

January 22, 2001

Honorable Common Council  
Of the City of Milwaukee  
City Hall -- Room 205

Re: Resolution reserving \$75,000 in the Common Council Contingent Fund to cover expenses for hiring testing consultants for selection procedures for City of Milwaukee Fire Department in connection with the case captioned Brotherhood of Firefighters v. City of Milwaukee, EEOC Charge No. 260970100

Dear Council Members:

Enclosed please find a resolution reserving \$75,000 in the Common Council Contingent Fund to cover expenses for hiring testing consultants to review existing and develop new selection procedures for City of Milwaukee firefighters, fire cadets and for promotional examinations for Fire Lieutenant and Battalion Chief, and authorizing the Fire and Police commission to enter into a contract with testing consultants to review and develop selection procedures in conjunction with the case captioned Brotherhood of Firefighters v. City of Milwaukee, EEOC Charge No. 260970100.

This resolution would reserve funds within the Contingent Fund so that if the FPC determines it is necessary to hire a testing consultant for these purposes, funds will be available in the event an appropriation becomes necessary. Common Council authorization would be required prior to any appropriation. The sum of \$75,000 is requested as representing the minimum amount needed for these purposes. The actual amount needed is unknown.

This resolution would also grant authority to the FPC to negotiate a contract with its chosen consultant and begin the development of selection procedures, in the event the FPC determines it is necessary to do so in order to comply with the current requirements of the law. The contract would be subject to Common Council approval.

The Equal Employment Opportunity Commission (EEOC) had issued a probable cause determination finding the 1993 and 1995 entry level firefighter written tests, the 1995 Fire Lieutenant and the 1996 Battalion Chief promotional examinations had adverse impact and were not valid within the meaning of their guidelines.

In file number 000202, the Common Council authorized the appropriation of \$20,000 from the Contingent Fund for the purpose of retaining an outside expert who had been jointly selected with the Brotherhood of Firefighters as charging party, to assist the parties in conciliation of the subject selection procedures. Over the City's objection, the EEOC failed conciliation on October 4, 2000, and referred the matter to the United States Department of Justice for assessment and possible prosecution. While the City Attorney will seek to resolve this matter with the Department of Justice, the Fire and Police Commission may be required to obtain a testing consultant for purposes of litigation and/or review and development of new selection procedures for the positions in question.

If the Council wishes further discussion, the City Attorney requests that the Personnel and Finance Committee convene in closed session for purposes of discussing litigation matters.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MIRIAM R. HORWITZ  
Assistant City Attorney

MRH:mh  
Enclosure

Cc: Joseph J. Czarnecki  
Thomas E. Hayes

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