



# 2009 ANNUAL REPORT EQUAL RIGHTS COMMISSION

## Background

### COMMISSONERS:

- George Williams, Chair
- Michael Bardnt, Vice Chair
- Renee Taylor
- Genyne Edwards
- Ivan Gamboa
- Ray Vahey
- Chris Her-Xiong

### Sub-Committee Structure

- Accountability in City Programs and Services
- Community Engagement
- Paid Sick Leave Ordinance

A strategy session, facilitated by Mayor Tom Barrett in June of 2008, highlighted the need to revitalize and reinvigorate the City of Milwaukee's Equal Rights Commission (ERC). The Commission had since 1994 become the point of contact for residents to file concerns or complaints of discrimination in housing or employment.

However, over the years the functional responsibilities of the Commission had been somewhat diluted for several reasons. The City of Milwaukee developed the Commission on a historical parallel track with both state and federal initiatives. What was once unique to Milwaukee became part of a larger umbrella of state and federal departments. In addition to the City's ERC, the State of Wisconsin Equal Rights Division (ERD) and the US Department of Housing and Urban Development (HUD) provide city residents with resources that include intake and investigation of complaints in the area of housing and employment. Both agencies have statewide authority to remedy discriminatory employment and housing practices – something the ERC was unable to offer outside of the jurisdiction of the City.

In 2009 the City adopted a new

model for the Commission by shifting from a complaint investigation model to one that relies on oversight and accountability of city services and community collaboration and partnerships with private, non-profit, and academic institutions for prevention, education and training purposes. This model recognized the importance of the City's role in promoting racial, social and economic equity by relying on three important principles:

*Elimination of duplicative services provided by other federal and state agencies in the areas of employment and housing discrimination. The ERC should limit its investigative and enforcement activities to discriminatory employment and housing practices not addressed within the jurisdiction of federal and state agencies. (Note: In 2007, the Common Council amended Chapter 109 of the Milwaukee Code of Ordinances to include gender identity or expression, past or present membership in military service, and familial status as protected categories).*

*The City should establish an internal accountability structure to effectively assess, monitor,*

*and influence how programs and services are designed, administered, and delivered in ways that address the equal rights needs of Milwaukee residents; and*

*The City should partner with other community stakeholders to facilitate, coordinate, and/or implement awareness, prevention, and education strategies to address the City's equal rights challenges and ensure residents are aware of their rights and responsibilities under the laws.*

When the Equal Rights Commission was reestablished, the City recognized its unique position to assume a leadership role in promoting equal rights, equity and a social fabric free of discrimination. This objective assumed that each department, agency and unit of the city government should support and promote social and economic equity for all residents of the city. This in turn means that they will be responsible for structuring their programs, activities and services in a manner that assures the equal rights of all who live and work in the City. This charge is consistent with the City's vision of "a Milwaukee where opportunity is abundant and accessible to all."

Chapter 109 of the Milwaukee Code of Ordinances establishes the authority and role of the ERC.

## EQUAL RIGHTS COMMISSION MISSION

Under Chapter 109 of the Milwaukee Code of Ordinances, the ERC is responsible for monitoring the employment, contracting and program activities of the City of Milwaukee; preparing and providing timely reports to the Mayor and Common Council on efforts to promote equal rights and opportunities; promoting positive community relations; and eliminating discrimination and inequities in city government and the city as a whole. Activities identified by the Commission in relation to meeting its goals and objectives included the following;

*Establishing an accountability structure to ensure all city*

*departments consider and address equal rights issues and needs in policy formation, resource allocation and delivery of services.*

*Documenting, monitoring, and recognizing City of Milwaukee programs, initiatives and services impacting equal rights issues, needs and accomplishments.*

*Establishing and maintaining collaborative relationships with community based organizations, private, and educational organizations to achieve prevention, education and training objectives.*

*Forging partnerships and*

*alliances with key community stakeholders to facilitate discussion on Milwaukee's equal rights climate as well as identify and address impediments to the city's socioeconomic growth.*

*Enhancing the formal referral and follow-up complaint mechanisms with state, federal, and other community agencies.*

*Working with community groups to plan, conduct and facilitate educational programs, raising the awareness of equal rights issues and educate residents about related services and programs.*

*Enforcing provisions of the Paid Sick Leave Ordinance (PSLO).*

## 2009 ACTIVITIES

The first meeting of the new Equal Rights Commission was held on February 10, 2009. At that meeting, all Commissioners were sworn in and Commissioner George Williams was elected Chair and Commissioner Michael Barndt was elected Vice Chair.

Over the course of the first couple of meetings, the Commission was briefed by representatives from the City Attorney's Office and the City Clerk's Office relative to Wisconsin Public Meetings and Open Records Laws as well as the City's Lobbying Ordinance.

The Department of Administration, Budget and Management Division was also invited to make a presentation about the City of Milwaukee Budget Process and the Mayor's Accountability in Management Program.

In March of 2009, the Commission formed three sub-committees to formulate and drive the agenda for the first year.

### **Accountability Sub-Committee**

*Charged with identifying the extent to which City programs and services are designed and delivered in a manner consistent with the equal rights objectives of Chapter 109.*

### **Community Engagement Sub-Committee**

*Charged with identifying ways to establish and maintain collaborative relationships with community organizations to promote and support equal rights initiatives.*

### **Paid Sick Leave Ordinance Sub-Committee**

*Charged with developing administrative rules for the enforcement of the Paid Sick Leave Ordinance.*

## City of Milwaukee Best Practices

A key charge of the Equal Rights Commission in 2009 was to assess and report on the progress of the City of Milwaukee in meeting the leadership objectives of supporting and promoting social and economic equity for all residents while delivering services.

The Commission recognizes that this requires a conscious effort to structure programs, activities and services in a manner that assures the equal rights of all who live and work in the City.

Throughout 2009 key City departments, including the Department of City Development, Department of Neighborhood Services, the Milwaukee Health Department, and the Department of Administration presented briefings to the ERC highlighting their programs and services in relation to the overall charge of the Commission. These briefings were very

instrumental in educating the members of the Commission relative to the programs, activities and services provided.

In addition, in December of 2009, all departments were asked to complete a survey identifying activities, programs or policies carried out by the departments that supported the City’s mission to promote racial, social and economic equity for all residents.

In conjunction with this survey, Departments were asked to provide the following information: a description of the activity, program or policy; a statement describing the challenge or disparity the department was trying to address or remedy and a statement of how the challenge or disparity was identified; a description of the measures of success for the activity, program or policy; a description of how staff was trained to deal with the disparity or challenge; and a list of internal (other city

agencies) and external (community agencies, businesses, educational institutions, etc.) the department works with in addressing the disparity.

Departments were informed that the information collected would be used by the ERC to prepare a progress report outlining the City’s efforts and successes in meeting the equal rights objectives established within the Milwaukee Code of Ordinances. The ERC viewed this charge as an opportunity to recognize the positive work of city departments and to encourage others to emulate these “best practices.” The Commission used six benchmarks to assess and classify the best practices identified in Appendix A of this report.

*Best Practice Benchmarks*

**Community Collaboration**

**Quality of Life Strategies**

**Evaluation System (Metrics)**

**Advocacy Resulting in System-wide Changes**

**Creative Re-structuring**

**Focused Efforts**

## Equal Rights Resource Webpage

In order to achieve the objective of establishing and maintaining collaborative relationships with other community based organizations and promote and support learning opportunities in the area of equal rights, the Commission decided early on to develop a resource webpage that would serve as a single information resource for Milwaukee residents about agencies, programs and services available in the community.

During 2009, the ERC reached

out to the over 130 local agencies and sought their approval to be included on the resource webpage. The information provided includes a brief description of each agency, contact information and a link to their website. In addition to all of the aforementioned agencies included on the website, the Commission added 34 City of Milwaukee programs that directly address equal rights needs and are available to the public.

Each of the agencies or city

Program was assigned a category designation that best describes the type of service provided. Appendix B includes an excerpt from the webpage.

The website is set up to be easily accessible and searchable either by category or alphabetically. The ERC Resource Webpage is scheduled to be launched by the end of July 2010.

*Resource WebPage Sample Categories*

**AAO Awareness, Advocacy, Organizing**

**LA-Legal Assistance**

**ED-Educational Services**

**FR-Faith and Religion**

**H- Health**

**IL-Immigrations and Language**

**JT-Job Training**

**G-Gender**

**RE-Race and Ethnicity**

## Paid Sick Leave Ordinance

The Paid Sick Leave Ordinance (PSLO) was enacted by the citizens of the City of Milwaukee pursuant to Wisconsin's direct legislation statute. In 2008, a coalition of groups circulated petitions seeking to have the ordinance enacted or placed on the November 4, 2008 ballot. When the petitioners filed the required number of signed petitions, the Milwaukee Common Council was advised that it was required to pass the ordinance, without altering it, or place it on the November 4th ballot. The Common Council chose not to enact the ordinance but was required to submit it to a referendum by the voters. On November 4, 2008, the voters of the City of Milwaukee approved the referendum. Pursuant to Wisconsin's direct legislation statute, the Common Council and Mayor cannot amend or repeal the ordinance for two years.

In January of 2010 the Milwaukee Fair Housing Council (MFHC) presented a briefing to the Equal Rights Commission in relation to their role in promoting fair housing throughout the state and combating illegal housing discrimination. The Commission and the Fair Housing Council agreed to coordinate and schedule fair housing training for City of Milwaukee employees and to formalize a referral mechanism for housing discrimination complaints.

Two training sessions were held in May of 2010 and approximately 45 employees participated.

The Ordinance delegated the enforcement of its provisions to the Equal Rights Commission. As a result, the Commission was charged, among other things, with developing and adopting rules to establish the standards and procedures for the implementation and enforcement of the PSLO. While the Commission was aware of a motion by the Milwaukee Metropolitan Association of Commerce for a temporary injunction, it was important for the City to start working on the administrative rules given the uncertainty of the legal proceedings. The ERC adopted a draft of the PSLO Administrative Rules on April 1, 2009. A public comment period, which included two public hearings, followed from April 2, 2009 to April 24, 2009 to allow employers, employees and other interested parties to provide feedback about the rules prior to their final adoption.

In 2010 the Commission will continue scheduling briefings with all City departments in an effort to understand how programs and services are structured in a way to address the equal rights needs of the community. In addition, the Commission will start working with specific community agencies to identify ways to recognize accomplishments and best practices, facilitate community discussions relating to equal rights and equal opportunities within the City of Milwaukee, and identify opportunities to sponsor or participate in informational and educational programs

On June 12, 2009, a Milwaukee County Circuit Court issued a permanent injunction prohibiting the implementation and enforcement of the Paid Sick Leave Ordinance. The Court found that portions of the Ordinance were unconstitutional and that it was unlawfully enacted.

After months of careful review of the feedback received during the public comment period and making some substantive changes to the administrative rules, the Commission adopted the final rules at its meeting on May 19, 2010. The adopted rules can be found at [www.milwaukee.gov/der/erc](http://www.milwaukee.gov/der/erc).

addressing equal rights issues and the laws prohibiting discrimination.

*Throughout the first six months of 2010, representatives from the Department of Employee Relations have facilitated five educational/training sessions for approximately 100 individuals entering the labor market after having served criminal convictions or individuals who were to be released early after being convicted of non-violent crimes. The sessions include practical information about applying for jobs when criminal convictions are part of their background, information about the state's Fair Employment Act and the prohibition of discrimination on the basis of arrest and/or conviction record, and general assistance in resume writing and interviewing.*

*The Wisconsin State Court of Appeals has sent the PSLO case to the Wisconsin Supreme Court for hearing. The two issues to be reviewed are: whether or not the City complied with Wisconsin State Statute §9.20(6) and second whether the two year ban on amending or repealing an ordinance that has been adopted as imposed by State Statute §9.20(8) is valid in light of the injunction that has been issued. The injunction against the PSLO is still in place and will be while the Wisconsin Supreme Court hears the case.*