,704
24/01	\$54,334	\$113,922 (step 16)	\$127,582

cc: Mike May-City Attorney