



Department of Employee Relations

February 24, 2010

Tom Barrett
Mayor

Maria Monteagudo
Director

Michael Tobin
Fire and Police Commission
Executive Director

Michael Brady
Employee Benefits Director

Troy Hamblin
Labor Negotiator

Mr. Michael Tobin
Fire and Police Commission Executive Director
Room 706 City Hall
City of Milwaukee

Dear Mr. Tobin:

A Supplemental Order issued by the Department of Justice in 2001 resulted in a number of priority appointments to the position of Firefighter in the Milwaukee Fire Department in 2002 through 2005.

Priority hires under the aforementioned Supplemental Order were entitled to retroactive seniority credit in the position as of June 5, 1994 (Priority A), June 1, 1997 (Priority B), or August 19, 2002 (Priority C). As cited in the Supplemental Order, retroactive seniority means the crediting of seniority for all purposes for which seniority is used in the MFD except for consideration or eligibility for either promotion or time-in-grade requirements for purposes of completing any probationary period or eligibility for promotion.

An audit was recently conducted of all promotional examinations since 2006 (the earliest possible year a priority hire individual would have been eligible to take a promotional exam). The purpose of the audit was to ensure that the seniority used in determining the applicant's ranking on the eligible list (seniority is 10% of the weight) was in fact the appointment date seniority and not the retroactive seniority for priority hires.

The audit revealed three instances where the seniority date of one priority hire from each of the following eligible lists was calculated using the "retroactive seniority" date instead of the appointment date seniority : 2007 Fire Lieutenant, 2007 Heavy Equipment Operator and 2008 Heavy Equipment Operator. As a result, the appointment date of a total of six individuals was also incorrect. The new eligible list ranking of the three priority hires resulted in eleven other individuals moving up one rank.

In light of the mistake made in those instances, the Department of Employee Relations has corrected the exam scores, ranks, and appointment dates of the affected employees. We will notify these individuals and will work with the Milwaukee Fire Department to process retroactive payments of appropriate wages per corrected appointment dates as applicable. Furthermore, we will ask the Milwaukee Fire Department to assess the impact of the aforementioned corrections and take action as appropriate and as administratively feasible.

We have established safeguards to ensure that seniority dates for promotional purposes will be correctly determined. I have informed the Milwaukee Fire Department of the audit findings and the recommended actions in advance of this item being referred to the Fire and Police Commission. I anticipate notifying the respective employees prior to the item being placed on the Fire and Police Commission meeting agenda.

Attached please find the eligible lists with the corrected ranks. I can be reached at X3335 for additional information.

Sincerely,



Maria Monteagudo
Employee Relations Director

Attachments

C: Troy Hamblin, Labor Relations
Chief Michael Jones
Tim Keeley, DER