

TO: Personnel Board

FROM: Susan J. Gafner, Human Resources

DATE: October 12, 2017

SUBJECT: Equal Opportunities Manager and Affirmative Action Manager-DCR

The Department of Civil Rights (DCR) Director, Norman Davis has requested that the positions of Equal Opportunities Manager (EO Manager, #891), in CG18, R13, currently occupied by Byron Bishop and Affirmative Action Manager (AA Manager, #68), in CG18, R13, currently occupied by Felicia Jones, be studied to determine whether they are placed in the proper salary range. Mr. Bishop has been the EO Manager since May 2016 and Ms. Jones has been AA Manager since February, 2017. The AA Manager position was reviewed in 2015, and at that time, Human Resources did not find a significant change in the duties and responsibilities such that a reclass was warranted. Mr. Davis is now requesting that both positions be evaluated to determine whether they were misclassified when they were placed in CG18, R13 back in 2006. After reviewing the materials and other comparable positions, I conclude that the positions were appropriately classified back in 2006. However, since that time, other positions in the City have changed such that these positions no longer remain appropriately compensated. Rather, based on the level of management responsibility of the positions, the direct reporting relationship with the Civil Rights Director, and comparable managerial positions in the City, I recommend that both classes be moved to Compensation Group 18, Range 15 and the incumbents reallocated to the new positions/range, for the reasons outlined in this memo.

Historically, the Affirmative Action and former Equal Opportunities Commission Departments merged in 2006 to form one single department, the Department of Civil Rights (DCR), with two units, Affirmative Action and Equal Opportunity. Prior to this change, the Affirmative Action Director was in CG21, Range 17, and the Equal Opportunities Director was in CG21, Range 15. Both positions were appointing authorities, with responsibility for agency budgets, hiring, and overseeing their respective program areas. When the Department of Civil Rights was created, the Civil Rights Director (CG21, Range 18) classification was created to oversee the new department, including both work units of Affirmative Action and Equal Opportunities. Because of the combined responsibilities, the Civil Rights Director was placed in CG21, Range 18. However, both the Affirmative Action and Equal Opportunities work units were given a manager, the AA Manager and EO Manager—the subjects of this study. The Manager positions were placed in CG18, Range 13, reflective of the fact that neither position was an appointing authority agency head and no longer had overall responsibility for an agency budget. In the Personnel Board memo justifying this placement, the Managers were compared to other unit managers, such as the Accountant 4 in Range 12. At that time, it was said that these positions had slightly more responsibility, justifying placement a range higher, in Range 13.

A review of the EO Manager's job responsibilities shows high level managerial and professional work in the coordination and administration of Equal Opportunities programs, services, and staff of the Department of Civil Rights, focusing on investigations, conciliation, and outreach work in the administration of the City's Equal Opportunities policies, associated administration and in the provision of related contractual services. (see the attached class spec. and position description) This includes overseeing and providing complaint intake services to the public; managing, coordinating and administering designated Equal Opportunities programs and services of DCR; overseeing contracts with the Federal Equal Employment Opportunities Commission; managing related community outreach and training services and staff; and providing assistance to the

Executive Committee, Equal Opportunities Commission and the Employment Subcommittee, both directly and through staff. This work has been associated with the position since its creation in 2006.

A review of the AA Manager's job responsibilities shows high level managerial and professional work directing the administration of City, State, and Federal contract compliance and special recruitment functions and associated services and reporting consistent with Citywide Affirmative Action goals and objectives. (see the attached class spec. and position description) This includes providing leadership, policy direction and expert advice to professional and technical staff in the areas of contract compliance and special recruitments; developing and implementing the City's Contract Compliance Programs; and ensuring that Section 3 Programs (CDA, CDBG M/ WBE), Madison Metro DBE and Public Works Small Business Enterprise Programs comply with federal, state and local regulations and ordinances pertaining to targeted business utilization. This position also supervises the City's Affirmative Action Specialist, with responsibility for overseeing the City's internal 3-5 Harassment Complaint procedure. Again, this work has been associated with the position since its creation in 2006.

The work of both the EO Manager and the AA Manager constitutes work with major programs that have a direct impact on the City's goal of elimination of discrimination through education and enforcement and improving the quality of life for all people.

As noted above, the work of the EO Manager and AA Manager have not changed substantially since their creation in 2006. However, according to the Personnel Rules, Chapter 4, classifications may be moved to a different salary range if it is determined that the classification is inappropriately compensated. When reviewing the work of the AA Manager and EO Manager as compared to other managers in the City, it is apparent that Mr. Bishop and Ms. Jones are performing comparable work to the supporting managers (all in CG18, Range 15) in Community Development, Economic Development and Building Inspection and the Streets Division. It is significant that the Directors of these Divisions are all in CG21, Range 18—the same range as the Civil Rights Director. In fact, when looking at the other agency heads in CG21, Range 18, with the exception of CDA Housing, no Department/Division head in that salary range has a supporting manager in a salary range higher than CG 18, Range 15.¹ Each of these supporting managers have similar staff supervision responsibilities and manage specific programs that are equal to that of CG18, R15. In addition, since 2006, the Accountant 4 classification that was used as a comparable in 2006 has been changed to a Principal Accountant in CG18, Range 14, which also supports the movement of both the EO Manager and the AA Manager to CG18, Range 15 respectively.

Because the work of these classifications have not changed materially since 2006, this action is not being recommended through the traditional position study analysis. Rather, although the placement of the positions in Range 13 made sense in 2006 based on comparables that existed at the time, currently this is no longer the case. Back in 2006, Economic Development and

¹ The Housing Operations Program Manager classification is in Range 17, but this position was formerly a CG21 Division Head that was moved into the Civil Service in 2010. However, as noted in the memo when the position was created, "Under the new structure, the CDA Executive Director will serve as appointing authority for the CDA Division, including housing operations. However, the CDA Executive Director will have other responsibilities relating to the functioning of the CDA and other projects managed by the CDA not directly related to housing operations." This is different from the Civil Rights Director, whose main responsibility, as outlined in the class specification is "...leading, managing, coordinating, and evaluating the staff, programs, and services of the Department of Civil Rights."

Community Development were not separate divisions, and the Accountant 4 (and similar classifications) was still in Range 12. Since that time, Community Development and Economic Development became separate divisions with managers in CG18, Range 15. The Streets Division Operations Manager was reclassified to an Assistant Streets Superintendent in CG18, Range 15, and the Accountant 4 was reclassified to a Principal Accountant in Range 14. Since all these comparable positions have changed since 2006, it is appropriate to consider whether the AA Manager and EO Manager remain appropriately compensated. I conclude that they are not and should be moved to Range 15 to be comparable with the positions discussed above. Since this is a movement without a change in duties and responsibilities, according to the Personnel Rules, the incumbents should be reallocated to the new range at the same salary step and anniversary date.

The initial position study request was to reclass both positions to CG18, Range 17. However, the Civil Rights Director is in CG21, Range 18, which is equivalent to a CG18, Range 18. This request would put these managers only one range below the Director, inconsistent with the structure we have in our other City Departments or Divisions (with the exception of CDA Housing discussed earlier). In addition, positions in Range 17 include the Accounting Services Manager, Assistant City Engineer, Assistant City Traffic Engineer, Assistant Parking Utility Manager, Budget and Program Evaluation Manager, EE & Labor Relations Manager, HR Services Manager and the Housing Operations Program Manager. Except for the CDA Housing position, these positions all report to CG21 positions in Range 21 or higher, 3 ranges higher than the Civil Rights Director. In fact, large agencies such as Parks, Metro, and Library only have assistants in CG18, Range 16. Finally, the positions in Range 17 hold a higher depth and breadth of responsibilities. Some examples of these higher level duties include the Budget and Program Manager's responsibility of developing and maintaining a Citywide budget of almost \$600 million (Capital and Operating combined), the EE & Labor Relations Manager negotiating all of the City's labor contracts, and the HR Services Manager overseeing recruiting efforts for the City in accordance with State and Federal law, as well as maintenance of the City's compensation and classification plans. For all these reasons, I do not find placement of the AA Manager or EO Manager in Range 17 to be appropriate.

For all the reasons above, I recommend a reclassification of the EO Manager and the AA Manager both currently in CG18, Range 13, to a Range 15 and the incumbents be reallocated to the new range.

We have prepared the necessary Resolution to implement these recommendations.

Editor's Note:

| Compensation Group/Range | 2017 Annual Minimum (Step 1) | 2017 Annual Maximum (Step 5) | 2017 Annual Maximum +12% longevity |
|--------------------------|------------------------------|------------------------------|------------------------------------|
| 18/13 | \$76,341 | \$91,836 | \$102,857 |
| 18/15 | \$83,771 | \$100,863 | \$112,966 |

cc: Norman Davis-Director of Civil Rights
 Byron Bishop-Equal Opportunities Manager
 Felicia Jones-Affirmative Action Manager
 Mike Lipski-Human Resources Services Manager