

CITY OF MILWAUKEE EQUAL RIGHTS COMMISSION

Workgroup Meeting Notes

Committee: Compliance and Enforcement - Complaints Policy & Procedure
Workgroup Meeting No. 2
Meeting Date: Friday, August 27, 2021. 9:00am – 11:00am. Virtual meeting.
 Jennifer Bennett (Commissioner), Ellen Christopoulos (ACA), Becca Donaldson (Legal Action), Shelley Gregory (Commissioner), Edwin Huertas (Equal Rights Specialist), Odalo Ohiku (DCA), Rebecca Rabatin (ADA Coordinator)

| Agenda Item | Discussion Items | Action Items |
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| 1. Report back – subject matter jurisdiction and relationship with state/federal complaint resolution entities (Shelley) | <ul style="list-style-type: none"> ➤ ERD – state agency’s subject matter jurisdiction determinations and complaint handling will not be impacted by ERC subject matter determinations or complaint processing ➤ Equal Rights Specialist and ERC will develop process for making subject matter jurisdiction determinations in practice, and in consultation with City Attorney’s Office ➤ ERC anticipates referring to state/federal agencies complaints alleging discrimination that are within the jurisdiction of the state/federal agencies ➤ Possibility exists for future workshare agreement with ERD, which would provide compensation to City for processing complaints | |
| 2. Notice of state/federal rights and referrals to appropriate agencies | <ul style="list-style-type: none"> ➤ Incorporate notice of rights, referral information, information on choosing muni/state/federal filing “forum” in P&P and/or additional public-facing materials | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) ➤ C&E committee to consider/further develop materials |
| 3. Amendments to P&P (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Add language regarding authority of hearing officer/committee to determine procedure issues in pending matters ➤ Add language for public process for requesting amendment to P&P ➤ Add language regarding periodic updates to P&P initiated by ERC | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) |

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| 4. Appeals rights and procedures (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Clarify in P&P ➤ Esp. appeal of final determination on merits – Chapter 68? | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) ➤ City Attorney's Office to determine and report back |
| 5. Protected characteristics (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Missing from P&P: sex, protective hairstyle | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) |
| 6. Advisory opinions (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Add language re authority to issue | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) |
| 7. Opportunities to respond to Respondent's complaint response / written motions / requests for extensions of time (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Revisions to improve parity and flexibility | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) |
| 8. Multiple references to "service" of documents (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Clarify instances in P&P | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) |
| 9. Standard of review of Findings of Fact and Conclusions of law (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Not discussed | <ul style="list-style-type: none"> ➤ Discuss at next meeting |
| 10. Commissioner eligibility and responsibilities (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Only appointed & confirmed members of ERC may participate in enforcement process (ie, resident members of committee not authorized by ordinance to resolve complaints) ➤ ERC intends/desires to involve any/all commissioners in complaint resolution (ie, not limited to members of C&E committee) ➤ Special review committee to be drawn from C&E committee only or full ERC? | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) ➤ Clarification from C&E committee on source Special Review Committee membership (SG) |
| 11. ERC contact and contact information (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Provide general contact information (ie, not name the Equal Rights Specialist) to allow for communication in absence of Equal Rights Specialist | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) |

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| 12. Alternate Dispute Resolution (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Expand authority to allow for “resolution” other than hearing | <ul style="list-style-type: none"> ➤ Edits to P&P (SG) |
| 13. Preservation of parties’ privacy interests (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Records maintenance and access ➤ Process for maintaining privacy/confidentiality of parties | <ul style="list-style-type: none"> ➤ City Attorney’s Office to consider / report back |
| 14. Repository of past decisions (review of RMD 08.10.2021 feedback memo) | <ul style="list-style-type: none"> ➤ Issue is related to records / privacy consideration | <ul style="list-style-type: none"> ➤ Revisit discussion at next meeting |
| 15. Next steps | | <ul style="list-style-type: none"> ➤ Review proposed edits to P&P at next meeting ➤ City Attorney’s Office report backs |