

TO: Personnel Board

FROM: Mike Lipski, Human Resources

DATE: December 16, 2019

SUBJECT: Elimination of CG17

In the Meet and Confer process in 2019, the City and Employee Associations engaged in conversations about the necessity of having Compensation Group 17 and its related classifications in a post-Act 10 world. Compensation Group 17 was originally created to house positions in agencies that had responsibility for working on confidential labor relations matters. Under State Statute, this work is defined as work that is associated with contract negotiations or related to employee discipline or grievances. It does not mean that the position has access to otherwise confidential information, such as social security numbers. The intent of the designation is to make sure that positions providing this labor relations support are not in a conflict of interest with their obligations to the labor organization. For example, if an agency head were to give an administrative employee a discipline letter to type, that employee may be tempted to pass such information along to a union steward. Similarly, if that employee were drafting up contract proposals or proposed grievance settlements, the temptation may exist to pass the information to their labor organization. In order to mitigate such concern, the Municipal Employee Relations Act allowed for the creation of confidential positions that would not be part of the labor organization. Over the years, most City agencies have been granted at least one such position in order to provide support to the agency head in labor relations matters.

The other main group of positions in CG17 consists of positions with formal supervisory responsibility over administrative employees. While most supervisors are in CG18, the administrative classifications with this responsibility, including Program Assistant 2, Program Assistant 3, Legal Secretary 3, and Administrative Assistant, were placed in CG17.¹ Again, since supervisors were excluded from being part of the bargaining units, this placement provided a way to distinguish employees with supervisory responsibility from their counterparts in CG20, formerly represented by AFSCME Local 60, who did not have supervisory responsibility. As a result of these issues, both CG17 (non-represented) and CG20 and 32 (represented) share classifications such as Administrative Clerk, Program Assistant 1 and 2, and Administrative Assistant.

In 2011, the State of Wisconsin passed Act 10, which largely eliminated collective bargaining rights for public sector employees. As a result, by 2014, City employees formerly represented by AFSCME Local 60 no longer enjoyed protection under State law. Rather, employees have formed Employee Associations, now represented by Local 6000. However, the Associations do not enjoy the same authority they possessed under State law. The City engages in a meet and confer process with the Associations, but this is not considered formal collective bargaining. In addition, employee discipline and grievance rights are covered by ordinance, not collective bargaining agreements. Finally, while in the past, supervisors and managers may have used administrative employees to draft discipline letters or grievance settlements, with the increased use of computers,

¹ A similar position exists at Metro Transit, in CG43, the Transit Office Manager.

most supervisors and managers perform this work, making the continued use of these confidential classifications obsolete.

Based on the above, the City has agreed to eliminate the use of CG17 except where needed because of rights that continue under State law. Specifically, the Administrative Assistant in Police continues to engage in confidential labor relations work as Police employees have retained bargaining rights. Therefore, that position will continue in CG17. Otherwise, where appropriate, employees in CG17 will be moved into comparable classifications in CG20. In order to accomplish this movement, the classifications of Mayoral Office Clerk in CG20, R10, Document Services Specialist 1 and 2 in CG20, R7 and 10, Document Services Leadworker in CG20, R13, and Legislative Management System Specialist in CG20, R16 will have to be created. Otherwise, employees already classified as Administrative Clerk, Program Assistant 1, Program Assistant 2, and Administrative Assistant in CG17 will move into those same classifications in CG20.

Eliminating CG17 has also given us the opportunity to evaluate the various classifications that exist which supervise administrative employees. We have supervisory employees in the Program Assistant 2, Program Assistant 3, and Administrative Assistant classifications, as well as the Transit Office Manager. However, not all employees who are Program Assistant 2 or Administrative Assistant are supervisors. To further add to the confusion, the pay ranges for all three classifications are separated by a range (Ranges 12, 13, and 14 respectively), and these are only a range higher than the Program Assistant 1 in Range 11. As a result, there is not much financial incentive for employees to move into supervision, especially for those already at the Program Assistant 2 or Administrative Assistant level.

In order to provide distinction between a supervisor versus administrative employee, I recommend creating a new classification of Administrative Supervisor, in CG18, R03, and a Transit Administrative Supervisor, in CG44, R03 (the ranges in CG18 and CG44 are parallel, but separate due to other benefits issues at Metro). Placement in CG18 and 44 puts these classifications in the same compensation group as the other supervisory classifications. In addition, placement in Range 3 provides a slight increase over the current Administrative Assistant classification. However, it provides a more meaningful distinction between being a supervisor and being a Program Assistant. This will create incentive for administrative employees to take on the responsibility of supervision. It also consolidates 3 classifications that are difficult to distinguish in terms of review of the class specifications, into one classification. Now, if a position is tasked with the responsibility for supervising administrative positions, it will be considered an Administrative Supervisor, and an analysis will not need to occur to try and figure out if it is a Program Assistant 2, Program Assistant 3, or Administrative Assistant. The Program Assistant 2 classification will still remain in CG20 for positions that perform more complex programmatic responsibilities, as will the Administrative Assistant. I recommend deleting the Program Assistant 3 classification in both CG17 and 20 as currently no Program Assistant 3 positions exist without supervisory responsibility and this will further reduce the confusion regarding the different levels of Program Assistant.

Regarding the affected employees, HR has been meeting with all of them over the past six months to discuss the transition. Employees have been given the option to remain in CG17 or transition to CG18 or 20 as appropriate. Almost all employees have chosen to move to their appropriate new compensation group. The few positions that are remaining in CG17 will either convert to the new

CG when it becomes vacant or as the result of a separate position study. (The Litigation Assistant 1 in the Attorney's Office will be studied in 2020 to determine the appropriate classification and CG/Range) As mentioned above, because of ongoing labor relations responsibility in the Police Department, the Administrative Assistant in that agency will remain in CG17 going forward. However, we recommend deleting the remaining classifications in CG17 as part of this study.

These proposed changes were accounted for in the preparation of the 2020 budget. We have prepared the necessary Resolution to implement these recommendations.

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