

October 27, 2004

The Honorable Jeannette Bell and
Members of the Common Council
West Allis City Hall
West Allis, Wisconsin

Re: City's Affirmative Action Plan

Dear Mayor Bell & Common Council Members:

The Personnel Manager was appointed the City's Affirmative Action Officer (AAO) on June 21, 1994, by Resolution No. 24373. That Resolution also created the City's Affirmative Action Plan (Plan). In her capacity as AAO, the Personnel Manager approached me about concerns that had been raised regarding the Plan and the implementation of the Plan. The general nature of the concerns related to the lack of women in high-ranking positions in the City. After discussing the matter, we decided to bring the concerns that were raised and implementation of the plan to the attention of the Mayor and CAO. A meeting was held on September 24, 2004, to discuss the matter. Various issues were raised concerning whether and how the City was implementing the Plan and possible courses of action were discussed. The Mayor then appointed the Personnel Manager and her assistant and the City Attorney and his assistant to a Task Force to address those issues. This letter constitutes the Task Force's Report.

The Task Force met on October 20, 2004, to discuss the concerns that were raised. Possible improvements to the Plan and how it is implemented were also discussed. The consensus was that various factors have led to the Plan lying dormant since adoption. Changes and additions to the Plan were raised and discussed. It was agreed that changes to the structure of the Plan are needed to ensure compliance.

Section II of the Plan states in part that the AAO "shall have full access to all city departmental policies and procedures, rules and regulations, including personnel files, documents, background investigation reports, and such other information as may be necessary to achieve full and faithful compliance with the law and the Plan." It is the Task Force's recommendation that additional authority/duties be given to the AAO. Section IV of the Plan assigns responsibility for implementation to the AAO but does not spell out how this is to be accomplished.

The following are suggested changes to the Plan to ensure that it is implemented. First, the AAO should be specifically directed and authorized to consult with the City Attorney's Office and enlist the assistance of the City Attorney in the implementation of the Plan. As this Plan is designed to both comply with federal and state laws and avoid liability, it is important to

include the City Attorney in the operation and enforcement of the Plan. Second, the AAO should prepare and submit to the Mayor and Common Council, on an annual basis, a report detailing efforts made during the year to achieve the Plan's goals and the status of the City with regard to affirmative action. Third, any proposed reorganization, layoffs, or other changes in the structure or make-up of the City's work force and managerial staff should be reviewed by the AAO. Prior to making any changes, the Common Council should first consider the AAO's report on the proposed change so that the effects, if any, on affirmative action may be considered in addition to financial and operational considerations. Fourth, the AAO should be given the authority to create programs (within the limits of budget authorization) such as a mentoring program to assist in the implementation of the City's goals. Fifth, Section VI of the Plan states that: "The City will make every effort to assure that its employment policies and practices meet the objectives of equal employment opportunity." Given this, the Task Force is of the opinion that the City's residency rules need to be revisited with an eye toward how it affects the Plan. At the very least, the Task Force believes that the policy on residency for Department and Division heads needs to be re-examined in case-specific situations that have affirmative action implications. Sixth, the Plan itself requires modifications to effectuate the changes noted above together with additional matters such as ensuring that qualifications for a position do not work to the detriment of the Plan goals. The Task Force believes that the trend toward restricting who is qualified for a position is detrimental to the City's affirmative action goals and should be re-examined and changed. Also, the effect of reorganization needs to be examined in this same light. In addition, the Task Force recommends that the role of experience learned on the job be re-examined, especially as it relates to promotion from within the ranks of City personnel. This will be advantageous with regard to achieving the City's affirmative action goals as well as with personnel morale.

The Mayor requested that this letter be sent to the Common Council for review and action. This letter is intended to bring this matter to the Common Council's attention and to suggest changes to ensure that the City is achieving the affirmative action goals stated in the Plan. It is not an indictment of the City or any member of the City staff. Rather, it is an attempt to deal with the concerns that were raised and flaws in the current system and is a recognition that the City can do better in achieving its affirmative action goals. To that end, suggested changes to the Plan are attached and recommended to the Common Council by the Task Force.

Please feel free to contact me or the other Task Force Members if you have any questions or comments regarding this matter.

Yours very truly,

Scott E. Post
City Attorney

Cc: CAO
Task Force Members

Enclosure