

FINANCE & PERSONNEL COMMITTEE
CONTINGENT FUND REQUEST INFORMATION FORM

DEPT.: City Attorney CONTACT PERSON & PHONE NO.: Miriam R. Horwitz, ext.
2645

A. REASON FOR REQUEST (Refer to File 921360 for definitions)

CHECK ONE: EMERGENCY CIRCUMSTANCES
 OBLIGATORY CIRCUMSTANCES
 FISCAL ADVANTAGE/COMPLIANCE WITH FISCAL MANAGEMENT PRINCIPALS

B. SUPPORTING INFORMATION

1. State the action requested, including the dollar amount and specific departmental accounts(s) to which the Contingent Fund appropriation would be made.

Transfer \$20,000 from the Common Council Contingent Fund to the Outside counsel – Expert Witness Fund, No. 0001 1490 0001 S157 634001.

2. State the purpose of the action requested which includes the program, service or activity to be supported by the funding, as well as the objective(s) to be accomplished.

To retain and contract for an expert witness with regard to the validation of 1993, 1995 and 1996 selection procedures for entry level firefighter positions and promotions to Fire Lieutenant and Battalion Chief.

3. Describe the circumstances which prompt the request.

The Equal Employment Opportunity Commission issued an initial determination of reasonable cause to believe that the written tests and selection procedures regarding the above mentioned positions had adverse impact and had not been validated under EEOC guidelines, in EEOC Case No. 260970100. The Brotherhood of Firefighters is the charging party. The parties are now in conciliation with the EEOC.

4. What are the consequences of not providing the program, service, or activity which is funded by this request?

The City will lack informed, expert opinion relative to the underlying merits of the EEOC's findings.

5. Explain why funds authorized in the Budget are insufficient to provide for the program, service, or activity in question.

Amount remaining in the Outside Counsel – Expert Witness Fund is insufficient to pay for reasonable expert witness fees and costs because of other outstanding outside counsel and expert witness expenditures and obligations.

5a. Are there any unexpended funds in the departmental control account for which this appropriation is requested, that could be used to fund this request?

No.

5b. What are the consequences of using budgeted operating funds for this request?

Funds would be needed to supplement the City Attorney's operating budget for this city-wide purpose.

6. State why funding was not included in the Budget.

EEOC's findings and claims were made after the budget was prepared.

7. Will the conditions prompting the request be limited to the current year, or will they continue into the following year?

Limited to current year.

8. Has your department made a similar Contingent Fund request in previous years? YES NO

*If yes, what is the most recent year the request was made?

2000

9. Will this funding be used to implement provisions of a collective bargaining agreement? YES NO

10. Will the funding being requested provide a level of service authorized by the Budget? YES NO

*If yes, why can't your department accomplish the authorized service level with the authorized funding level?

11. Will the requested funding provide a level of service higher than that authorized by the Budget? YES NO

*If yes, why is a higher service level necessary?

Because it is a legal obligation.

*What is the estimated amount of additional service units to be provided if the entire Contingent Fund request is approved?

12. What performance measures and sub-measures are affected by this request, and what are the anticipated changes if the entire Contingent Fund request is approved?

None

13. What reductions to performance measures are expected if the request is not approved?

None

14. Is any grant funding associated with the program service, or activity pertaining to the request? YES NO

*If yes, name the grant and current year amount.

15. Will the program, service, or activity affect any electronic data processing system? YES NO

The following questions only apply to Contingent Fund requests which transfer appropriations into capital purpose accounts:

16. Does this request transfer an appropriation into a capital purpose subaccount? YES NO

*If yes, are similar projects planned and funding available in a capital purpose (parent) account for the current year?

17. Why is the project for which Contingent Funds are requested more important than other similar projects?

18. Does this request fund a project outside the normal order of planned projects of a kind which are funded through a capital purpose (parent) account for the current year? YES NO

*If yes, what is the consequence of deferring the lowest priority planned project until next year?

19. Was this project included in the Department's Budget request?

YES NO

*If not, why not?

#30878

C. THANK YOU FOR YOUR COOPERATION. PLEASE SEND COPIES OF YOUR RESPONSE TO:

Staff Assistant, Finance & Personnel Committee, Room 205, City Hall (6 COPIES)
Special Assistant, Finance & Personnel Committee, Room 205, City Hall (1 COPY)
Fiscal Research Manager, LRB-Common Council, Room B-11, City Hall (2 COPIES)
Budget & Management Director, DOA, Room 307, City Hall (2 COPIES)

**If you have any questions about the completion of this form, you may call the
Fiscal Research Manager at extension 8686.**