

**REPORT NO: 16-1**  
**DATE: 2/1/2016**  
**ANALYST: Michael Hebner**

**CLASSIFICATION REPORT**

**PROPOSED TITLE:** Director, Contract Compliance

**CURRENT TITLE:** New

**INCUMBENT:** Vacant

**REASON FOR REQUEST:** Request to review a proposed position to determine appropriate level based on duties and responsibilities

**DATE QUESTIONNAIRE SUBMITTED:** 1/14/2016

**DATE OF PREVIOUS STUDY:** May 2010

**DISPOSITION OF PREVIOUS STUDY:** Established as Assistant Director Civil Rights – Contract Compliance, Grade 10, 483 Points.

**PERSONS INTERVIEWED:** Velma Korbel, Director Civil Rights

**RECOMMENDATION:** Establish the position as Director, Contract Compliance (510 points, Grade 11, Appointed)

The Director of Civil Rights has requested a review of the Assistant Director Civil Rights Contract Compliance. The appointed position provides leadership to the Contract Compliance Division whose mission is to ensure that City of Minneapolis procurement of construction and development services, commodities and supplies, and professional and technical services includes women, minorities, and low income workers and businesses. The position also ensures that workers on construction and development projects are paid in accordance with prevailing wage laws. The position is responsible for five program areas including affirmative action, women and minority business inclusion, minority and female employment, residential and low income inclusion, and the prevailing wage program (Davis Bacon).

The duties of the position are as follows:

- Assist the Director with the day-to-day management of the Civil Rights Department.
- Provide analysis and advice on strategies and courses of action to meet the objectives of the Division and the Department.
- Serve as the representative of the Director, both internally to department staff and externally to the Mayor, City Council and staff, communities and affected stakeholders.
- Manage and provide for the administrative and fiscal oversight and management of personnel within the Contract Compliance Division so that the programs and policies achieve the mission of the Minneapolis Civil Rights Department.
- Responsible for ensuring compliance with local, state and federal laws in four primary program areas: affirmative action; minority and women business inclusion; low income residents and business inclusion; and prevailing wage.
- Provide strategic direction and respond to alleged violations of rules, regulations, policies and procedure related to the inclusion of women and minorities in City contracting.
- Provide administrative oversight over the Contract Compliance budget.
- Exercise broad latitude to work independently and use initiative to make decisions for the good of the Department and stakeholders.
- Responsible for directing department staff who are members of the Minnesota Unified Certification Program (MNUCP), a statewide collaboration that certifies small woman-owned and minority-owned businesses.
- Act for and exercise the powers of the Director when assigned

## **POSITION ANALYSIS**

### **PREREQUISITE KNOWLEDGE**

The position requires a Bachelor's Degree in a related field with 5 years of related experience. It requires knowledge of the regulations and practices for small, woman-owned, and minority owned firms in purchasing and contracting, including a good understanding of affirmation action, disparity studies, compliance monitoring, good faith efforts evaluation, prevailing wage laws, and targeted business certification requirements. The incumbent must possess an understanding of the legal implications of compliance and must be able to understand current and proposed legislation; must have experience in enforcing regulations; must have a breadth of knowledge to be able to recommend effective compliance processes; and must have an understanding of the legal risks of non-compliance. The position requires at least three years of supervisory experience which includes employee performance management. The position must possess knowledge the Federal Rule guiding the Disadvantaged Business Enterprise Program (49 CFR 23; 49 CFR 26), and must understand the legal implications of race and gender based procurement programs. It must have thorough knowledge of the Minnesota Unified Certification Program, a statewide collaboration that certifies small woman-owned and minority-owned businesses for eligibility to participate in contracting. It acts as a chairperson of a multi-agency certification committee and in this role must be able to understand and provide clarification on the regulation, and guide the certification decisions of others.

A rating of **55 points** is appropriate and will be assigned.

## DECISIONS AND ACTIONS

The position manages and supervises the operations of the Contract Compliance Division (CCD) and assists the Director of Civil Rights in the day to day management of the Department to ensure the programs and policies achieve its mission. The CCD is responsible for ensuring compliance in five primary program areas: affirmative action, minority and women business inclusion, minority and female employment, Davis Bacon and prevailing wage, and HUD Section 3 contracting and employment. CCD is also a certifying agency of the Minnesota Unified Certification Program (MNUCP), a statewide collaboration, certifying disadvantaged businesses. The position is responsible for providing strategic direction and responding to alleged violations of rules, regulations, policies, and procedure related to the inclusion of women and minorities in City contracting. It provides administrative oversight over the CCD's budget and supervises personnel of the Division and other personnel in the Civil Rights Department to ensure that the goals of the Division and the Department are met. This role requires the position to manage staff, interns and contract employees, as well as coordinate activities of professional staff across partner agencies (Metropolitan Council, Metropolitan Airports Commission and the Minnesota Department of Transportation.) The position must possess an understanding of the Federal Rules guiding the Disadvantage Business Enterprise Program (49 CFR 23; 49 CFR 26), and must understand the legal implications of race and gender based procurement programs. The position serves as the City's lead on Contract Compliance working closely with the City Attorney's Office, Finance and Property Services, Public Works, and Community Planning and Economic Development. The position is a liaison with the City Council regarding Contract Compliance. The position will as assigned act as the Director of the Civil Rights Department in the absence of Director.

This position must handle a variety of complex problems from general contractors, sub-contractors, department heads, community members and City staff to resolve questions of contract compliance. The position analyzes how each regulation it oversees is affected by the problem at hand, and must develop a solution that eliminates risk to the City and positive outcomes for stakeholders involved in selling goods and services to the City. Mistakes or bad decision can create legal problems for the City, including the loss of federal funding from US DOT, USHUD or other granting agencies.

A rating of **60 points** will be applied. Jobs at this level supervise critical work groups, manage a specialized function or, if non-supervisory, serve in a senior advanced analytical capacity. Decisions tend to have significant impact on the organization due to greater city-wide impact, more notable budgetary impacts, or longer-term impacts. Here some of the positions are managing activity in smaller divisions. Work is varied and complex, usually involving multiple phases of a major function. Matters dealt with are broad in scope with complex and unusual problems being encountered frequently. At this level the incumbent is expected to make decisions and take action on problems that arise and to develop solutions to problems involving advanced principles and techniques and original thinking.

## **SUPERVISORY RESPONSIBILITY**

The position supervises Contract Compliance officers I and II, and Administrative Analysts. The number of City Employee currently supervised is 6. The appropriate rating of **10 points** will be applied.

## **RELATIONSHIPS RESPONSIBILITY**

Within the Work Unit of the Contract Compliance Office the position has contact with subordinates on a variety of issues in responding to questions, giving direction, and following up regarding problems that occur. It provides support and direction on project work assigned to staff. Within the Civil Rights Department the position works with the Director on collaborative activities that involve Contract Compliance issues. It works with other Civil Rights Leadership on various problems and issues that concern Contract Compliance.

The position can have contact with a variety of other City Department staff including department heads and other management staff regarding contract issues where Federal, State, or Local regulations require affirmative action, special consideration of disadvantaged businesses, or wage considerations. The position frequently is in contact with the City Attorney's Office to clarify legal questions.

Outside the City the position works with partner agencies such as the Metropolitan Council, Metropolitan Airports Commission, and the Minnesota Department of Transportation on matters that entail contract compliance issues. It works with general contractors, sub-contractors, and community members to resolve questions regarding contract compliance. The position requires the ability to persuade

The position deals with complex and controversial issues; there is need for considerable tact, diplomacy and persuasiveness; the scope of the relationships is not confined within the department or section. It extends outside the City Service.

A rating of **60 points** will be applied. Jobs at this level are high-level management and administrative jobs where stronger communication skills are required. At this level more finesse and communication skills are needed. There is more facilitation of meetings and groups, more negotiating being done, and more presentations are being made. Positions at this level act on behalf of the City to advocate for interests / objectives. They have more interactions with high level decisions makers, Council Members, and other important internal contacts regarding issues/concerns. Externally they are representing the City with higher level staff from other organizations, enforcement agencies, and will take the lead in dealing with controversial issues in the area where they are assigned.

## WORKING CONDITIONS

The position works in an indoor office setting with exposure to computer and other typical office equipment. A rating of **20 points** is appropriate and will be assigned

## EFFORT

The effort required is primarily mental effort in strategically planning and organizing the activities of the Contract Compliance Division. There is mental effort in supervising and managing others who are assigned in the Contract Compliance Division. The job entails mental effort in dealing with providing solutions for problems, preparing for and giving presentations on Contract Compliance issues. The position will have budget responsibilities and will be responsible for dealing with employee issues. The position deals with deadlines pressures and multi- tasking. All of these matters entail mental effort.

A rating of **55 points** will be assigned. Jobs at this level are administrator and technical positions which are faced with continual deadlines, time pressure, and a need to pay strict attention to detail, resulting in mental effort and fatigue. Managerial and supervisory jobs at this level will typically participate in professional and technical activities as well and having the pressure of managing others. They are over major areas of accountability, where actions and activities can have City-wide impact, and involve significant resources. Deadlines are crucial and there can be limited windows of time to complete work. These positions spend time using a computer, reviewing technical or legal documentation and related detail content, which can lead to eye-strain and fatigue. Some of the jobs at this level have major responsibility for projects and communications with customers, which adds to the mental effort.

The position meets the criteria for appointed positions under the Minneapolis Code of Ordinance, Section 20.1010 as follows:

1. The person occupying the position must report to the head of the designated City Department or the Designated City Department Head's Deputy.

The position will report to the Director, Civil Rights

2. The person occupying the position must be part of the designated Department Head's management team

The position will be a member of the Civil Rights Department management team

3. The duties of the position must involve significant discretion and substantial involvement in the development, interpretation, or implementation of City or department policy.

The position is responsible for providing strategic direction and responding to alleged

violations of rules, regulations, policies, and procedure related to the inclusion of women and minorities in City contracting

4. The duties of the position must not primarily require technical expertise where continuity in the position would be significant.

Although certain knowledge of legal regulations and mandates is required the position also requires strong communications skills, leadership skills and the ability to act strategically in responding to alleged violations of rules, regulations, policies, and procedure related to the inclusion of women and minorities in City contracting.

5. There is need for the person occupying the position to accountable to, loyal to, and compatible with the Mayor, City Council, and the Department Head.

The person occupying the positions will need to be loyal to and accountable to the Director, Civil Rights, Mayor, and City Council

**RECOMMENDATION:**

Establish the position as Executive Manager Contract Compliance (Grade 11, 510 Points)

CLASSIFICATION FACTOR WORKSHEET								
Benchmark Classifications	Factors						Total Points	Grade Level
	1	2	3	4	5	6		
Assistant Director Civil Rights (Contract Compliance)	55	55	5	55	20	55	483	10
<b>PROPOSED CLASSIFICATION</b>								
Director, Contract Compliance	55	60	10	60	20	55	510	11

1. Prerequisite Knowledge
2. Decisions and Actions
3. Supervisory Responsibility
4. Relationship Responsibility
5. Working Conditions
6. Effort

The position meets the requirements to be exempt under the Fair labor Standards Act