



Department of Public Works

May 9, 2012

Ghassan Korban  
Commissioner of Public Works

Preston D. Cole  
Director of Operations

Alderman Murphy,  
Chair of Finance and Personnel  
Common Council  
200 East Wells, 2<sup>nd</sup> floor  
Milwaukee, WI 53202

Re: Reclassification of the Personnel Manager position

Dear Alderman:

This letter is being written to address the concerns that were raised at the Finance and Personnel Committee meeting of April 5, 2012. During this meeting there was a discussion of the impact of Act 10 on the state of Labor/Management relations and the duties of the Department of Public Works' (DPW) Personnel and Compliance Manager. The discussion focused on absence of the various Collective Bargaining Agreements and the fact that without contracts the workload of the Personnel and Compliance Manager should be reduced.

While Act 10 did eliminate the existence of the various written contracts that had formerly existed between the various bargaining units and the City it did not measurably change the amount of work this is required to maintain, monitor and develop policies necessary to guide these relations.

Now more than ever, many of the procedures or practices that existed in the contract have to be re-developed, re-written, and re-deployed in this new era without the foundation of the contract. The Personnel and Compliance Manager is being relied upon as a resource to navigate through the Labor/Management interactions more frequently than ever precisely because contract (or "the rules") no longer exist. The rules of the game have changed drastically and the work needed to react to these changes is intense.

In essence, the work that is required for Management/Labor relations has not gone away. It has simply changed. Some of the changes are listed below:

**Pre Act 10:**

2011:

Jan -April there were two litigated cases outside the Grievance Process including Arbitration.

There were no Prohibited Practice Complaints.

65% of all grievances were related to Discipline/Sick Leave.

**Post Act 10:**

2012:

Jan-April there were ten cases in various stages of litigation. This is an 80% increase in litigated cases. The fact that there no longer a Grievance process for matters other than discipline has caused an increase in formal litigation. These cases require far more work including research, data collection, interviews, production of exhibits and the writing of formal position statements.

There is one outstanding Prohibited Practice Complaint.

Discipline remains a part of the grievance process.

100% of the Grievances filed in 2012 are related to Discipline/Sick Leave.

The Personnel and Compliance Manager has invested an extraordinary amount of time researching and writing new policies and procedures because many issues that had been covered by contract are no longer covered. Examples are hours of work, vacation and sick leave policy, discipline and performance based layoff policy. These policies require "meet and confer" sessions that are more arduous/time consuming than pre Act 10 contract requirements.

The Personnel and Compliance Manager has also developed and implemented training for managers to understand the changes as it relates to Act 10. Some of the training is regarding how to best and most effectively utilize discretion when dealing with employee relations. Some examples are; When to require documentation from an absent employee. When to permit an employee to leave his/her assigned work area. When to counsel rather than discipline an employee. How to recognize performance, as well as seniority, when making or changing assignments.

Management must be trained in these areas to ensure that the use of discretion is not arbitrary. The Personnel and Compliance Manager will follow-up and review

management's action to guard against the possibility of litigation regarding the implementation of unlawful employment practices.

It is of note that this letter does not, however, address in detail the added duties that resulted from a reorganization that resulted in the elimination of pay grade 13 position and the restructuring of various duties. DPW solicited the Department of Employee Relations (DER) to conduct a reclassification study which is customary when duties have significantly changed, which was the case in this matter. DER completed and submitted the "Job Evaluation Report" on this position to the City Service Commission on May 27, 2012. In conducting the research for the preparation of the report DER staff evaluated the examined in detail the new, existing and changed duties, to include the elimination of the collective bargaining agreements and opined that a reclassification was warranted.

In sum, the Personnel and Compliance Manager has received added duties that amount to the equivalent of 50% of what was formerly a pay grade 14 position in the area of Contracting and Contract Compliance along with two additional staff persons. In addition these new duties, the program itself has changed. The former Chapter 360 Ordinance related the Emerging Business Enterprises as been repealed and replaced with a new Chapter 370 Ordinance. This new ordinance requires entirely new programming, documentation, software implementation, training and monitoring.

This is a sample of the changes and areas where work is on-going. My staff and I will be happy to provide additional detail or answer any questions you may have.

Very truly yours,



Ghassan Korban  
Commissioner of Public Works

GK:ejg

Cc: Finance and Personnel Committee Members