



## Legislation Text

---

**File #: 000202, Version: 2**

---

000202

SUBSTITUTE 2

Substitute resolution appropriating \$20,000 from the Common Council Contingent Fund for the purpose of retaining outside expert witness with regard to the validation of selection procedures for employment positions in the Milwaukee Fire Department, and authorizing the City Attorney to contract for the same.

This resolution appropriates the sum of \$20,000 from the Common Council Contingent Fund Account No. 0001-9990-0001-C001-2000-006300 to the City Attorney's Outside Counsel/Expert Witness Fund Special Purpose Account No. 0001-1490-0001-S157-1999-634001 for the purpose of retaining an expert witness to evaluate whether the 1993 and 1995 entry level selection procedures, the 1995 Fire Lieutenant promotional selection procedure and the 1996 Battalion Chief selection procedure used by the Milwaukee Fire and Police Commission and the Milwaukee Fire Department are valid within the meaning of Title VII of the Civil Rights Act of 1964, as amended.

Whereas, The Equal Employment Opportunity Commission has issued a probable cause determination finding the 1993 and 1995 entry level written tests, the 1995 Fire Lieutenant and the 1996 Battalion Chief promotional examinations had adverse impact upon African American applicants; and

Whereas, The Equal Employment Opportunity Commission also found that these selection procedures were not valid within the meaning of their guidelines; and

Whereas, The Fire and Police Commission recommends the hiring of an expert to review the tests; and

Whereas, The EEOC, and the Brotherhood of Firefighters, as charging party, and the Fire and the City of Milwaukee as respondent, are engaged in a conciliation process to discuss and possibly settle the pending charges; and

Whereas, The Brotherhood of Firefighters and the City Attorney have agreed to a joint recommendation to select David Friedland, PhD, as an expert witness to evaluate and provide expert opinion relative to the selection procedures in order to facilitate conciliation and possible settlement of the pending charges; now, therefore, be it

Resolved, That the sum of \$20,000 be and hereby is appropriated from the Common Council Contingent Fund Account No. 0001-9990-0001-C001-1999-006300 to the City Attorney's Outside Counsel/Expert Witness Fund Special Purpose Account No. 0001-1490-0001-S157-1999-634001 for the purpose of retaining David Friedland, PhD, as an outside expert witness to evaluate the validity of the 1993, 1995 and 1996 selection procedures for entry level positions and for Fire Lieutenant and Battalion Chief promotions with the Milwaukee Fire Department; and, be it

Further Resolved, The City Attorney be and hereby is authorized to contract with and retain said expert witness and is hereby authorized to pay said fees and expenses after review and approval of invoices for services rendered; and, be it

Further Resolved, That the proper city officers be and are hereby authorized and directed to make whatever fund transfers are necessary or appropriate to carry out the provisions of this resolution.

City Atty.  
06/8/00 30101 MRH/mh