



February 15, 2017

City of West Allis
Mayor Dan Devine,
Common Council President Thomas G. Lajsic,
and Members of the Common Council
West Allis City Hall
7525 West Greenfield Avenue
West Allis, Wisconsin 53214

Dear Mayor Devine, President Lajsic and members of the West Allis Common Council,

This communication is to request your consideration in regards to the abolishment of the Civil Service System and Commission, as presented to the Administration and Finance Committee of the West Allis Common Council on January 9, 2017.

At the January 9, 2017 meeting, it was stated, “... *we are the only city in the state that has a Civil Service Commission; even the State has eliminated it...*”. A recent survey conducted by the City’s Human Resources Department revealed approximately 1/3 of Wisconsin public sector employers have a civil service system, including a number of our Milwaukee area counterparts (City of Milwaukee, Wauwatosa, Brookfield, South Milwaukee, and Kenosha to name a few). In addition, the City Attorney’s Office researched the issue of the State’s 2015 Wisconsin Act 150, and reported certain aspects of the State’s civil service system were revised, however, the State did not eliminate it. The Attorney’s Office further reported the City already addressed and revised its personnel policies and procedures similar to what was accomplished by 2015 Wisconsin Act 150¹. Most, if not all, of the City’s personnel policies were revised by the Transition Team following the State’s adoption of Acts 10 and 32 and these revisions, which were approved by the Common Council, eliminated many of the points of contention identified with traditional civil service systems.

Traditional civil service commissions, such as the State of Wisconsin’s, administer additional personnel policies and procedures that are not overseen by this Commission or its Rules and Regulations; such as salaries and pay bands, performance evaluation/employee development, layoffs/reinstatement, and promotion based on seniority. The mission of this Commission, as outlined and governed by its Rules and Regulations, is to assure employment and non-discrimination laws are followed, act as an intermediary between management and employees, enable independent internal review of employment initiatives, and perform litigation management before matters go to the EEOC or Court.

The establishment of the City of West Allis’ Civil Service System in 1939 instituted a merit system under which appointments are made on the basis of fitness as determined by open and competitive examinations, rather than personal preference or political considerations (as fashioned off the U.S. civil service system established in the late 19th century). The Civil Service Commission (CSC) was created as an independent governing body, separate from elected politicians, wherein the Commission’s role was to regulate the employment, and oversee the hiring

¹ Some of Act 150’s highlights include: making revisions to the hiring process (revising the form of application, addressing veteran preference, revising application timelines, etc.); addressing performance reviews (instituting mandatory one-year probationary periods which could be extended, requiring performance reviews be conducted at least annually, establishing a discretionary merit compensation award program with monetary awards for job performance exceeding agency expectations, etc.); revising discipline and grievance procedures (addressing the agency’s standard in making an adverse employment decision, establishing conduct that may warrant an adverse employment decision, specifying timelines for an employee to contest an adverse employment decision, etc.); revising layoff and reinstatement procedures (requiring the order of layoffs be primarily based on performance and then based on disciplinary records, seniority and ability, eliminating “bumping” rights and sunseting reinstatement and restoration procedures); and instituting various administrative procedures.

processes, of the City. Since its inception, the Commission's Rules and Regulations have evolved in accordance with federal and State employment laws and regulations², as well as to best meet the needs of the City's workforce demands by providing a streamlined hiring process, ensuring the best and most qualified individuals are hired in a timely fashion³.

In response to the comments made at the January 9, 2017, meeting of the Administration and Finance Committee, "...exams are outdated...when have they been updated. With the continual technology changes and related changes in jobs, the tests should be changing all the time too. ...the whole exam process is a waste of staff time... Rather than relying on test results, ...we should be looking at applicants' resumes and their experience and abilities.", it should be noted that streamlining and automated processes are continually being reviewed and analyzed, and applicants' application materials (application, resume, supplemental questionnaire when appropriate) have always been, and continue to be, the first screening tool used to determine whether an applicant meets the basic requirements for a position. The examination process is reviewed prior to the commencement of each position's recruitment process to determine what, if any, testing is appropriate for the position; processes have been eliminated, revised, and/or changed to ensure compliance with employment laws/regulations and EEOC guidelines, as well as to meet the needs of the position and department expectations.

As attestation to the efficacy of the Commission's recruitment processes, a 2009 CVMIC hiring assessment reported, "Overall, the City's hiring process is impressive and many of the recommendations that CVMIC would make based upon requirements/recommendations under employment laws or HR best practices have already been implemented by West Allis." In addition, CVMIC's 2007, 2010, and 2013 Risk Assessments awarded the highest achievement standards for the City's Employment Practices Liability Management Section relating to hiring. Further confirmation of the Commission's processes is found within the Society for Human Resources Management⁴ (SHRM)'s 2016 toolkit for screening and evaluating candidates. The Commission's Rules and Regulations provide for what the toolkit indicates are the most common, and effective, tools used to screen and evaluate potential job candidates:

- Posting open positions on career sites to solicit resumes and employment applications;
- Pre-screening to eliminate candidates who do not meet the basic requirements of the position;
- Using a preliminary assessment to screen out those who lack the desired level of skills and competencies for the job;
- Performing an in-depth assessment through interviews, and job simulations where appropriate, to select candidates with the highest potential for job success; and,
- Verifying candidates' stated employment record and qualifications.

SHRM further indicates significant changes in technology over the past decade are having a profound impact on recruiting strategies; the Commission is well aware of this and currently addressing it through the implementation of electronic solutions to streamline/improve the Commission's screening and evaluation techniques and to save valuable time in hiring. An automated applicant tracking process, NeoGov's Insight, is currently being

² Federal and State Employment laws and regulations including, but not limited to: Wisconsin Fair Employment Act, Age Discrimination in Employment Act (ADEA), Title VII of the Civil Rights Act of 1964, Civil Rights Act of 1991, Commercial Motor Vehicle Driving Act, Equal Pay Act of 1963, Immigration Reform & Control Act of 1986, Pregnancy Discrimination Act, Americans with Disabilities Act, Fair Credit Reporting Act, Equal Employment Opportunity and the EEOC's 1978 Uniform Guidelines on Employment Hiring.

³ The Society for Human Resources Management's (SHRM) 8/8/16 Human Capital Benchmarking Report and 2015 Workforce Analytics, indicates the average time to fill a position is 42 days, although it varies by company staff size (small organizations average 40 days, medium 43, and large 46). The City of West Allis' average time to fill is 8 weeks or 40 days (time frame representative of when a department provides the "go ahead" to the Human Resources Department [HR] to begin recruiting through HR's submittal of the top names from the eligibility list for department selection; an additional week for reference/background screening is required upon departmental final candidate selection). Larger organizations apply more structure and formal processes to ensure consistent and legally defensible hiring practices; in addition, with a small HR to employee ratio, HR staff may be unable to process new hire decisions quickly due to the sheer number of recruitments and applicants.

⁴ As an organization founded in 1948, the Society for Human Resources Management (SHRM) is currently the largest HR organization devoted to issues concerning human resource management.

implemented, and once implemented, a portion of the Commission's objective pre-employment testing process⁵ will then be converted to an electronic software solution, Biddle. In addition, the Communications Department is being engaged in optimizing social media to attract applicants, and developing and communicating an employment brand (talent acquisition video). Another 2017 undertaking will be to implement an onboarding electronic solution, which will cultivate a consistent branding experience, from the City's website/social media outreach to the employment/career portal.

In response to the comment, "*Promotions come to the CSC and they approve them; they rely on staff's recommendation and..., none have ever been denied. ...why are we putting them through that. It is a waste of staff and the Committee's time.*", made at the January 9 meeting, although none of the promotional requests have been denied in the recent past, it is inaccurate to state Commission approval is a waste of staff and the Commission's time. The Commission's Rules and Regulations provide for/require an appointment/promotional process based on merit and fitness rather than personal preference (i.e., favoritism) wherein an appointing authority is held accountable for their staffing selection by requiring proof/justification that the individual being appointed/promoted meets the training and experience needed to sufficiently perform the duties of the position. To date, this process has effectively provided for appointments based on merit and fitness and not an appointing authority's personal preference (i.e., the appointing authorities have complied with the process and based their hiring/promotional decisions on fitness and merit). To remove this process/requirement may result in appointments based on personal preference, eventually culminating in the need for a merit based system.

Finally, it was stated at the January 9 meeting, "*...the Civil Service Commission... [does] redundant tasks and [does] not do anything for our hiring process. ...it has outlived its usefulness ...The only thing... [seen] as a real function of the CSC is the grievance [hearing] procedure, and that can be done by third party arbitrators.*". If the Common Council believes there are issues that need to be addressed, communicate with us. The Commission is open to reviewing and revising its Rules and Regulations as evidenced by the evolution of them since inception in 1939. Streamlining what is currently in place may be found to be more cost effective and efficient than overhauling the City's entire practices, procedures, policies, rules and regulations. It should also be kept in mind that even though the grievance hearing process may be performed by an independent hearing officer (IHO), it may be cost prohibitive (e.g., having to pay for the services of an IHO vs. the services of a volunteer commission).

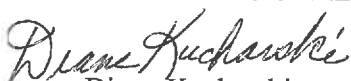
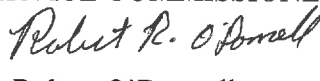
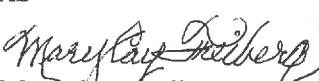

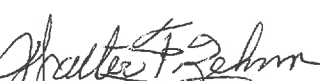
Civil service systems continue to play a significant role in governmental agencies throughout our State, as well as nationwide. They provide a check and balance of the governmental system; a non-biased system that safeguards the appointment, advancement, dismissal, and retention of public employees through competitive examination on the basis of merit and fitness.

If you have any questions or concerns with this communication, or wish for further information and/or clarification, please do not hesitate to contact any Civil Service Commissioner, and/or the Commission's Agent, Audrey Key, or Assistant City Attorney Sheryl Kuhary.

Thank you for your consideration in this matter.

Sincerely,

WEST ALLIS CIVIL SERVICE COMMISSIONERS

				
Diane Kucharski	Robert O'Donnell	Mary Cay Freiberg	Judy Shabman	Walter Zehm
Chairperson	Secretary			

c: Rebecca Grill, City Administrator
Audrey Key, HR Director/Agent for the CSC
Sheryl Kuhary, Assistant City Attorney
CWA Department and Division Heads

⁵ Pre-employment testing: objective process which tests the core, fundamental knowledges, skills and abilities, of the position being filled; such as, but not limited to: computer applications (Microsoft Windows, word processing, spreadsheets; keyboarding/data entry), filing/spelling/grammar, interpersonal competence, math, mechanical comprehension.