

TO: Personnel Board

FROM: Emaan Abdel-Halim, Human Resources

DATE: 9 August 2019

SUBJECT: Hearings and Accommodation Specialist – CDA Housing Operations Division

The 2019 Adopted Operating Budget for the CDA Housing Operations Division included funding for a new position of “CDA Hearing Examiner and Accommodations Specialist.” Provisional Housing Operations Program Manager, Mr. Tom Conrad, and the Housing Operations Analyst, Ms. Lisa Daniels, have now requested that HR formally study the new position and recommend an appropriate new classification and placement in the City’s compensation plan. This position study conducted a review of the duties and responsibilities for the proposed position within the CDA Housing Operations Division, and identified comparable City positions that aided in the determination of the appropriate classification for this work. After meeting with Ms. Daniels, and upon a full analysis, I recommend the following for the reasons outlined in this memo:

- Create the classification series of Hearings and Accommodations Specialist 1 and 2 in Comp Group 18, Range 5 and Comp Group 18, Range 7, respectively; and
- Recreate position #4781 in the CDA Housing operating budget as a Hearings and Accommodations Specialist 2 (CG 18, Range 7) to be underfilled at the one (1) level through an open and competitive process.

The City of Madison’s CDA Housing Division is required to provide administrative appeal hearings and make reasonable accommodations, for program applicants and participants. This requirement is necessary to comply with HUD housing regulations and maintain its federal funding. Currently, these functions are shared among the three (3) Housing Site Managers, the Section 8 Supervisor, and the Housing Operations Analyst. The goal for this position is to centralize these functions in order to create greater consistency and efficiency across the housing program as a whole.

First, a review of an excerpt from the proposed position description describes the work as:

... **highly responsible, specialized, professional work** within the Community Development Authority (CDA) Housing Operations Division. This position is responsible for **conducting administrative appeal hearings** for denied housing program applicants, program participant terminations, and denials of immigration status. The work **involves the consideration of CDA decisions** related to a family’s circumstances as **in accordance with the law, HUD regulations, and CDA policies**. The work involves the **interpretation of applicable laws** and regulations, the **rendering of written decisions** and citing of statutes and regulations in support of decisions, including **independent findings** of fact and conclusion of law. The work **involves fair and impartial decision-making**, supported by an adequate record free from any influences. This position is also responsible for **the processing of customer requests for reasonable accommodations** in compliance with federal and state laws. The work involves an interactive process, verification, and **analysis of a wide variety of disability related limitations and related need(s) for resolution**. Work is performed under the general direction of the Housing Programs Analyst , providing **considerable** latitude for **independent judgment**. [emphasis added]

The CDA's Hearings and Accommodations Specialist will spend a majority of time, roughly 70% of the position description, serving as the hearing examiner for housing program applicant and participant appeal hearings, and tenant grievance hearings. In 2018, the CDA conducted 79 administrative appeal hearings (some years are over 100), which involve both applicants denied for admission, a participant's termination of program benefits, and tenant grievances prior to eviction from a housing site. These hearings are subject to due process rights, and the CDA has relied on outside volunteer attorneys, and the City Attorney's Office in order to conduct hearings in a timely manner. By creating this position, the CDA will have a reliable way to conduct these hearing, and by having one person be responsible, consistency in the outcomes will be increased. Additionally, the other primary focus of this position, roughly 30% of the position description, is to process reasonable accommodation requests from program applicants and participants. This work involves assessing and verifying the disability/impairment, understanding the required applicable laws, and determining what reasonable accommodation may be made for the requester. In 2018, the CDA processed 64 reasonable accommodation requests; which have included such accommodations as wheel chair accessibility, first floor units, and a unit with an additional bedroom for medical equipment or live-in aide.

When reviewing the combinations of duties assigned to this position, no other classification in the City has the combination of hearing work and accommodations. As a result, creating a new classification is appropriate in this case. In discussions with Ms. Daniels and Mr. Conrad, it is expected that a new employee will either be hired with experience in the hearing side and need training on the accommodations piece, or with experience in accommodations, and need training on the hearing piece. Regardless, a new hire will likely need extensive training on HUD rules and regulations. Because of this, it is appropriate to consider creating a series for this new classification reflective of the fact that a new hire will need a fair amount of training in order to carry out the complete functions of the position. I recommend creating a new classification of Hearings and Accommodations Specialist 1 and 2, with progression to the 2 level occurring only after the incumbent has demonstrated full competence with the entire position description.

In determining the proper compensation group and range for the new classifications, some comparable City classifications identified are the Paralegal-Mediator 1 and 2 (CG18, R5 and R7), in the Department of Civil Rights; and the Occupational Accommodation Specialist 1 (CG18, R6), in Human Resources.

A review of the classification specification of Paralegal-Mediator 1 describes the work as:

... responsible **professional legal work** that **gathers pertinent information** from parties to assist attorneys with trial preparation; prepares and **maintains information and records**; **performs interpretation and analysis/research on data**; **keeps track of all cases in corporation counsel**; **mediates disputes to try and resolve the case before hearing**; and performs additional duties as assigned. Work is performed under the supervision of the Equal Opportunities Manager, with leadership and direction from the Hearing Examiner. [emphasis added]

... entry level of the Paralegal-Mediator career progression series. This work is characterized by **more structured and/or closely reviewed professional assignments**, necessitating application of paralegal assistance and preparation of legal documents. Work is generally performed

with **assistance to the hearing examiner and focuses on conducting research and gathering evidence.** Under limited supervision, employees are expected to **exercise professional judgment and discretion** within established parameters. [emphasis added]

Additionally, the classification specification of Occupational Accommodations Specialist I describes the work as:

... **responsible specialized professional work** in the **analysis and resolution of a wide variety of occupational issues relative to accommodating City worker/applicant disabilities** both in **conformance with applicable federal, state and local legislation** and in response to City employment objectives. The work involves **providing specialized expertise** in a variety of Human Resources Department activities and has extensive contact with employees, medical professionals, insurance carriers, City administration, and various vendors. Under the general supervision of the Employee/Labor Relations Manager, the employee is expected to **exercise considerable judgment, discretion and initiative** in meeting program objectives. [emphasis added]

The new classification series of Hearings and Accommodations Specialist 1-2 will perform job duties similar to components of both these classifications. The hearing examiner portion of the position is similar to the Paralegal Mediator I, and it is designated the primary function for this position, allocated the majority of the time. However, the work of the CDA position requires a solid understanding of the housing laws, legal violations, and program requirements; as well as the ability to analyze and write hearing determinations to be presented in court for administrative review. Initially, the Housing Operations Analyst will closely oversee the duties of this position, and upon reaching full capacity will require a higher level of discretion and accountability than is required at the Paralegal-Mediator I classification. As a result, comparison to the Paralegal-Mediator 2 (CG 18, Range 7) would be more appropriate. However, it is not expected that this position would be fully functioning independently with the higher degree of discretion and autonomy until they have completed all the necessary HUD trainings in these areas, at which time, progression to a Hearings and Accommodations Specialist 2 would be appropriate.

Additionally, the reasonable accommodation portion of the position, although a smaller percentage of time, requires specialized knowledge of ADA laws and regulations and strong analytical skills to make accommodation determinations. The Hearings and Accommodations Specialist will work with a great deal of independence and discretion; and in consultation with the Housing Operations Analyst as needed. Given the unique mix of these analytical and legal duties, and based on the high level of autonomy and skills required for this position, I find the placement of the Hearings and Accommodations Specialist I in CG 18, Range 5 is appropriate; and at level 2 in CG 18, Range 7 as the position will have greater discretionary decision making authority. This is consistent with the Paralegal/Mediator series, as the Paralegal/Mediator also blends two unique areas of responsibility, paralegal work and mediation skills. It is also slightly higher than the Occupational Accommodations Specialist I, which does not have the hearing component as part of its classification.

As determined by the findings of this position study, I recommend the classification series of Hearings and Accommodations Specialist 1-2 be created in CG18, Range 5 and 7, respectively; and position #4781 is created as a Hearings and Accommodations Specialist 2 in the CDA

Housing operations budget. The necessary resolution to implement this recommendation has been drafted.

Editor's Note:

Compensation Group/Range	2019 Annual Minimum (Step 1)	2019 Annual Maximum (Step 5)	2019 Annual Maximum (+12% longevity)
18/05	\$ 57,345	\$ 66,487	\$ 74,465
18/06	\$ 58,921	\$ 69,375	\$ 77,700
18/07	\$ 61,197	\$ 72,494	\$ 81,194

cc: Nan Fey – Interim Director of Planning, Community and Economic Development
Tom Conrad – Interim Housing Operations Program Manager
Lisa Daniels – Housing Operations Analyst
Michael Lipski – Human Resources Services Manager