

## Equal Opportunity

Agency Number: **42**  
Budget Function: **Administration**

The mission of the Division of Equal Opportunity is to enable individuals to live and work free of discrimination. The agency is the primary City entity that has the responsibility for the remedy of discrimination complaints brought by individuals. Any remedy pursued by the Division will be based on the enforcement authority of the Equal Opportunities Ordinance which provides a fair and impartial process for resolving charges of discrimination. The Division has the responsibility to provide community education and technical assistance in order for people to know and understand their rights and responsibilities under the law.

<u>Major Service</u>	<u>2004 Actual</u>	<u>2005 Budget</u>	<u>2005 Projected</u>	<u>2006 Request</u>	<u>2006 Executive</u>	<u>2006 Adopted</u>
Complaint Processing	\$ 437,933	\$ 351,319	\$ 314,818	\$ 336,833	\$ 338,148	\$ 352,098
Education and Outreach	183,122	246,253	282,754	242,200	243,153	253,383
<b>Agency Total</b>	<u>\$ 621,055</u>	<u>\$ 597,572</u>	<u>\$ 597,572</u>	<u>\$ 579,033</u>	<u>\$ 581,301</u>	<u>\$ 605,481</u>

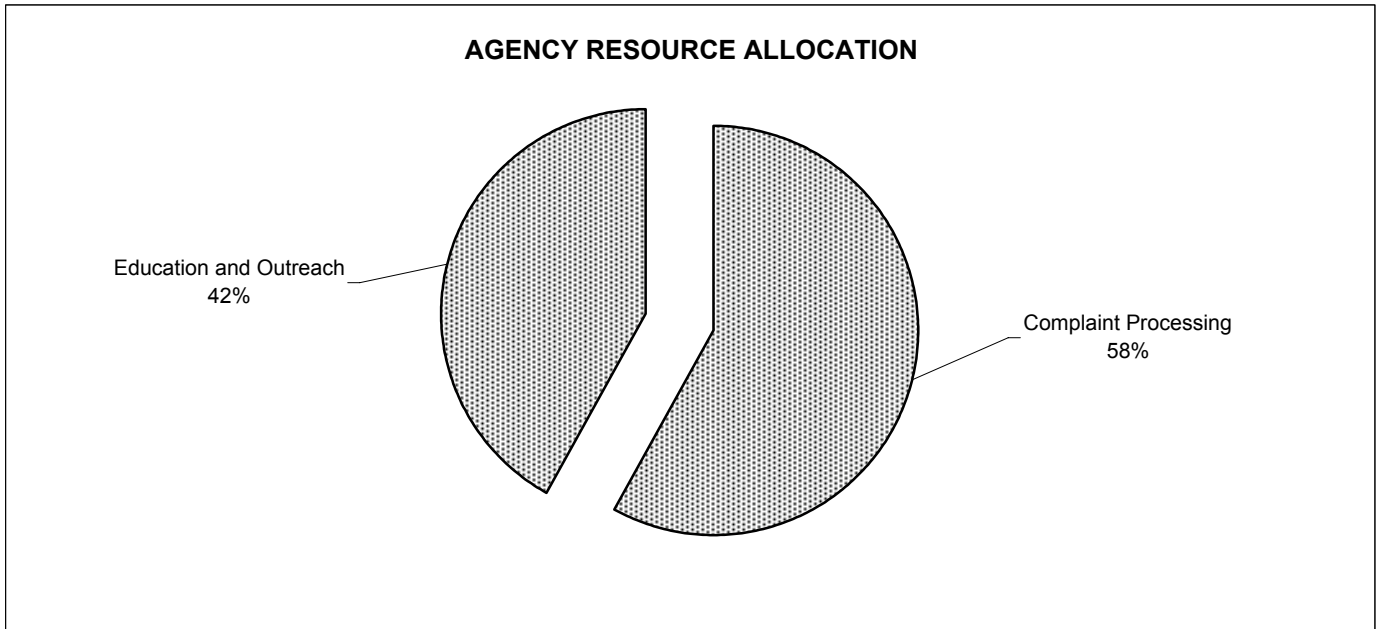
### **Adopted Budget Highlights**

The Budget includes:

1. Funding for a continuation of services.
2. Total funding for Fair Housing Testing is held at the 2005 level, but is supported in part by the application of \$2,268 in previously accrued Federal EEOC funds currently held in a segregated revenue fund.
3. Additional application of \$4,100 of the segregated fund Federal EEOC revenues to support the continuation of the on-line subscription to the Bureau of National Affairs EEO Reporter Series, which provides an important legal resource in an accessible format for the EOC Hearing Examiner.

The agency submitted \$14,622 in supplemental budget requests, of which \$2,268 is included in the Adopted Budget.

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### **Budget Service Descriptions:**

#### **Complaint Processing**

The Equal Opportunities Commission (EOC) processes complaints alleging violations of Section 3.23 Madison General Ordinances, the Equal Opportunities Ordinance. This Ordinance currently includes 20 protected classes, including those found in the Civil Rights Act of 1964 (Title VII), the American with Disabilities Act (ADA), the Age Discrimination in Employment Act of 1967 (ADEA) and the Fair Housing Amendments of 1988 (Title VIII).

A case filed with the EOC must state at least one of these protected classes as the basis for the discrimination complaint and be in the area of employment, housing, public accommodations, credit and/or in certain cases city facilities or services.

At every stage of the complaint process, the EOC focuses on opportunities for the parties to achieve a resolution of the complaint through discussion. During 2004, the agency received 213 new complaints regarding alleged discrimination (185 were employment; 12 were housing; and 16 were public accommodations). Race and sex made up the largest percentage of the cases received. The Investigations Unit completed the processing of 122 cases. The Unit issued 75 initial determinations, settled 31 cases, 10 were administratively dismissed, and 6 were withdrawn. A breakdown of the cases by cause is as follows:

- 20 probable cause - meaning that the information presented was sufficient to support a claim of discrimination. The parties in these cases were given the opportunity to resolve the issues through conciliation. If the parties were not able to solve their differences, the case was referred to a public hearing;
- 44 no probable cause - meaning that the information presented was not sufficient to support a claim of discrimination. These cases were closed if no appeal was received; and
- 11 probable/no probable cause. This determination may be issued when a complainant claims discrimination based on multiple claims of discrimination, such as race, color and age. Following an investigation, information presented is sufficient to support a claim of discrimination for at least one claim but not for all claims of discrimination.

Complaints outside of the EOC's jurisdiction are referred to the State of Wisconsin Equal Rights Division (ERD), the United States Equal Employment Opportunity Commission (EEOC) and to the United States Department of Housing and Urban Development (HUD).

Interpretations of Equal Opportunity laws are changing on the state and federal court levels. It remains a challenge for the staff to keep up-to-date on the changing interpretations that may impact agency determinations. Training and professional development remain a high priority for the unit.

In addition to their investigation duties, Investigators/Conciliators also assist with Education and Outreach to the public. The Investigators continue to educate the public on what discrimination is and is not. The Investigators routinely receive telephone calls from potential complainants regarding various situations that do not rise to the level of discrimination as defined by the Ordinance. The EOC refers many individuals to other agencies, which may be able to help them. Employers call for no-cost technical assistance, to review portions of their handbooks, procedures manuals and policies to ensure that they are in compliance with the City Ordinance.

The Hearing Examiner performs a variety of duties for the EOC. He serves as a source for technical information for the staff of the EOC and for the Commission. The Hearing Examiner continuously reviews sources of current decisions and developments for a broad area of law to keep up with current issues. In addition, the Hearing Examiner maintains the EOC's Digest of Decisions and the library of Commission decisions. The Digest provides summaries of all Hearing Examiner and Commission decisions rendered on the merits or as a result of jurisdictional determinations and summaries of court decisions relating to cases brought under the Equal Opportunities Ordinance.

The Hearing Examiner is responsible for establishing and maintaining procedures for processing complaints and for the operation of the Commission. The Hearing Examiner also reviews and comments upon other policies that relate to Civil rights and discrimination. In his capacity as a quasi-judicial officer, the Hearing Examiner makes determinations of the Commission's jurisdiction when it is challenged. He also decides appeals of a finding of no probable cause brought by complainants after the issuance of an Initial Determination. The Hearing Examiner conducts public hearings on allegations of discrimination after an Initial Determination concludes that there is probable cause to believe that discrimination has occurred. In performing his quasi-judicial duties, the Hearing Examiner sets schedules, hold conferences and hearings, reviews written submission, performs independent legal research and drafts and issues legal memoranda and documents.

<b>Service Summary</b>			
	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2006 Adopted</b>
Total Expenditures	\$ 457,808	\$ 386,819	\$ 376,363
Less Inter-Agency Billings	19,875	35,500	24,265
Net Total	<u>\$ 437,933</u>	<u>\$ 351,319</u>	<u>\$ 352,098</u>

## Education and Outreach

The Equal Opportunities Commission (EOC) provides services to the community to assure that individuals and businesses are aware of their rights and responsibilities under the Equal Opportunities Ordinance. The agency diligently works to reach as many agencies, groups, community-based organizations, employers, property owners, civic groups and individuals as possible. Prevention of discrimination is a strong focus of the EOC. For many years, the EOC has provided free training through a series of workshops to companies and organizations located in the City of Madison. These workshops can be generic or customized to meet the specific needs of a company or organization and presented in either English or Spanish. Topics include: fair employment practices; a harassment free work environment; open housing laws and their application; Americans With Disabilities Act; and diversity.

The EOC is committed to ensuring that residents of the City of Madison experience a community that is free from discrimination and often provides one-on-one technical assistance on rights and responsibilities under the Equal Opportunities Ordinance.

The staff has conducted trainings for a number of organizations including: Tellurian UCAN, Urban League of Greater Madison, MATC - Real Estate Class, Youth Services of Southern Wisconsin, Steve Brown Apartments, Goodwill Industries, Pellitteri Waste Systems, UW School of Social Work students, Shabazz High School, Marquette Elementary School students, and LaFollette High School students.

In addition, the agency staffs information booths at many of the summer community and ethnic festivals. Annually, the EOC sponsors a community Diversity Picnic and awards the Reverend James C. Wright Human Rights Award. The agency works closely with social change organizations such as Communities United (CU), Latinos United for Change (LUCHA), Nehemiah, NAACP, United Refugee Services (URS), YWCA, Urban League of Greater Madison (ULGM), Dane County Fair Housing Council, Tenant Resource Center (TRC), the Wisconsin Fair Housing Network, Wisconsin Women Equal Prosperity, Celebrate Madison and the King Coalition.

The agency staffs the Equal Opportunity Employment Committee, which is made up of employer and advocacy agency representatives from throughout Madison. The Committee provides a unique mix of perspectives on employment issues and approaches to address inequity, discrimination in the workplace. The Employment Committee assists the EOC in fulfilling its mission to enable all individuals to live and work free of employment discrimination. The committee acts an advisor on employment issues, develops and supports the community's understanding of and commitment to fair employment and of diversity in the workplace. Four sub-committees assist the committee in meeting its goals.

<b>Service Summary</b>			
	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2006 Adopted</b>
Total Expenditures	\$ 212,073	\$ 246,253	\$ 267,986
Less Inter-Agency Billings	28,951	0	14,603
Net Total	<u>\$ 183,122</u>	<u>\$ 246,253</u>	<u>\$ 253,383</u>

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Summary by Major Object of Expenditure**

	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2005 Projected</b>	<b>2006 Request</b>	<b>2006 Executive</b>	<b>2006 Adopted</b>
Permanent Salaries	\$ 478,276	\$ 389,872	\$ 389,872	\$ 396,217	\$ 396,217	\$ 410,483
Hourly Employee Pay	8,598	13,229	13,229	6,984	6,984	7,235
Overtime Pay	1,090	0	0	0	0	0
Fringe Benefits	132,133	142,836	142,836	144,425	144,425	155,166
Purchased Services	25,365	61,008	64,008	49,490	51,758	52,948
Supplies	21,250	25,000	19,000	13,290	13,290	17,390
Inter-Departmental Charges	3,170	1,127	1,127	1,127	1,127	1,127
Debt/Other Financing Uses	0	0	0	0	0	0
Capital Assets	0	0	0	0	0	0
Total Expenditures	\$ 669,881	\$ 633,072	\$ 630,072	\$ 611,533	\$ 613,801	\$ 644,349
Inter-Agency Billings	48,826	35,500	32,500	32,500	32,500	38,868
Net Budget	\$ 621,055	\$ 597,572	\$ 597,572	\$ 579,033	\$ 581,301	\$ 605,481