

TO: Personnel Board

FROM: Julie Trimbell, Human Resources Analyst

DATE: October 18, 2021

SUBJECT: Litigation Assistant 1 – Office of the City Attorney

The Human Resources Department received a request from City Attorney Michael Haas on August 23, 2021 proposing a classification change for the 1.0 FTE position #2, Litigation Assistant 1 (CG 17, Range 16), currently filled by Patricia Gehler. As the incumbent is retiring in January, it is appropriate to review the position at this time in preparation for the upcoming recruitment. Based on interviews with and information provided by City Attorney Haas, Deputy City Attorney Patricia Lauten and Administrative Supervisor Sue Mautz, and reviews of the updated position description and other classifications within the City, I recommend deleting the classifications of Litigation Assistant 1 and Litigation Assistant 2 (CG 18, Range 7), creating the classification of Paralegal in CG18, Range 5 and recreating position #2 as such, and reallocating the incumbent to the new position.

In December 2019, the City moved numerous employees/positions from CG 17 classifications into CG 18 and 20 classifications as part of an agreement with the labor associations to better align with the intended purpose behind the use of Compensation Group 17. Compensation Group 17 was originally created to house positions in agencies with responsibility for working on confidential labor relations matters. Under State Statute, this is defined as work that is associated with contract negotiations or related to employee discipline or grievances. The intent of the confidential designation is to ensure that employees/positions providing labor relations support are not in conflict of interest with their obligations to the labor organization. With the passage of Act 10 in 2011, collective bargaining rights for public sector employees were largely eliminated thus making the concern for conflict of interest obsolete. Therefore, in 2019, employees were given the option to remain in CG 17 or transition to CG 18 or 20, as appropriate. Most employees chose to move to the new compensation groups, however a few positions remained in CG 17 with the expectation that they would either convert to the new compensation group when it became vacant or as the result of a separate position study. It was specifically noted at that time that this position of Litigation Assistant 1, in the Office of the City Attorney would be studied to determine the appropriate classification and compensation group/range. The timing of this study now also coincides with the upcoming retirement of the incumbent who will be leaving in January 2022.

The Litigation Assistant 1 class specification describes:

...responsible para-legal work within the City Attorney's Office. Work involves assigned **research into legal issues** concerning the City of Madison, the **creation of routine legal documents and memoranda, coordination of discovery and witness selection** for ordinance enforcement, **assisting** in the administration of the City's

Personal Property Tax Collection and in processing bankruptcy claims. Under the general supervision of the City Attorney and/or other legal staff, work is performed independently within pre-established parameters. [emphasis added]

The current classification title of Litigation Assistant includes outdated terminology within the legal sector. Employees performing this type of work are now referred to as Paralegals, which is more commonly used within the private sector, other governmental agencies, and within the Department of Civil Rights. As such, the creation of a new classification with a title of Paralegal is appropriate.

An existing classification with paralegal responsibilities similar to this position is the Paralegal – Mediator 1 (CG 18, Range 5), which describe 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. [emphasis added]

This classification is used exclusively within the Department of Civil Rights relating to civil rights discrimination cases, and is part of a series that includes Paralegal-Mediator 2. The responsibilities of this classification providing legal support to attorneys are quite similar to position #2, with the exception of the mediation work. Although position #2 does not include mediation work, it does include work that spans throughout the City making its scope much larger than the single area of focus within Civil Rights.

The Litigation Assistant 1 classification is currently placed in CG 17, Range 16, which is a similar, but slightly lower, pay range than the Paralegal-Mediator 1 class in CG 18, Range 5. With the creation of a new classification of Paralegal within CG 18, it is appropriate to place it similarly in range 5 due to the comparable level of work being performed. This placement aligns well with the classification of Litigation Assistant 2, which currently exists in CG 18, Range 7, and is commensurate with that of the Paralegal-Mediator 2 classification at the same level. As the Litigation Assistant 2 class was specifically designated for the Office of the City Attorney, and there currently are no employees within it and no intention to use it in the future, it is appropriate to delete the classification at this time.

In the continued effort to remove positions from CG 17 and to address outdated terminology, I recommend deleting the classifications of Litigation Assistant 1 and Litigation Assistant 2, creating the classification of Paralegal in CG 18, Range 5, recreating the 1.0 FTE position #2 to Paralegal, and reallocating the incumbent to the new position within the Office of the City Attorney budget.

The necessary resolution to implement this recommendation has been drafted.

Effective Date: December 12, 2021

Editor's Note:

Compensation Group/Range	2021 Annual Minimum (Step 1)	2021 Annual Maximum (Step 5)	2021 Annual Maximum (+12% longevity)
17/16	\$57,703	\$65,926	\$73,837
18/05	\$59,209	\$68,648	\$76,885
18/07	\$63,186	\$74,850	\$83,833

cc: Michael Haas – City Attorney
Sue Mautz – Administrative Supervisor
Greg Leifer – Employee and Labor Relations Manager