



WISCONSIN LEGISLATIVE COUNCIL

AFFIRMATIVE ACTION

Room 411 South
State Capitol

October 4, 2006
10:00 a.m. - 4:15 p.m.

[The following is a summary of the October 4, 2006 meeting of the Special Committee on Affirmative Action. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

Chair Grothman called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Glenn Grothman, Chair; Reps. Tamara Grigsby and Ann Nischke; and Public Members Rudy Binter, Raymond Camosy, Jeffrey Dziedzic, Robert Gregg, Fred Mohs, Kamal Shah, Kate Wagner, Vicki Washington, Jeremy Wick, and Noel Williams.

COMMITTEE MEMBERS EXCUSED: Rep. Scott Suder; and Public Members Jean Abramowski, Charles Coleman, Chi Sather, and Camille Solberg.

COUNCIL STAFF PRESENT: Mary Matthias, Senior Staff Attorney; and Scott Grosz, Staff Attorney.

APPEARANCES: Terry C. Anderson, Director, Legislative Council; Patricia Brady, General Counsel, University of Wisconsin System; Demetri Fisher, Administrator, Division of Affirmative Action, Office of State Employment Relations; Helen McCain, Director, Bureau of Procurement, James Langdon, Deputy Administrator, Laura Rice, Senior Procurement Specialist, Division of Enterprise Operations, Department of Administration; Michele Carter-Rutledge, Equal Opportunity Program Manager, Bureau of Equity and Environmental Services, Civil Rights and Compliance Section, Department of Transportation.

Opening Remarks

Terry C. Anderson, Director of the Legislative Council, welcomed the committee and introduced the Legislative Council staff members assigned to work with the committee. He discussed rules for voting and described the process of reimbursement of expenses. He noted that the committee's meetings will be recorded and available on the Internet.

Introduction of Committee Members

Chair Grothman welcomed all members to the committee and thanked them for their commitment to serve on the committee. At Chair Grothman's request, each member of the committee briefly introduced himself or herself.

Invited Speakers

Robert Gregg, Partner, Boardman Law Firm. Mr. Gregg provided background information on federal and state laws that govern affirmative action in Wisconsin. He stated that the biggest effect of affirmative action programs has been to increase access to employment through expanded notice of job openings. He discussed the current hiring practices for classified and unclassified state employment. He described the practice of expanded certification as well as the concept of underutilization. Mr. Gregg noted the consideration of affirmative action principles not only at initial hiring, but also at times of promotion. Mr. Gregg described affirmative action employment programs as they apply to veterans as well as disabled candidates. He also discussed the constitutional requirements of affirmative action programs. Mr. Gregg then answered questions from the committee relating to the authority for affirmative action programs as well as the enforcement and auditing of programs. Mr. Gregg's remarks were accompanied by a PowerPoint presentation.

Patricia Brady, General Counsel, University of Wisconsin System. Ms. Brady emphasized the large number of university operations affected by affirmative action policies. She described the university's statutory mission to increase diversity. After describing university affirmative action programs in the employment context, Ms. Brady focused on affirmative action in university admissions. She noted the statewide economic benefits of increased diversity and the relationship between experience in diverse situations and workplace success. Ms. Brady answered questions related to affirmative action in higher education, which related to constitutional requirements of programs as well as the manner in which the university defines key concepts in its programs such as "diversity" and "culture."

Demetri Fisher, Administrator, Division of Affirmative Action, Office of State Employment Relations (OSER). Mr. Fisher discussed demographics of Wisconsin's population and noted trends that indicate an aging population and described the relationship between an aging population and affirmative action. Accompanied by a handout, he described OSER analysis, assistance, and training with regard to affirmative action programs of state agencies. Mr. Fisher explained the underutilization analysis and the expanded certification program used for state employment. He described targeted internship programs implemented in state employment. Mr. Fisher answered questions from the committee relating to OSER and the Division of Affirmative Action as well as questions on definitions and compliance monitoring for the programs OSER administers.

Helen McCain, Director, Bureau of Procurement; James Langdon, Deputy Administrator; and Laura Rice, Senior Procurement Specialist, Division of Enterprise Operations, Department of Administration (DOA). Ms. McCain discussed affirmative action in the context of state contracting. She described statutes, administrative code sections, and department policies that guide affirmative action in state contracting. Ms. McCain noted the areas of contracting in which DOA is involved and described the state's Minority Business Enterprise program. She also noted the relationship DOA has with municipalities with regard to sharing of contractor certification and eligibility for program participation. The representatives from DOA answered questions regarding the financial impact of the affirmative action programs administered by DOA. They also answered questions as to how DOA measures the success of its affirmative action programs as well as the burden of proof for participant eligibility in those programs.

Michele Carter-Rutledge, Program Manager, Department of Transportation (DOT). Ms. Carter-Rutledge discussed affirmative action programs that affect DOT. She described the federal Disadvantaged Business Enterprise (DBE) program as well as the process DOT uses to determine program eligibility. Her presentation was accompanied by several handouts. Ms. Carter-Rutledge responded to questions from the committee. The questions related to eligibility criteria for the DBE program, minority recruitment programs and practices, and minority presence on specific construction projects such as the Marquette interchange.

Discussion of Committee Assignment

Chair Grothman discussed plans for future meetings. He explained the committee process and outlined a general timetable for future meetings. Chair Grothman suggested that at least one future meeting would be held in the Milwaukee area, in the evening, to accommodate the numerous committee members from the Milwaukee area. He also noted the possibility of hearing Ward Connerly speak at a future meeting. Several committee members suggested that a speaker with a different viewpoint than that of Mr. Connerly also be invited to address the committee. In response to concerns raised by Representative Grigsby, Chair Grothman offered to support efforts to add another Democratic legislator to the committee. Chair Grothman noted the tight schedule of the meeting and instructed the committee members to forward any unanswered questions for the speakers to committee staff.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be held at the call of the chair.

Adjournment

The meeting was adjourned at 4:15 p.m.