



2020

ANNUAL REPORT

AFFIRMATIVE ACTION DIVISION

Department of Civil Rights · Affirmative Action Division
210 Martin Luther King, Jr. Blvd., Room 523 · Madison, WI 53703
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Introduction

We had big plans for 2020—a robust work plan, a vision of how we wanted the year to go. Then, much like everyone, we were disappointed that the Coronavirus put a bit of a stall in our plans. However, 2020 brought many accomplishments and a continued progress in advancing the department and the City’s mission, vision, and values.

The Affirmative Action Division is responsible for advancing the City of Madison’s vision of Our Madison: Inclusive, Innovative & Thriving through ensuring contracting equity and workforce equity for the City of Madison, as well as its contractors. This Division furthers many of the City’s values and is responsible for a wide range of activities and compliance for internal City departments, as well as city contractors. We partner with many community partners, city agencies, and the community to accomplish this goal. The work of the Division is guided by Chapter 39.02 of the Madison General Ordinances.

Personnel was steady this year, but there were changes to our staff when the Department of Civil Rights created an Administrative Team, and our admin support staff that had previously been included on our team moved under supervision of that unit.

- » Melissa Gombar – Affirmative Action Manager
- » Tracy Lomax – Affirmative Action Specialist
- » Martha White – Contract Compliance Specialist
- » Juan Pablo Torres Meza – Contract Compliance Specialist
- » Saran Ouk – Contract Compliance Specialist

Sincerely,

Affirmative Action Division

City of Madison
Department of Civil Rights
“Strong and Compassionate Leaders for Justice”

- We are drivers, our compassion drives our passion.
- We remove barriers by creating inclusion and meaningful access to resources for all.
- We address discrimination by educating, investigating, and taking corrective action.
- We advance shared prosperity by leveraging resources equitably.

EXCELLENCE
We come together to celebrate wins and the advancement of social justice.

INVOLVEMENT
With intention, proactively building trust in the community and connecting to all.

NOTICE
We listen, are empathetic, present, and transparent in our communications.

STANDARDS
Our decisions are guided through planning, data, and are consistently delivered with professionalism.

PRINCIPLES
We vigorously pursue the protection of civil rights and potential for all.

I CAN
We are part of the solution; with optimism, we actively seek to solve complex civil rights problems and end discrimination.

RESULTS
Success is the satisfaction of our community and colleagues. We are accountable, and seek accountability from others.

INSPIRED ACTIONS start here

Education Access Accountability

EXCELLENCE
INVOLVEMENT
NOTICE
STANDARDS
PRINCIPLES
RESULTS
I CAN

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Executive Summary and Key Accomplishments

Key accomplishments of 2020 include:



RaISE PROGRAM

514 jobs were posted on our website. 0 referrals were made by our 16 community partners.

**514
JOBS
POSTED**



CITY OF MADISON EQUITABLE WORKFORCE PLAN AND STRATEGIES

We publish an annual report that can be viewed online for further data. We are excited that the City of Madison has reached its goals for people of color in all but one category.



AFFIRMATIVE ACTION COMMISSION

The Affirmative Action Commission had to take a break due to COVID-19, but as of the end of the year has a policy agenda.



KEY PROJECTS

Policy Updates, Contracting Equity, Judge Doyle Square, 2015 Disparity Study Continuity, Data Automation, Work Planning and Performance Measures.



KEY PARTNERSHIPS

WHEDA, Unified Certification Program, Civil Rights Alliance.



FUTURE VISION & EFFORTS

Targeted Business Enterprise Program Improvements, RaISE Program, Policy Updates, Expand Good Faith Efforts.



TARGETED BUSINESS ENTERPRISE PROGRAM

\$2,226,093.71 or 0.33% of all City of Madison dollars were invested in Targeted Businesses.

0.33%

CONSTRUCTION PROJECT COMPLIANCE FOR TARGETED BUSINESSES

8% or \$1,328,675.50 of all City of Madison construction dollars were invested in Targeted Businesses.

8.0%

CONSTRUCTION PROJECT COMPLIANCE FOR WORKFORCE DEMOGRAPHICS

15.7% of all hours worked on City of Madison construction projects in 2020 were performed by people of color. The largest representation of this group was Latinos at 10.6%. 3.2% of all hours worked on City of Madison construction projects in 2020 were performed by women.

15.7%

CONTRACTOR AND VENDOR AFFIRMATIVE ACTION PLANS

Affirmative Action Division Staff received a total of 429 Affirmative Action Plan Applications or Exemptions from contractors and vendors. The average time to approve these plans is 47 days for plans and 0 days for exemptions. 7 companies were invited to a hearing after being found in noncompliance for their 2019 Affirmative Action Plan. 4 were debarred from doing business with the City of Madison for two years or until they had an approved plan.

429

Targeted Business Enterprise Program

Background & Purpose

The City of Madison Department of Civil Rights Affirmative Action Division certifies businesses at no cost to the applicant. This ensures an availability of subcontractors available to diversify city spending on construction projects, procurement, and consulting. The types of Targeted Businesses that certified includes:

- » Small Business Enterprises (SBE)
- » Minority Business Enterprises (MBE)
- » Women Business Enterprises (WBE)
- » Disadvantaged Business Enterprises (DBE)
- » Section 3

Depending on the funding source for the type of contract the City of Madison is working on, the Targeted Business Enterprise goal will vary. For example, for City of Madison only funded projects, we set Small Business Enterprise Goals. For Federally funded projects, we set goals for Minority, Women, Disadvantaged, or Section 3 enterprises.

Actions & Results

In 2020, the City of Madison spent \$2,226,093.71 or 0.33% (not including subcontracting dollars) on businesses that were certified as Targeted Business Enterprises. This includes payments to prime contractors, vendors, consultants, etc.

The Targeted Business Enterprises are as follows:

- » Small Business Enterprises
- » Minority Business Enterprises
- » Women Business Enterprises
- » Disadvantaged Business Enterprises
- » Section 3

Eight new Targeted Businesses were certified in 2020.



Construction Project Compliance

Construction Project Targeted Business Goals

Background & Purpose

We ensure that public works and non-public works prime contractors provide the maximum feasible opportunity for Targeted Business Enterprises to work with them as subcontractors. For each project, we examine the scopes of work and set a unique project goal for Targeted Business Enterprises. If a contractor is unable to meet the Targeted Business Enterprise goal, they must present documentation that shows Good Faith Efforts ([“Appendix A: Good Faith Efforts: Targeted Business Utilization” on page 12](#)), that they tried their hardest to contract with diverse businesses

Actions & Results

A total of 8%, or \$1,328,675.50 was paid to Targeted Business Enterprises in on construction projects in 2020. The following data represents 23 contracts that started in 2020, and have been finalized. \$16,652,505.37 was invested in these contracts in total. 2020 ongoing contracts were not included in the analysis for this report. Note that projects were ineligible for a goal to be set if they cost less than \$100,000.

Total Dollar Amount Paid	\$16,652,505.37
Dollar Amount Paid to TBEs	\$1,328,675.50
TBE Participation	8%
Total Contracts	23
Contracts Where Goal was Achieved	9
Contracts Where Goal Was Not Achieved	14
Contracts Not Eligible for Goal	7

Construction Project Workforce Labor Goals

Background & Purpose

The City of Madison wants the labor force working on each project to be diverse as possible. For every project we would like to see racial ethnic utilization of 7% of the total hours worked on a project, and female utilization of 6% of total the hours worked on a project. If these percentages are not met, contractors must provide documentation of good faith efforts (See Appendix B) to show they did everything they could to diversify the project’s assigned workforce. It should be noted these are not quotas. Our Contract Compliance Specialists monitor each project on a monthly basis to ensure these targets are being met. If not met, they review the good faith efforts.

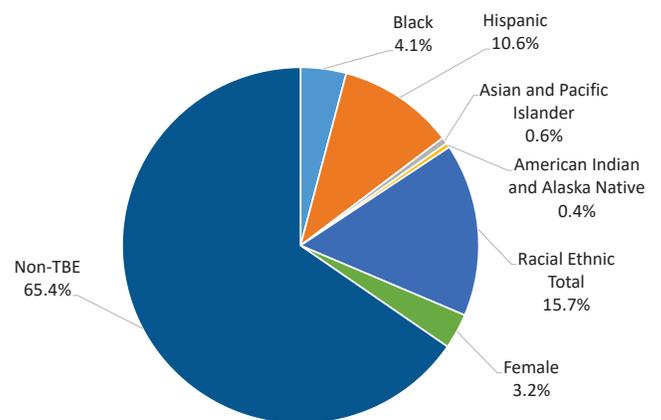
Actions & Results

According to the [Bureau of Labor Statistics](#), only 9.9% of construction professionals are women. In regard to race, 30.7% of professionals in the industry are Hispanic or Latino, 6.2% are Black, and a staggering 2% are Asian.

The below data represents hours worked in contracts during 2020. Of note:

- » 15.7% of all hours worked on City of Madison construction projects in 2020 were performed by people of color. The largest representation of this group was Latinos at 10.6%.
- » 3.2% of all hours worked on City of Madison construction projects in 2020 were performed by women. This is well under the 6% goal.

2020 Public and Non-Public Works Demographic Utilization



RECOGNITION: The Affirmative Action Division wishes to extend its gratitude and congratulations to CommonBond Communities Point Place Development for seniors off of Mineral Point Road and the Beltline Highway. Developer Catalyst and Carla Cross Consulting ensured to make sure this project City of Madison funded affordable housing development had 42.3% of the hours worked on this project were performed by people of color.

Contractor and Vendor Affirmative Action Plans

Background & Purpose

We are proud to be one of the only city jurisdictions in the United States that requires an Affirmative Action Plan as a part of its contracting regulations. The Affirmative Action Plan broadens our compliance to ensuring our contractors implement workforce practices that increase and sustain diversity in their overall workforce. The Affirmative Action Plan must be renewed every two years and must remain active throughout the course of any project. Contractors are exempt from filling out an Affirmative Action Plan if they have 14 or fewer employees. They are also exempt if they receive less than \$50,000 per calendar year from the City of Madison.

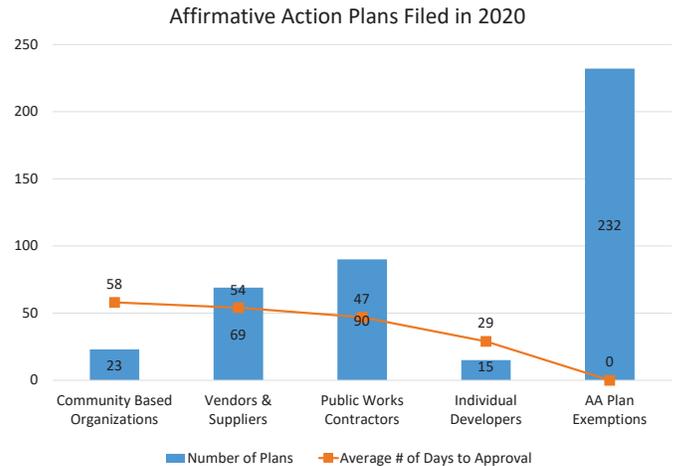
We expect our vendors to meet the following targets within their total workforce:

	Goal for Women	Goal for People of Color
Community Based Organizations	41.52%	7.44%
Vendors & Suppliers	41.52%	7.44%
Public Works Contractors	7%	6%
Individual Developers	7%	6%

If vendors do not meet these goals, Good Faith Efforts (“Appendix B: Good Faith Efforts: Affirmative Action Plan” on page 13), must be submitted and approved as a part of their plan. The Affirmative Action Division’s hope is that through the implementation of Good Faith Efforts, our contractors will be able to eventually meet these workforce goals.

There were a total of 429 Affirmative Action Plans or Exemptions filed in 2020. The type and average amount of time to approve is reported below.

	Number of Plans	Average # of Days to Approval
Community Based Organizations	23	58
Vendors & Suppliers	69	54
Public Works Contractors	90	47
Individual Developers	15	29
AA Plans Subtotal	197	47
Exemption: 14 or fewer*	179	0
Exemption: Less than \$25,000*	53	0
AA Plan Exemptions Subtotal	232	0
TOTAL	429	31



* Automatic Approval

Actions & Results

In 2020, we reviewed the financial records for vendors that earned \$50,000 or more with the City of Madison in 2019. It was found that 104 contractors did not have an Affirmative Action Plan on file, per City contracting and purchasing rules, and in violation of Madison General Ordinance 39.02.

After notifying these contractors, all were able to submit an Affirmative Action Plan and get them approved except for seven companies. These seven companies were invited to a hearing. All were granted a stay to complete their plan before the end of the year, and four companies did not comply, so they were debarred from conducting business with the City of Madison for two years. These companies include:

- » Advanced Building Corporation
- » Bay Area Recycling for Charities
- » JW Turf
- » Lincoln Contractors Supply

A current list of debarred vendors can be found by visiting our [website](#).



Raise Program

Background & Purpose

The City of Madison funds several community based organizations that conduct employment training in the areas of construction. We wish to leverage this funding and these resources with the contractors that we do business with. It is now a part of every contract that contractors must offer interviews to qualified applicants referred by these community based organizations that meet minimum qualifications.

Actions & Results

514 jobs were posted to the Raise website in 2020.

There were no referrals by our 16 community partners in 2020. We believe that we will need to relaunch this program in the future when we have more data automation through a contract compliance system that allows for staff time for outreach.



**Referrals & Interviews
for Sustainable Employment**

City of Madison Equitable Workforce Plan and Strategies

Background & Purpose

Each year we publish¹ an update to the City of Madison Affirmative Action Plan, where key metrics are published for our internal strategies to recruit and maintain a diverse workforce. In this report, we highlight strategies including the Affirmative Action Division's monitoring of the City of Madison hiring process, AASPIRE internship program results, and Workplace Harassment and Discrimination Policy Violations. Of note for this annual report is that we track demographics of each City department on a quarterly basis to assist us in achieving our own internal equitable hiring goals.

Actions & Results

This chart² shows the number of employees working in each job type across the City of Madison. As of November 5, 2020, we have almost reached parity for employees of color within our organization.

City Wide Job Family Availability - HOURLY											
The Annual Placement Goals are determined with an underutilization analysis of incumbency and relevant labor market availability of qualified women or people of color (known as minorities in the past). All selection decisions are made in a nondiscriminatory manner and a placement goal is not justification for selecting an individual based on their protected class. Source: Permanent Employees & US Census 2010 EEO Data Tool Madison, WI (MSA)											
	Total # of Employees	# of Female Employees	Female Incumbency	Female Goal*	Availability Met?	Difference to goal (+/-)	# of Racial Ethnic Employees	Racial Ethnic Incumbency	Racial Ethnic Goal*	Availability Met?	Difference to goal (+/-)
1 - Officials & Administrators	0	0	N/A	43.90%	N/A	N/A	0	N/A	6.20%	N/A	N/A
2 - Professionals	13	9	69.23%	53.80%	Yes	15.43%	2	15.38%	9.80%	Yes	5.58%
3 - Technicians	24	7	29.17%	50.80%	No	-21.63%	9	37.50%	10.80%	Yes	26.70%
4 - Protective Workers	133	60	45.11%	28.10%	Yes	17.01%	18	13.53%	8.10%	Yes	5.43%
5 - Paraprofessionals	23	14	60.87%	57.90%	Yes	2.97%	6	26.09%	9.00%	Yes	17.09%
6 - Administrative Support	305	179	58.69%	62.00%	No	-3.31%	64	20.98%	8.20%	Yes	12.78%
7 - Skilled Craft Workers	206	48	23.30%	6.30%	Yes	17.00%	26	12.62%	5.90%	Yes	6.72%
8 - Service Maintenance	131	39	29.77%	43.30%	No	-13.53%	30	22.90%	13.40%	Yes	9.50%
TOTAL	835	356					155				

City Wide Job Family Availability - PERMANENT											
The Annual Placement Goals are determined with an underutilization analysis of incumbency and relevant labor market availability of qualified women or people of color (known as minorities in the past). All selection decisions are made in a nondiscriminatory manner and a placement goal is not justification for selecting an individual based on their protected class. Source: Permanent Employees & US Census 2010 EEO Data Tool Madison, WI (MSA)											
	Total # of Employees	# of Female Employees	Female Incumbency	Female Goal*	Availability Met?	Difference to goal (+/-)	# of Racial Ethnic Employees	Racial Ethnic Incumbency	Racial Ethnic Goal*	Availability Met?	Difference to goal (+/-)
1 - Officials & Administrators	82	26	31.71%	43.90%	No	-12.19%	11	13.41%	6.20%	Yes	7.21%
2 - Professionals	634	251	39.59%	53.80%	No	-14.21%	108	17.03%	9.80%	Yes	7.23%
3 - Technicians	155	35	22.58%	50.80%	No	-28.22%	17	10.97%	10.80%	Yes	0.17%
4 - Protective Workers	771	176	22.83%	28.10%	No	-5.27%	160	20.75%	8.10%	Yes	12.65%
5 - Paraprofessionals	152	111	73.03%	57.90%	Yes	15.13%	24	15.79%	9.00%	Yes	6.79%
6 - Administrative Support	188	138	73.40%	62.00%	Yes	11.40%	35	18.62%	8.20%	Yes	10.42%
7 - Skilled Craft Workers	373	22	5.90%	6.30%	No	-0.40%	47	12.60%	5.90%	Yes	6.70%
8 - Service Maintenance	487	85	17.45%	43.30%	No	-25.85%	148	30.39%	13.40%	Yes	16.99%
TOTAL	2842	844					550				

REPORT GENERATED: 11/5/2020

¹ cityofmadison.com/employeeenet/civil-rights/hiring/equitable-workforce-affirmative-action-plan

² cityofmadison.com/employeeenet-civil-rights/documents/JobFamilyAvailability_20201105.pdf

City of Madison Affirmative Action Commission

Background & Purpose

The City of Madison Affirmative Action Commission reviews, approves and recommends the city-wide affirmative action plan as proposed by the Affirmative Action Director; advises affected and/or other under-represented groups of their rights under the Affirmative Action Program; disseminates information and educates citizens to a greater understanding and practice of affirmative action employment for all affected and/or other under-represented groups; renders, from time to time, but not less than once a year, written reports of its progress, activities and recommendations to the mayor and Common Council; recommends and reviews such rules and regulations as may be necessary to promulgate the city's Affirmative Action Program.

Actions & Results

The Affirmative Action Commission had to take a break due to COVID-19, but as of the end of the year has a policy agenda including the exploration of creating requirements for projects to use a certain percentage of the labor hours on local employees.



Key Projects

Policy Updates

The Multicultural Affairs Committee and Women's Initiatives Committee conducted an employee survey that indicated a need to update Administrative Procedure Memoranda 3-5: Prohibited Harassment and Discrimination policy. A brand new policy and Resource Guide were published in 2020 with several key changes that strengthen the policy and ensure that the City of Madison continues to live up to its values.

Contracting Equity

The Contracting Equity Team continued to meet in 2020 and Affirmative Action Manager Melissa Gombar assumed project management leadership over the team. Key achievements of the team included the development of baseline data in the City of Madison's investments with Targeted Businesses, developing a process to better track spending with Targeted Business Enterprises, the creation of a sub team to explore contracting equity in public works, the creation of a sub team to explore public/private partnerships in advancing the City's vision.

Judge Doyle Square

The Judge Doyle Square (JDS) site is bounded by Martin Luther King, Jr. Boulevard on the west, Doty Street on the north, Wilson Street on the south and on the east by a group of buildings that front mainly on King Street. Pinckney Street runs through the site and defines Block 88 from Block 105. The redevelopment of this land has been of great interest to the community. The Affirmative Action Division worked with the City Attorney's Office to negotiate compliance requirements on the private development. This project continued throughout 2020 and is anticipated to be completed in 2021.

2015 Disparity Study Continuity

In 2019 we committed to developing a structured strategy to respond to the recommendations included in the [2015 Public Works Disparity Study](#). This work continues and was paused in 2020 due to COVID-19 and continued investment in time in data automation.

Data Automation

The Affirmative Action Division has partnered with the City of Madison Information Technology Department, and starting January 1, 2021, we will have automated compliance systems for reporting monthly on construction compliance.

Work Planning and Performance Measures

The Affirmative Action Division has developed a 2021 work plan with performance measures added to ensure program functionality, efficiency, and impact. The 2021 annual report will have increased reporting on program results and key outcomes.

cityofmadison.com/civil-rights





Key Partnerships

Wisconsin Housing & Economic Development (WHEDA)

The Affirmative Action Division partners with the Wisconsin Housing & Economic Development Authority (WHEDA) for compliance on several projects. Projects that receive both State WHEDA funding and City of Madison funding comply to WHEDA Emerging Business Enterprise (EBE) goals. These projects have an automatic 25% EBE goal, and we allow our contractors working with WHEDA funds to hire EBE subcontractors.

Unified Certified Program (UCP)

The City of Madison is a member of the Wisconsin Unified Certification Program (WisUCP), which is comprised of Milwaukee County, Wisconsin Department of Transportation, City of Madison and Dane County. If a business is certified as a Disadvantaged Business Enterprise (DBE) with any of the four WisUCP certifying member organizations, the business is automatically registered with all four agencies, and eligible to apply for interstate U.S. DOT UCP certification nationwide.

Civil Rights Alliance

The Affirmative Action Division has assisted in the development of a Wisconsin-wide Civil Rights Alliance. The Affirmative Action Division and Department of Civil Rights has convened civil rights practitioners and key community partners to create an alliance to leverage the collective power of our organizations, provide networking opportunities, and advance contracting equity and civil rights best practices throughout the State of Wisconsin. We hope to continue meeting into 2021.

Future Vision & Efforts

Targeted Business Enterprise Program Improvements

The Targeted Business Enterprise program needs to be evaluated, streamlined, and automated. We will hire an AASPIRE intern in 2020 to assist us with this effort.

RaISE Program

The RaISE Program is not resulting in the diverse hires first envisioned when the program was created. This program will be evaluated and streamlined in 2021 and 2022.

Policy Updates

Updates are still needed to MGO 39.02, and Affirmative Action Division staff will assist the Affirmative Action Commission on this matter in 2021.

Expand Good Faith Efforts

We continue to work to expand the menu of Good Faith Efforts for contractors if they do not meet workforce goals. One tool that is available is the Equitable Hiring Tool, developed by the City of Madison for its own hiring practices. We want to explore allowing this and other evidence-based hiring practices when contractors do not reach workforce or affirmative action targets.



Appendix A: Good Faith Efforts: Targeted Business Utilization

Projects for which the City of Madison has provided financial assistance are covered by **Section 39.02 of the Madison General Ordinances**. This means that the developer and his/her prime contractor are required to take all necessary affirmative steps to assure that Small Business Enterprises (SBEs), including those owned and operated by women and minorities, are provided the maximum feasible opportunity to participate on such projects, and are used whenever possible. Such steps include, but are not limited to:

- 2.4.1.1 Attendance at the pre-bid meeting.
- 2.4.1.2 Using the City of Madison's directory of certified SBEs to identify SBEs from which to solicit bids. The City of Madison SBE Directory is available at: <https://www.cityofmadison.com/civil-rights/contract-compliance/targeted-business-enterprise-programs/directories>
- 2.4.1.3 Assuring that SBEs are solicited whenever they are potential sources.
- 2.4.1.4 Referring prospective SBEs to the City of Madison Affirmative Action Department for certification.
- 2.4.1.5 Dividing total project requirements into smaller tasks and/or quantities, where economically feasible, to permit maximum feasible SBE participation.
- 2.4.1.6 Establishing delivery schedules, where requirements permit, which will encourage participation by SBEs.
- 2.4.1.7 Providing SBEs with specific information regarding the work to be performed.
- 2.4.1.8 Contacting SBEs in advance of the deadline to allow such businesses sufficient time to prepare a bid and engage in negotiation.
- 2.4.1.9 Negotiating directly with SBEs, including those which volunteer a bid.
- 2.4.1.10 Utilizing the bid of a qualified and competent SBE when the bid of such a business is deemed reasonable, although not necessarily low.

[cityofmadison.com/civil-rights/contract-compliance](https://www.cityofmadison.com/civil-rights/contract-compliance)

Appendix B: Good Faith Efforts: Affirmative Action Plan

Acceptable Affirmative Action Good Faith (Recruitment) Efforts

This is a description to assist all potential City contractors, including public works companies, vendors/suppliers and community based organizations (CBO). The following outlined efforts are required to be provided with any Affirmative Action (AA) Model Plan submission whenever any contractor is not meeting City AA goal(s).

Contractors underutilizing racial/ethnic minorities and/or women, are required to provide current documentation of at least three (3) of the following types of recruitment efforts:

Your company is responsible for research and resources necessary to demonstrate these efforts. Please be reminded that all employment-related communications must include the verbatim language of “Affirmative Action/Equal Opportunity Employer.”

1. Copies of TWO (2) new targeted AA outreach correspondences (e.g., letters, emails, feature advertisements, documentation of in-person meetings), specifically requesting referral of minority and/or female applicants who are underutilized in your workforce, and directed to related diversity organizations. Also, include any organizations’ responses, if received.
2. Copies of documentation demonstrating your participation in, or registration for, a diversity- focused job fair with a plan for active outreach to under-utilized AA group members.
3. Copies of documentation showing your active participation in diversity-focused apprenticeship or internship programs. (This includes training, advanced skills and apprentice education programs with the intent of increasing racial or gender equity utilization in your workforce.)
4. Copies of documentation or description of increased inclusion of under-utilized AA group members into your hiring process (e.g., resume reviewers, interview panelists, employment or labor management group members, etc.); AND/OR
5. Workforce Analysis and Goals table documenting net increase(s) in the overall employment percentage of your under-utilized AA group(s), demonstrating AA hiring progress from the prior year or your last submission.

(Please note that the City does not require hiring of minorities or females or any sort of “quotas” for any Plan to be approved. If your company has indeed increased utilization of targeting AA employees, that increase serves, however, as one (1) acceptable good faith AA effort.)

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