



Department of Employee Relations

Statement to the Special Committee on Affirmative Action

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Good Morning distinguished members of the Special Committee on Affirmative Action. Thank you for the opportunity to address this Committee regarding this important issue. My name is Maria Monteagudo and I am the Employee Relations Director for the City of Milwaukee.

The Department of Employee Relations (DER) is the City agency authorized to develop, coordinate, and oversee effective employment policies and practices in the areas of recruitment and selection, compensation and pay administration, worker compensation and safety, labor relations, employee benefits administration, and equal employment.

My presentation today will focus on affirmative action, diversity and equal employment policies and practices followed by the City of Milwaukee in the area of Human Resources or Personnel as that is my area of responsibility.

The City of Milwaukee as an employer is firmly committed to the primary principles of diversity, equal employment opportunities and affirmative action. In general these principles are:

- prohibiting discrimination in all aspects of employment;
- eliminating disparities in hiring and promotion practices; and
- ensuring equal access and employment opportunity for all qualified individuals.

As you know and as many of the presentations to this Committee have alluded to, there are a number of federal and state laws that guide the City's obligations to equal employment opportunities.

- Title VII of the Civil Rights Acts of 1964
- Americans with Disabilities Act of 1990
- Age Discrimination Act of 1967
- Equal Pay Act of 1963
- Wisconsin Fair Employment Law

Diversity, Equal Employment Opportunity and Affirmative Action Ordinance

In addition to adhering to all the federal and state laws prohibiting discrimination in employment, the City of Milwaukee has voluntarily enacted its own equal employment opportunity ordinance to demonstrate its commitment to a non discriminatory work environment and to being an employer that values and encourages diversity in the workplace. Chapter 350-203 of the Milwaukee Code of Ordinance documents this commitment.

"It is the policy of the City of Milwaukee to provide equal employment opportunities to all qualified persons without regard race, religion, color, age disability, gender, national origin, sexual orientation, marital status, membership in the military reserves, genetic testing, creed, ancestry, arrest or conviction record or the use or non use of lawful products away from work."

While many employers and individuals may use the term affirmative action, equal employment and diversity interchangeable, our ordinance clearly identifies the differences and outlines DER's responsibility for overseeing and enforcing HR policies and practices consistent with its intent. I would like to take a moment to share with this Committee how we at the City of Milwaukee understand and interpret such differences:

Affirmative Action in employment means a program that ensures:

- the establishment of appropriate job related requirements;
- the use of comprehensive and inclusive advertising and recruitment efforts;
- the use of special or targeted recruitment in addition to traditional methods;
- the development of on the job training plans and programs; and,
- the use of gender neutral and culturally bias-free criteria used when making employment decisions.

Diversity means:

Raising awareness to recognize and celebrate the infinite range of a person's unique values, skills, styles, perspectives and experiences as a means to improve the workplace environment and productivity while creating an inclusive, respectful, and equitable work environment.

Equal Employment Opportunity means:

the equal and fair treatment of all qualified applicants and employees with regard to city employment practices and all terms and condition of employment.

Chapter 350-203 also authorized and created the Office of Diversity and Outreach. This Office was established in January of 2003. Its responsibilities include:

- o maintaining statistics including workforce demographics and the availability of candidates in the relevant labor markets;

- o counseling employees and managers about diversity, equal employment opportunity and affirmative action issues in the workplace;
- o facilitating diversity related training programs and workplace mediation;
- o developing and revising policies to keep pace with changes in employment laws;
- o receiving and investigating complaints of discriminatory employment practices, workplace violence or allegations of harassment in the workplace;
- o recommending and implementing corrective recommendations when investigations disclose that a violation has occurred.

The City Service Commission and Relevant Civil Service Rules and Policies

The Department of Employee Relations staffs the Milwaukee City Service Commission. This Commission and its power are authorized under Chapter 63 of the Wisconsin State Statutes. The Commission is responsible for establishing and enforcing the rules to carry out the purposes of ss 63.18 through 63.53. These rules provide for:

- *open, competitive examinations and other forms of examinations by which to test applicants for office or for employment;*
- *for the filling of vacancies in offices and places of employment in accordance with the results of such examinations;*
- *for the selection of persons for public employment in accordance with such results;*
- *for the promotions in offices or positions on the basis of merit and seniority in service or by examination;*
- *for a period of probation before an appointment or employment is made permanent*

In addition to the aforementioned statutory requirements, the following rules/policies document the City's commitment to a non-discriminatory workplace:

City Service Commission Rule XIII Section U prohibits intentional and illegal discrimination by an officer or employee in the city service and further states that such actions shall be deemed cause for discharge, suspension, or demotion.

Anti-Harassment Policy Requires a work environment that is free from sexual harassment and harassment or discrimination based upon race, national origin, religion, age, disability, creed, color, marital status, ancestry, sexual orientation, arrest record, conviction record, membership in the National Guard, state

defense force or any other reserve component of the military forces of the United States or this state or the use or non-use of lawful products off the employer's premises during non-working hours.

The Americans with Disabilities Act Prohibits discrimination and harassment against a qualified individual with a disability, because of the disability, with regard to application and testing procedures, hiring, advancement, compensation, job training, discharge and other terms, conditions and privileges of employment. Requires the City to reasonably accommodate a qualified individual with a known disability where such accommodation does not create an undue hardship on the operation of the City's business.

Workplace Violence Prevention Policy Requires the provision of a safe environment for all employees and visitors, which is free of verbal or physical intimidation, threats, or violent behavior. The City is committed to a zero tolerance policy for incidents or threats of violence by employees, visitors, and the general public. City employees found to have engaged in intimidating, threatening, or violent behavior will be subject to discipline, up to and including discharge.

These policies are widely communicated and distributed to all City of Milwaukee employees by DER during the course of new employee orientation. On going training and development sessions are provided by DER on a regular basis to ensure that all employees are aware of their rights and responsibilities under those policies.

Other Human Resources Practices

Federal and State employment laws and the City's human resource policies serve to effectively minimize the potential for illegal discrimination. However, systemic discrimination is often the most significant barrier to equal employment opportunity and it is the most difficult to detect.

That is the reason human resource practices must be monitored and corrective action taken when personnel actions are found to inadvertently discriminate or offer less than equal opportunity to all qualified persons. How does the City of Milwaukee monitor those practices?

Recruitment, Testing and Hiring - Recruitment, testing, and hiring procedures are in accordance with the Rules of the City Service Commission, and State and Federal statutes. From the initial contact with potential applicants to the final interview and hiring of employees, the Department of Employee Relations and its practices ensure that:

1. Recruitment and Selection Processes provide equal access and opportunity.
2. Job analysis requirements are complied with and qualifications are valid (job related).

3. Recruitment strategies are inclusive and designed to reach a broad range of qualified candidates.
4. Selection requirements used in candidate recruitment, testing, interviewing, and hiring reflect the essential functions of the job.
5. Minimum requirements and tests for employment and promotion are job related and consistent business necessity.
6. Accommodations found to be reasonable are provided to ensure that persons with disabilities are not excluded from application and examination processes.

Promotion and Advancement - All promotions must be in accordance with Rule IV of the City Service Commission. Most commonly, promotions are under Section 1 Promotional Examination; Section 6 Promotion after underfill; and Section 9 Promotion without examination. The Department of Employee Relations administers promotional examinations and monitors and approves promotion requests from City agencies. This centralized process ensures that qualified candidates are considered and that promotion decisions are made on the basis of knowledge, skills and abilities.

Compensation and Pay Practices - Under the rules of the City Service Commission DER administers the City's classification and pay structure. We ensure that accurate and up to date job descriptions are created and used for classification decisions. These job descriptions also ensure fairness in selection, promotion, transfer, and training decisions as well as the equal treatment of employees in terms of appointment rates and special pay practices.

Training and Development - DER coordinates and facilitates training and development programs designed to increase the employees' effectiveness in their present positions and aid them to qualify for advancement including the assumption of additional supervisory or managerial responsibilities. Training opportunities and usage are tracked by employee group, department, and other categories to ensure equal access and opportunity is provided to all employees.

DEPP - the Disabled Employee Placement Program (DEPP) endeavors to find suitable employment opportunities for employee with physical or medical restrictions, which prevent them from performing the jobs they held prior to their disability.

Grievance and Disciplinary Actions - All reported grievances and notices of disciplinary actions involving suspension, discharge, and termination are reviewed and recorded. This review enables DER to monitor departments' disciplinary actions for fairness and equity and identifies potential training needs for employees and supervisors.

Complaint Log - A log is maintained of all employee complaints filed with DER to identify departments or divisions that have a higher percentage of employee complaints and therefore may need management training, special remedial attention, or some other corrective efforts.

Exit Interviews – Administered by DER, this questionnaire seeks to obtain employee feedback from separated employees regarding their employment experience with the City and identify where the employment practices of the City are satisfactory and where opportunities for improvement exist.

Equal Employment Opportunity/Affirmative Action Plan Components

Although not required by federal regulations to prepare a formal Affirmative Action Plan, the City of Milwaukee has had a voluntary Diversity/Equal Employment Opportunity/Affirmative Action Program for many years. This program requires us to document among other things the City's workforce demographics, the job group and utilization analysis, and the identification of problem areas by Job Groups and Organizational Units or Departments.

Job Group and Utilization Analysis

The Job Group analysis provides a detailed breakdown by job group, race and sex of the total general City workforce. Job Groups categorize classifications according to wage rates, responsibilities, level and authority and lines of progression: Officials and Administrators, Technicians, Office and Clerical. A review of this information reveals:

- Over the last years the representation of minorities in the general City's workforce has increased from 30.7% in 2000 to 32.9% in 2002 to approximately 35% in 2006.
- The representation of females has increased slightly from 35.4% in 2000 to 36.3% in 2006.
- Minority representation has in fact increased in all job groups except within the Paraprofessional group as summarized below.

Job Group	2000	2002	2006
Officials and Administrators	18.8%	20.2%	25%
Professionals	26.2%	27.3%	27%
Technicians	19.1%	20.5%	28%
Paraprofessionals	40.5%	37.5%	31%
Office and Clerical	36.3%	42.0%	48%
Skilled Crafts	22.2%	24.7%	23%
Service & Mtce	40.3%	42.8%	49%

The underutilization analysis is fundamental to the City's diversity, equal employment and affirmative action efforts. Similar to the state's practices, a finding of underutilization is considered an imbalance that typically results in placing greater recruitment emphasis on specific populations based on availability of qualified applicants in the relevant labor market (the source for this information is census data).

The purpose of the availability determination is to establish a benchmark against which the demographic composition of the workforce can be analyzed in order to determine whether barriers to equal employment opportunity may exist.

In addition to the job group and underutilization analysis, the City of Milwaukee regularly identifies and monitors barriers to achieving the objectives of the City's Diversity, Equal Employment and Affirmative Action Ordinance as presented below.

Problem Area	Remedial Action
<p>Underutilization of women and minorities in several job groups.</p> <p><i>In 2000 and 2002 there was underutilization of minorities and women in 20 of 38 job groups. In 2006 that number has dropped to 18.</i></p> <p>Females are generally underutilized in the following job groups: Assistant Directors/ Managers, Mtce & Srvc Sups, Inspectors, Mechanics, Equipment Operators and Skilled Workers.</p> <p>Minorities are underutilized in the following job groups: Technical Supervisors, Librarians, Inspectors, and Skilled Worker Supervisors.</p>	<p>Targeted recruitment in professional associations, social and community groups, community newspapers, and schools.</p> <p>Creation of Auxiliary Resource Program – allows the departments to capitalize on the availability of a well qualified candidate at a time that does not coincide with a vacancy.</p> <p>Test Taking Training for selected civil service examinations.</p>
<p>Need for training and other activities to support cultural diversity and cultural competency initiatives.</p>	<p>On going training and development courses: Diversity and Cultural Competency, A Respectful Workplace, Supervisory Training, Managing employees in a union environment, Complaint Intake Training</p>
<p>Need to improve job posting access for all employees, particularly those located at field locations.</p>	<p>Use of technology, labor/management committees, and newsletters to reach out to all qualified candidates.</p>
<p>Limited promotional opportunities.</p>	<p>Advocate for internal transfer/promotional flyers.</p>

The City of Milwaukee is proud of its accomplishments. Although not legally required to prepare an Affirmative Action Plan, we wish to highlight the importance of having policies and practices that are consistent with the basic principles of equal employment and affirmative action. Why do we do it?

- To ensure that our agencies don't engage in illegal discrimination in employment practices as required by federal and state laws;
- To ensure that as an employer we have eliminated or minimized artificial barriers to employment for all qualified applicants;
- To ensure that the City can compete with other large employers for a diverse pool of talent that seems to be shrinking and thereby recognizing that qualified applicants have a choice of who they want to work for;
- To ensure that we can attract and retain qualified employees that are representative of the population we serve thereby enhancing our ability to deliver programs and services that meet the needs of our taxpayers;
- To ensure that the employees that we are able to hire feel that their skills, values, and perspectives are appreciated and respected thereby enhancing the creation of an inclusive, respectful and productive workplace.

Because the City of Milwaukee is committed to the principles of equal employment and affirmative action we make an honest assessment of our achievements; which we take great pride in, but also recognize where there are opportunities for improvement. No public or private entity can afford to rest on its past successes and expect to remain efficient and competitive. The City of Milwaukee has seemingly lofty, but attainable objectives of becoming an employer of choice, providing a safe, welcoming, and productive work environment, and improving service delivery to our citizens. We have a clear vision of where we are headed and in many respects our policies and programs represent a guide that will keep us on track while showing us when corrections are necessary in order to reach our destination.

Thank you for the opportunity to address the Committee. I will be happy to answer any questions you may have.