

**MINUTES**  
**PERSONNEL COMMITTEE**

Tuesday, January 22, 2013

City Hall, Room 207

5:35 p.m.

Members Present: Ald. Andy Nicholson, Ald. Amy Kocha, Ald. Thomas DeWane, Ald. Tom Sladek

Others Present: Ald. David Boyce, Director Lynn Boland, Director Dawn Foeller, Chief Tom Molitor, Director Steve Grenier, Director Dawne Cramer, Asst. City Attorney Kail Decker, Humane Officer Sharon Hensen, IT Administrator Mike Hronek and others

1. Roll Call.

2. Adoption of the Agenda.

A motion to adopt the agenda as amended was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

3. Approval of the minutes of the meeting of January 8, 2013.

A motion to approve the minutes of the meeting of January 8, 2013 was made by Ald. Sladek, seconded by Ald. DeWane. Motion carried unanimously.

3A. Request from Tom Molitor for an exception to the City's residency policy.

Director Boland stated that on January 21, 2013 the Police & Fire Commission, by a unanimous vote, directed the Human Resources Department to make a conditional offer of employment to Tom Molitor as Police Chief for the City of Green Bay. As a result, Mr. Molitor is requesting a waiver to the City's residency requirement that is in effect for City Department Heads. The residency policy requires department heads to reside within the boundaries of the City within 12-months of their hire date. Chief Molitor currently resides in Abrams, WI.

Chief Molitor stated he has lived in Abrams since 2005 and during that time period was the Director of the Brown County Drug Task Force, Commander of the Green Bay Police Detectives and the Assistant Chief for the Green Bay Police Department and never failed to show for work. Chief Molitor doesn't foresee any problems carrying out the duties of Police Chief no matter where he resides.

Ald. Sladek congratulated Mr. Molitor on being selected for Police Chief and looks forward to having him serve as Police Chief; however Ald. Sladek believes the policy should be followed and will not support the request for exemption.

Discussion followed. Ald. Boyce inquired about response time and what constitutes a primary residence. Chief Molitor stated his response time from home to downtown Green Bay is approximately thirty minutes. Director Boland explained the policy states the primary residence must be within the City of Green Bay, but the Council can make an exception. Ald. Kocha stated that given the caliber of this candidate and the search completed, she supports the request for an exemption. Ald. Sladek feels the citizens of Green Bay expect their Police Chief to live in the City.

Ald. Nicholson inquired about Chief Molitor's intention if an exemption is not granted. Chief Molitor indicated he will not move. Ald. Sladek questioned why Chief Molitor applied for the position and proceeded through the process knowing there was a residency requirement. Chief Molitor stated he informed the Police and Fire Commission at the first interview that he would not move back to Green Bay, and if that disqualified him from consideration, he would not proceed in the selection process. The Police and Fire Commission suggested Mr. Molitor continue in the process, and discussed potential waivers for the residency issue.

Ald. Boyce questioned why a potential waiver of residency wasn't brought before the City Council prior to the Police and Fire Commission's final selection. Ald. Sladek asked what advice Human Resources gave to the PFC on this issue. Director Boland stated the discussion with the Commission was that residency was a requirement for the position, and if Mr. Molitor was the successful candidate for the Police Chief position, it would have to be brought forward to request an exception. There was no discussion with the PFC about requesting an exception prior to the final selection.

Ald. DeWane inquired if the other candidates were aware the Commission made a final selection for Police Chief. Director Boland stated the other candidates have been notified that a final selection has been made but that an issue needs to be resolved before the offer is finalized. Ald. Nicholson asked if there are any other department heads that live outside the City. Director Boland replied not at this time. Ald. Nicholson asked Chief Molitor why he doesn't want to live in the City. Chief Molitor stated he purchased the property in 2005 and has put in a lot of work. Chief Molitor went on to explain that the real estate market is soft and he's concerned about selling the property at a loss.

Ald. Kocha stated that having a candidate that has risen to the top in the selection process and that knows the community, the politicians and has been working intimately with the department is worth making an exception for. Ald. Nicholson stated the rules should be followed and does not support an exception.

A motion to deny the request from Tom Molitor for an exception to the City's residency policy was made by Ald. Sladek, seconded by Ald. DeWane.

Under discussion, Ald. DeWane stated he will vote with the committee to deny the request at this time, but may change his vote on the Council floor depending on the outcome of several outstanding questions he has.

Motion to deny the request was approved 3-1. Ald. Nicholson, Sladek and DeWane voted yes, Ald. Kocha voted no.

4. Request to fill the following vacancies and all subsequent vacancies resulting from internal transfers:

a. Clerk Typist III – Public Works

Director Boland stated this is a replacement position for Nicki Griffin who is resigning in mid-February.

A motion to approve the request to fill the Clerk Typist III position in Public Works and all subsequent vacancies resulting from internal transfers was made by Ald. DeWane and seconded by Ald. Kocha. Motion carried unanimously.

b. Fire Fighter (9 positions) – Fire

A motion to approve the request to fill nine Fire Fighter positions was made by Ald. DeWane, seconded by Ald. Kocha. Motion carried unanimously.

c. Naturalist (4K Nature Program) – Parks, Recreation & Forestry/Wildlife Sanctuary

d. Teacher (4K Nature Program) – Parks, Recreation & Forestry/Wildlife Sanctuary

A motion to consider 4c and 4d together was made by Ald. DeWane, seconded by Ald. Kocha. Motion carried unanimously.

A motion to approve 4c and 4d, the Naturalist and Teacher positions for the 4K Nature Program in the PRF/Wildlife Sanctuary and all subsequent vacancies resulting from internal transfers was made by Ald. Kocha, seconded by Ald. Sladek.

Discussion followed. Ald. Sladek believes the City is pursuing the wrong model for this program. The 4K system has a Model 2 and a Model 3 that community based programs can be operated under. Under Model 2, the school district hires and supplies the teacher. Ald. Sladek believes the City should be pursuing Model 2 because K-12 public education funded through the State Department of Public Instruction is the core mission of the public school district and is not the mission of the City. Model 3, which is the model which is being proposed, is for community based organizations, such as the

YMCA, church, daycare organization or in this case, the City, supplies the licensed teacher. The program models appear to be the same except for the staffing of the teacher. Ald. Sladek believes the public holds the school district accountable for K-12 public education and the public would expect the school district to employ the teacher. Ald. Sladek supports the program under Model 2 with the school district hiring the teacher. Ald. Sladek recommends the committee vote down the motion on the floor and have the Park Department explore a Model 2 program with the school district. Ald. Sladek stated that in discussions with Director Cramer, the reason that Model 3 is being proposed is because the teacher would be hired as a contractual employee and not be paid benefits other than those required by law; if the school district hires the teacher it would cost the district \$29,000 more due to the district's policies and union contracts. Ald. Sladek continued discussing funding options for the program.

A motion to open the floor for discussion was made by Ald. Kocha, seconded by Ald. Sladek. Motion carried unanimously.

Teresa Willems, Sobieski, WI. Executive Director for Pre-K with Green Bay Elementary Public Schools. Ms. Willems stated the primary difference between Model 2 and Model 3 is the employment of the program support staff. In a traditional Model 2, the school district owns the program and rents space from the agency. The Wisconsin Department of Public Instruction has encouraged partnership programs or community based programs which are the Model 3 programs. The school district currently receives many requests to expand the Model 3 programs. The Model 3 programs are highly successful and mutually beneficial to both parties. The school district receives reimbursement on a per student basis from the Wisconsin Department of Public Instruction and that is the basis for the payment to the partnership agency. In turn, the partnership agency provides the space at no cost along with other resources. A Model 2 program would cost the district money it does not need to incur. The school district currently has classrooms available where a program could be located, so if the school district employs the staff the additional cost to the district would be the site rental for space the district already has; the difference is the other classrooms don't have the pond and the other nature items the district is excited about for this program.

Ald. DeWane questioned who would be responsible for the program if the City hired the staff. Ms. Willems stated it would be a partnership between the City and the Green Bay Public Schools. The program would be the school district's responsibility; Christine Fabian would be responsible for the supervision, evaluation and working with the program. The school district provides professional learning at all their Model 3 sites for the teacher, which includes providing support for report cards, assessments and all aspects on the education side of the partnership. The Wildlife Sanctuary would be responsible for providing substitute teachers with the school district's support.

Teachers and substitutes must be licensed teachers. Covering substitutions has not been an issue at other Model 3 sites. Discussion continued on various staffing and funding options.

Director Cramer stated the Model 2 program was discussed with the school district but it was determined the district would not have the funding to hire the Naturalist under Model 2. This is not just a joint partnership between the City and the Green Bay School District; UWGB is also a partner in this program. UWGB will be providing curriculum assessment, as well as student internships in the program. The Friends of the Wildlife Sanctuary are also in this partnership and have committed financial dollars for equipment and facility needs for the program. One of the missions of the Wildlife Sanctuary is environmental education and on a yearly basis over 10,000 children are involved in instructional programs at the Wildlife Sanctuary throughout the year. The Model 3 program would be just one of the programs the WLS provides.

A motion to return to regular order of business was made by Ald. Sladek, seconded by Ald. DeWane. Motion carried unanimously.

Ald. Sladek feels this is a good program but does not support a Model 3 program. Ald. Kocha stated that in these difficult financial times, governmental bodies have been asked to be creative to hold costs down. This program will pay for itself and Ald. Kocha supports the program as proposed.

Director Cramer stated there is no reimbursement with the Model 2. Ms. Willems stated the Model 2 program hasn't been banned but the State puts out guidelines and strong recommendations for the type of programming that should be occurring in community collaborative situations. The type of programming that had occurred originally in the Model 2 is not what is encouraged via the DPI. The DPI is encouraging Model 3 programs that are done as community collaborative models.

Asst. City Attorney Kail Decker tried to provide clarification on the program models. A Model 3 program would be the City's program, while a Model 2 program would be the school's program, the City would just be a facility for the program. Under a Model 2 program the school district takes on the bulk of the cost, and the program would cost an additional \$29,000 in order to cover benefits for the teacher. Under Model 3, there will be a \$29,000 savings to the taxpayer. Ald. Nicholson asked for confirmation that the school district was required to provide benefits to the teacher at a cost of \$29,000. Ms. Willems stated the school district has limited term employees that do not receive benefits, but all regular contract employees receive benefits. Discussion continued on options of hiring a teacher.

Ald. DeWane inquired what the overall cost of the program is to the City. Director Cramer replied the City will come out \$7,900 ahead. The program contract would be one year.

Ald. Nicholson requested Atty. Decker to confirm prior to the next Council meeting why this program would not be considered a limited term position if it's a one year contract.

A vote was taken on the motion on the floor to approve 4c and 4d, the Naturalist and Teacher positions for the 4K Nature Program in the PRF/Wildlife Sanctuary and all subsequent vacancies resulting from internal transfers. Ald. DeWane and Kocho – yes; Sladek and Nicholson – no. 2-2 vote, no recommendation.

5. Report on the analysis of support provided to surrounding communities by Animal Control staff.

Chief Molitor gave a brief overview of the report. The animal control staff responded to 112 calls outside the City in 2011 and 2012. The City nets approximately \$10 per call. Ald. Nicholson questioned why the City provides services to other communities. Sr. Humane Officer Sharon Hensen explained the City was approached by the Village of Allouez about five years ago to see if the City would be interested in contracting to pick up their confined domestic animals (dogs and cats) because the Village did not have animal control staff. The City has not received any citizen complaints about doing business in other communities. The service has been expanded to Ashwaubenon, when their officer is not on duty and DePere. The City has contracts with Allouez, Ashwaubenon and DePere.

Ald. Nicholson feels the other communities should be responsible for their own animal control services. Chief Molitor indicated the City could terminate the contracts with a 30-day written notice.

A motion to report at the next Personnel Committee meeting on the contracts presented to Council with Ashwaubenon, DePere and Allouez for animal control services and the motion approved by Council was made by Ald. Nicholson, seconded by Ald. DeWane. Motion carried unanimously.

6. Report on the budget restraints regarding the six additional patrol officer positions.

Chief Molitor handed out a summary to the committee. In 2010, the department budgeted for and employed 187 sworn officers. In 2011 the department budgeted for 187 sworn officers but during the process of the budget hearings, Ald. Buckley added six additional positions bringing the total to 193. During 2011 there was a \$2.5 million budget deficit due to a cut in State revenue sharing

which resulted in six positions being unfunded. In 2013 the department budgeted for 186 sworn officers; the other officer position was traded for the IT Specialist position. The Police Department currently has 181 sworn officers, but will have 186 officers on staff by May 2013.

Ald. DeWane questioned what level of staffing the department should have. Chief Molitor stated the department can provide the level of service the City expects with 186 officers.

A motion to receive and place on file the report on the budget restraints regarding the six additional patrol officer positions was made by Ald. Kocha, seconded by Ald. Sladek.

Ald. DeWane stated that in his opinion, the current staffing level of 186 puts a lot of stress on the department. Ald. Sladek inquired if the CSI's are included in these totals. Chief Molitor stated the report only includes sworn officers, not civilians. Ald. Sladek stated the City has made an investment in the additional intern positions to help alleviate some of the lower level response work to try and deal with some of these concerns.

Motion carried unanimously.

7. Report on the review of the Police & Fire Commission minutes regarding the appointment of the Interim Police Chief.

Director Boland stated a review of the Police and Fire Commission minutes shows the appointment of the Interim Police Chief was done in closed session. Asst. Attorney Decker stated that section 62.13 (3) of the statute requires that the board is the one who shall appoint the Chief. No contract or other document that is created by either entity could ever appoint a Chief. The language in the Assistant Chief's job description suggests the Asst. Chief will serve in the absence of the Chief, not vacancy.

Ald. Nicholson requested the committee invite Commissioner Nelson to the next Personnel Committee for a closed session. Asst. City Attorney Decker asked the purpose of the closed session as it would need to be published. Ald. Nicholson stated the commissioners were in closed session at the PFC. Asst. City Attorney Decker stated the Commission was under a specific statute that allows for a closed session for hiring purposes. Ald. Nicholson wondered if the Commission considered the individual in the Asst. Chief's position for the Interim Police Chief position. Asst. City Attorney Decker stated that is the exact type of discussion that is held in closed session for the purpose of it not being public and to make sure the process plays out normally. Asst. City Attorney Decker wasn't sure what closed session language the Personnel Committee could use to discuss this. Ald. Nicholson would just like to know the reason for the commission's decision. Asst. City Attorney Decker stated the reason that government bodies go into

closed session is for purpose of making hiring decisions. Ald. Nicholson asked what closed session language could be used. Asst. City Attorney Decker stated the decision is the domain of the Police and Fire Commission. Ald. Nicholson has attended PFC closed sessions previously as an alderman. Asst. City Attorney Decker stated there is a case out of Green Bay that specifically states that the PFC is the sole decision maker for hiring the chief and it would not be proper for an alderman to sit in on those closed session meetings. Discussion continued.

A motion to invite Commissioner Nelsen or Commissioner Goldhahn to the next Personnel Committee to provide information regarding why the Assistant Chief isn't automatically appointed as the Interim Police Chief when the Police Chief vacates the position was made by Ald. Nicholson, seconded by Ald. DeWane.

Discussion followed. Asst. City Attorney Decker stated the Police and Fire Commission is charged with appointing the Police Chief and does not have to disclose the reason for their selection.

Motion carried 3 -1; Ald. Kocha voted no.

8. Report on the comparison of job duties in the Web & Graphic Designer job description and the Graphic Artist job description and the reason for the changes.

Director Boland stated the Graphic Artist job description was developed in 1999 and included tasks that have since been modified due to technology. Tasks included preparing camera ready copies for printing, preparing layouts, planning and allocating jobs, preparing book and newsletter proofs, hand-lettering signs, nameplates and certifications and serving as a layout and design consultant. The minimum requirements for the position included a high school diploma and three years training in commercial art. As technology evolved, the incumbent in the Graphic Artist position began producing graphic sketches, writing website content and creating and preparing photographic images. When the position became vacant, the current Web and Graphic Designer job description was developed along the lines of what currently exists in the marketplace to address technology and advances in the web and graphic area. The Web & Graphic job description includes web design, producing graphic sketches, writing website content, photography and webmaster and social media work. The current Web & Graphic Designer estimates approximately thirty percent of his time is spent on web design, twenty-five percent on photography, twenty-four percent on webmaster and social media work, twenty percent on graphic design and one percent on document management. The requirements for this position include an associate's degree in graphic design and four years of related work experience, with a bachelor's degree in graphic design or web design desired.

Ald. DeWane requested to have the time spent with the Mayor documented over the next several months and report back to the committee. Discussion followed

on how much comp time can be taken yearly. Maximum comp time allowed for exempt employees is 64 hours. Comp time is earned at straight time.

A motion to receive and place on file the report on the comparison of job duties in the Web & Graphic Designer job description and the Graphic Artist job description and the reason for the changes was made by Ald. Kocha, seconded by Ald. Sladek. Motion carried unanimously.

9. Update and discussion regarding labor negotiations.

A motion to convene in closed session was made by Ald. Kocha, seconded by Ald. Sladek. Motion carried unanimously.

Reporting out of closed session, a motion to proceed as discussed in closed session regarding labor negotiations was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

10. Report of Routine Personnel Actions for regular employees.

A motion to receive and place on file the routine report of Personnel Actions for regular employees was made by Ald. Sladek and seconded by Ald. Kocha. Motion carried unanimously.

There being no further business, a motion to adjourn was made by Ald. Sladek and seconded by Ald. DeWane at 7:50 p.m. Motion carried unanimously.

Respectfully submitted,  
Peggy Barden  
Recording Secretary