

TO: Personnel Board
FROM: Harper Donahue and Mike Lipski, Human Resources
DATE: October 26, 2016
SUBJECT: EO Investigator/Conciliator 3

At the request of the Interim Civil Rights Director, Ms. Gloria Reyes, we have studied the position (#893) of EO Investigator/Conciliator 2 (CG18, Range 06) currently occupied by Ms. Annie Weatherby-Flowers. Since the time of the request, the Civil Rights Department has hired a permanent director, Norman Davis, and an Equal Opportunities Manager, Byron Bishop, who directly supervises Ms. Weatherby-Flowers. We have met with Ms. Reyes, Mr. Davis, Mr. Bishop, and Ms. Weatherby-Flowers (the incumbent), and based on these meetings, a review of the position description (attached), and the City of Madison Personnel Rules, we recommend that Ms. Weatherby-Flowers be reclassified to an EO Investigator/Conciliator 3 (CG18/R8) for the reasons discussed in this memo.

The EO Investigator/Conciliator 2 class spec (attached) describes

"...journey level professional investigation, conciliation, mediation, and outreach work for the Department of Civil Rights. The incumbent is expected to independently perform all job functions and the work is performed under the general supervision of the Equal Opportunities Manager."

Specific responsibility may include

- *Perform all work of an EO Investigator/Conciliator 1 with greater professional expertise and independent responsibility for investigating and mediating/conciliating disputes.*
- *Independently conduct investigations, including preparing questions and drafting Initial Determinations, under the general supervision of the Equal Opportunities Manager.*

On the other hand, the EO Investigator/Conciliator 3 (attached) describes

"...advanced level professional investigation, conciliation, mediation, and outreach work for the Department of Civil Rights. The work involves independently performing the full range of investigation, conciliation, and mediation activities, serving as a mentor to lower-level investigators. The incumbent is expected to independently perform all job functions and the work is performed under the general supervision of the Equal Opportunities Manager."

Distinguishing features between an EO Investigator/Conciliator 2 and an EO Investigator/Conciliator 3 include:

- *Performing all work of an EO Investigator/Conciliator 2 with the application of broader professional expertise and independent responsibility for the full range of EO investigation, conciliation, and mediation activities, and providing outreach services;*
- *Conducting research on Equal Opportunity laws, ordinances, and cases;*
- *Making recommendations as to potential areas for the City to update its EO Ordinance based on trends in other areas; and*
- *Coordinate with the Equal Opportunities Manager on complex cases and/or cases involving parties that have a history with the agency..*

In 1999, Ms. Weatherby-Flowers came to the City's Equal Opportunities Commission (EOC) as an Educational Outreach Coordinator (CG18/R04). In this role, primary duties involved professional and administrative work in developing and implementing a community outreach, training, and information dissemination program for the EOC. However, based on departmental needs, in 2007 shortly after the EOC and AA merged to form the Department of Civil Rights, Ms. Weatherby-Flowers became active in the Equal Opportunities Division's investigation process. As such, in March of 2011, the EO Investigator/Conciliator series was created and the incumbent's previous position as an Outreach Coordinator was eliminated and she was laterally placed in the EO Investigator/Conciliator series at the first level (CG18/R04). After being at this level for only a few months, the incumbent was reclassified to the second

level (CG18/R06), which reflected increased levels of expertise and knowledge, and a higher degree of judgment and discretion exhibited by the incumbent after four years of meaningful direct experience.

Since being reclassified to the level of EO Investigator/Conciliator 2, Ms. Weatherby-Flowers has taken on additional responsibilities in the area of research and recommendations for updates to the City's Equal Opportunities Ordinance. For instance, the incumbent played a pivotal role in bringing "non-religion" to the City of Madison as a protected class in the Summer of 2015. Further, the incumbent has taken a lead role in providing the Department and its Commissions and Committees essential information on a range of topics, including LGBT/Transgender issues and employer related impacts of social media. Also, as it relates to coordination with the EO Manager, since May, 2016, Ms. Weatherby-Flowers has advised on cases where a party has history with the agency, and has taken on those investigations. This work all falls within the EO Investigator/Conciliator 3 description.

Finally, while not a factor for consideration as to the appropriate level, it is noted that since joining the City's workforce in 1999, the incumbent has completed her undergraduate studies at Edgewood College and received a B.A. in Psychology & Organizational Behavior and Leadership. Additionally, the incumbent received an M.A. in Education & Adult Learning in 2014. For the reasons outlined above, Ms. Weatherby-Flowers' position should be recreated as an EO Investigator/Conciliator 3 (CG18, R08), and she should be reallocated to the new position.

We have prepared the necessary Resolutions to implement this recommendation.

Attachments

Compensation Group/Range	2016 Annual Minimum (Step 1)	2016 Annual Maximum (Step 5)	2016 Annual Maximum +12% longevity
18/06	\$54,175.16	\$63,787.10	\$71,441.55
18/08	\$58,762.86	\$69,731.48	\$78,099.26

CC: Norman Davis—Civil Rights Director
Byron Bishop—EO Manager
Annie Weatherby-Flowers – EO Investigator/Conciliator 2
Mike Lipski – HR Services Manager