



Legislation Text

File #: 41814, Version: 1

Fiscal Note

Transitioning EAP to a standalone agency is reflected in the 2016 Adopted Budget. Total budget is \$337,144.

Title

Amending Section 3.03, repealing and recreating Section 3.04, and amending Section 3.13 of the Madison General Ordinances to move the Employee Assistance Office from the Human Resources Department to the Mayor’s Office and revise the responsibilities of the Human Resources Department.

Body

DRAFTER’S ANALYSIS: This ordinance moves the Employee Assistance Office from the supervision of the Human Resources Department to the Mayor’s Office and updates the responsibilities of the Human Resources Department to include the Committee on Employee Relations, the employee associations and the Employee Development and Organizational Effectiveness Unit.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 3.03 entitled “Mayor” of the Madison General Ordinances is amended to read as follows:

“3.03 MAYOR.

(1) The Mayor shall be elected on each odd numbered year for a term of two (2) years. Beginning with the 1991 Spring Election, the Mayor shall be elected every other odd numbered year for a term of four (4) years. The Mayor shall devote her/his entire time to the duties of the office of Mayor. The Mayor shall have the general supervision of all City officers and heads of departments in the performance of their official duties.

This is a charter ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Section 66.0101(5), Wisconsin Statutes. ED. NOTE: Sec. 3.03(1) was repealed and recreated as a Charter Ordinance and amended to provide for four-year mayoral term pursuant to adoption by the electorate at the 1987 Spring Election of Res. No. 43,063, File No. 3885-86, amending Charter Ord. 39.

(2) The Mayor shall have the veto power as to all acts of the Council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the Mayor by the Clerk and shall be in force upon the Mayor’s approval evidenced by Mayor’s signature, or upon the Mayor failing to approve or disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves the Mayor shall file his or her objections with the Clerk, who shall present them to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall then make the act effective.

(3) Mayor’s Staff. The Mayor’s staff shall consist of up to four (4) positions of Deputy Mayor, and other personnel authorized by the Common Council.

- (a) The positions of Deputy Mayor shall be appointed by the Mayor, and shall not be covered by the civil service ordinances. Their terms shall be at the pleasure of the Mayor. Deputy Mayors shall assist the Mayor in the conduct of the business of the Mayor’s Office and shall be under the direct supervision and control of the Mayor.
- (b) Deputy Mayors shall have the same benefits as other non-represented professional employees in Compensation Group 18 as may be provided and/or modified by the Madison General Ordinances, Resolution of the Common Council, Administrative Procedure Memoranda or other official City action.”

2. Section 3.04 entitled “Mayor’s Staff” of the Madison General Ordinances is hereby repealed and recreated as Section 3.04 entitled “Employee Assistance Programs.”

“3.04 EMPLOYEE ASSISTANCE PROGRAMS (EAP).

Under the supervision of the EAP Administrator, or designee, the City shall provide Employee Assistance services and related training to employees and family members. This shall also include delivering and managing:

- (1) A Critical Incident Stress Management (CISM) program for the organization and employees; (2) The supervision of two First Responder Peer Support Teams; and
- (3) An EAP Facilitator Network.

The City’s EAP program delivery structure includes the use of an external vendor for back up and specialized services, to include conflict mediation, trauma specialists and couple counseling, etc. The Mayor, or designee, will have operational oversight for budget allocation, personnel management and program utilization accountability. The EAP Administrator will produce an annual utilization report and make recommendations for program and organizational improvements.”

3. Section 3.13 entitled “Human Resources Department” of the Madison General Ordinances is amended to read as follows:

“3.13 HUMAN RESOURCES DEPARTMENT.

- (1) Human Resources Department Established. There is hereby established the Human Resources Department. Under the management and supervision of the Human Resources Director, the department is responsible for recruiting, developing, and sustaining a talented, diverse, and engaged City workforce.
- (2) Department Services. The Human Resources Department shall provide strategic HR services to Departments/Divisions in a variety of ways, including recruitment; applicant screening and examination; labor relations; classification; compensation; benefits; organizational effectiveness, development and training; workplace accommodations; ~~employee assistance~~; and other Human Resources-related services and functions.
- (3) Human Resources Director.
 - (a) The Human Resources Director shall be responsible for the management and supervision of the Human Resources Department and its units. The Director shall formulate, direct and manage the implementation and effectiveness of Human Resources policies, programs, and services as they relate to all City employees and applicants.

The Director shall be appointed by the Mayor pursuant to Civil Service selection procedures, subject to the approval of the Common Council, and shall serve pursuant to the terms and provisions of an employment agreement approved by the Common Council and executed by the Director, the Mayor and the Clerk. This position is not within the City’s Civil Service system.

- (b) The Director shall be the administrative officer of the Civil Service system, shall be the custodian of all personnel records and shall be the official upon whom or with whom all notices, open record requests, requests for hearings, communications or other official documents relating to the Civil Service system or City employment shall be served or filed, except as may otherwise be required by law.
- (c) The Director shall have access to all public records and papers, the examination of which will aid in the discharge of the Director’s duties. The Director or designee shall submit to the Mayor and the Common Council recommendations of the Personnel Board as to uniform standards in respect to the classification, examination, selection, employment, training, probation, promotion, suspension, demotion, and discharge of civil service employees; the nature, use, and duration of eligible lists; and rules for the conduct of disciplinary hearings by an Appeal Examiner and the conduct of appeals by the Personnel Board. S/he shall render such additional services in connection with the Civil Service system and City employees and in connection with salary classification for uniformed police officers and firefighters as may be requested by the Mayor or the Common Council.

- (d) Neither the City Finance Director nor any other officer of the City, shall draw, sign, issue or pay, or authorize the drawing, signing, issuing or paying of any City payment of any salary or compensation to any person in the employ of the City of Madison other than as an elected official, unless a payroll or account for such salary or compensation containing the names of every person to be paid, have been previously certified by the Director or the Director's designee that the persons named in such payroll or account have been appointed, employed, reinstated or promoted as required by ordinance and the rules established thereunder and that the salary or compensation is within the salary range as fixed pursuant to law.
- (e)
 - 1. The Director, or designee, shall serve as the Secretary to the Personnel Board but shall not vote. All matters to be considered by the Personnel Board shall be submitted to the Director, or designee, who shall summarize these proposals, provide such information as may be deemed appropriate, and submit recommendations to the Board for consideration. The Director, or designee, shall prepare the agenda for meetings of the Board together with appropriate supporting documentation.
 - 2. The Director, or designee, shall serve as the Secretary to the Committee on Employee Relations but shall only vote to break a tie. All matters to be considered by the Committee on Employee Relations shall be submitted to the Director, or designee, who shall prepare the agenda for the meetings of the Committee together with appropriate supporting documentation and any other information as may be deemed appropriate.
- (f)
 - 1. The Director, or designee, is responsible for the conduct of all Labor Relations work in which the City is interested and shall deal with labor organizations representing City employees in conferences and negotiations within the scope of collective bargaining and shall develop and administer a working labor relations program as provided herein.
 - 2. The Director, or designee, is responsible for representing the City in conferences with employees and/or employee associations.
- (g) Relationship to City Departments. All departments of the City shall cooperate with the Human Resources Director or designee to the end that s/he may discharge the duties and responsibilities contemplated by this section. Department heads are directed to cooperate fully with the Human Resources Director, or designee(s), in this purpose.
 - 1. All City departments shall make available all such information as may be required as determined by the Human Resources Director, or designee(s).
 - 2. The Human Resources Director shall keep City department heads informed on human resources-related matters that affect their operations.
 - 3. The City Attorney or his/her ~~designated assistant~~ designee shall provide legal counsel to the Human Resources Director, or designee.

(4) Human Resources Services Unit.

Under the supervision of the Director, or designee, this unit is responsible for the performance of all human resources services prescribed by the Madison General Ordinances and the Rules and Regulations of the Personnel Board, including:

- (a) All recruitment activities for City positions, including obtaining and screening applications for employment, conducting appropriate examinations, and referring appropriate eligible applicants to departments/divisions for consideration.
- (b) Maintaining the City's classification and compensation system as prescribed by the Common Council and in accordance with City regulations.
- (c) Coordinating City efforts to prevent discrimination in employment and the delivery of programs and services according to the requirements of federal, state and local legislation as they relate to City employment and employees.
- (d) Providing strategic human resources support to departments/divisions on human

resources related issues, including interpretation of ordinances, APMs, collective-bargaining agreements, and other related material as it relates to human resources issues, and coordinating an appropriate human resources-related response to issues that may arise within a particular department/division.

(5) Employee and Labor Relations Unit.

(a) The Human Resources Director, or designee, shall represent the Mayor and the Common Council in all conferences and negotiations with representatives of recognized bargaining units on matters relating to wages, hours of work and conditions of employment, in accordance with the provisions of Sections 111.70, 111.71, and 111.77 and other related sections of the Wisconsin Statutes. The Director or designee shall recommend labor relations policies to the Mayor and Common Council and shall establish labor relations standards, methods and procedures. The Director or the designee shall perform the following duties:

1. Under the direction of the Mayor, negotiate the terms of labor agreements on wages, hours of work and conditions of employment with representatives of duly recognized bargaining units, subject to the approval of the Mayor and the Common Council and in compliance with Sections 111.70, 111.71, and 111.77 and other related sections of the Wisconsin Statutes.
2. Petition on behalf of and represent the City in actions before the Wisconsin Employment Relations Commission on matters related to: bargaining unit determination, mediation, fact-finding, arbitration, declaratory rulings, and other matters within the jurisdiction of the Wisconsin Employment Relations Commission; administer the application of Sections 111.70, 111.71, and 111.77 of the Wisconsin Statutes in relation to the labor relations program of the City.
3. Interpret the provisions and applications of all duly authorized labor agreements; assist management personnel in the administration of contract grievance procedures. The Director or designee is authorized to enter into memoranda of understanding on behalf of the City to clarify the provisions and application of such labor agreements and to implement resolution of contract grievances within such labor agreements.

(b) Mayor and Common Council Control. The Board of Estimates shall confer with the Mayor and the Human Resources Director, or designee, regarding initial bargaining proposals to be presented to each duly recognized bargaining unit. All labor contracts and agreements negotiated under the terms of this section shall be subject to the approval of the Mayor and Common Council. No labor contract or agreement shall be binding upon the City nor shall any of the terms of such agreements be implemented until such time as the agreement is approved and executed by the Mayor and City Clerk in the manner prescribed by law.

1. The Human Resources Director, or designee, shall report periodically on labor relations activities to the Mayor and the Board of Estimates.
2. The Human Resources Director, or designee, shall complete such reports as the Mayor and Common Council shall require and attend such conferences or meetings as designated for purposes of ensuring sufficient communications with the Mayor, Board of Estimates and Common Council on labor relations matters.

(c) The Employee and Labor Relations Unit shall also provide support for employees in the following areas:

1. Providing workplace accommodations to employees who require such assistance;
2. Developing and maintaining an employee benefits program for employees; and
3. Administering leave policies such as Family and Medical leave and Disability Leave/Layoff as defined in the ordinances and/or collective-bargaining agreements.

4. Oversee drug testing for City employees as required.

- (6) ~~Organizational Development and Training~~ Employee Development and Organizational Effectiveness Unit.

Under the supervision of the Director, or designee, this unit is responsible for providing consultation on organizational performance, process improvement, employee engagement and employee development to all City departments. In implementing the overall mission of assisting city agencies in achieving their goals of providing high quality, equitable, cost-effective services to residents and visitors, the unit will do the following:

- (a) Provide consultation to agencies on organizational effectiveness assessment, strategic plan development, employee engagement, racial equity and social justice, process improvement and human resource development initiatives;
- (b) Develop, conduct and track training programs that help agencies implement their annual goals and support employee development;
- (c) Support Mayor's Office, Common Council and City boards, committees and commissions in planning, policy development and community listening sessions.

- (7) Employee Assistance Program.

~~Under the supervision of the Director, or designee, the City shall provide Employee Assistance services to employees and families. This shall also include developing a Critical Incident Stress Management (CISM) program for employees, and delivering such services as appropriate. The City's EAP program delivery structure includes the use of an external vendor for back up and specialized services, to include conflict mediation, and trauma specialists, etc. Finally, the Employee Assistance Program shall include developing and delivering city-wide wellness program initiatives for employees."~~