

**MINUTES**  
**POLICE AND FIRE COMMISSION**  
**Thursday, May 9, 2013**  
**City Hall, Room 310**  
**5:00 PM**

MEMBERS PRESENT: Commissioners Rod Goldhahn, David Nelson, Jim Coates, Lanny Schimmel, Elizabeth Kostichka

OTHERS PRESENT: Police Chief Tom Molitor, Human Resources Director Lynn Boland, City Attorney Tony Wachewicz and Human Resources Operations Manager Melanie Falk

ABSENT: Interim Fire Chief Mike Nieft

The meeting was called to order at 5:00 pm by Commission President Rod Goldhahn. Roll call was taken as noted above.

**1. Approval of the minutes from the regular meeting of the Police and Fire Commission held April 4, 2013, and the minutes of the special meeting held April 22, 2013.**

Motion made by Comm. Nelson, second by Comm. Schimmel to approve the minutes of the April 4 and April 22, 2013 meetings as submitted. Motion carried.

**2. President's Report.**

Comm. Goldhahn had nothing new to report to the other Commissioners this month.

**3. Communications.**

**A. Budget Status Report**

**B. Budget Spreadsheet**

Comm. Goldhahn noted that again this month most of the spending was due to recruitments. Comm. Coates made a motion to approve the communications with a second by Comm. Nelson. There was no further discussion and the motion carried.

**4. Fire Chief Recruitment update.**

Melanie updated the Commissioners on the process for the selection of a new Fire Chief. She reported that since the phone screens on April 22, 2013, the Commission has selected five (5) final candidates, all of whom have been contacted. Those candidates are:

- Michael Nieft, Green Bay Interim Chief
- Sidney Johnson, Jackson, MS
- Randy Karrer, Tucson, AZ
- David Litton, Bolingbrook, IL
- Michael Romas, City of Milwaukee

The candidates will be meeting with the Commissioners and the Mayor on Wednesday, May 29, 2013, with Commission interviews beginning at 8:30 am. The candidates will also

be spending some time with Interim Assistant Fire Chief Ann Watzka at one of the stations. This will give the candidates an opportunity to receive more information on the department's operations, review the labor agreement, the table of organization, annual report and budget, as well as ask questions they may have. The Human Resources department is finalizing the travel arrangements. Melanie will email the Commissioners next week with the full schedule.

Comm. Coates asked if they will give the candidates a tour of the City and all of the fire stations and Melanie said, no, that had not been scheduled.

#### **5. Discussion, with possible action, on the current rehire policy for the Police and Fire Departments.**

Comm. Goldhahn said that he asked to have this item added to the agenda after he was approached by a member of the Personnel Committee who informed him that they were discussing the City's rehire policy and questioned why the Fire Department's rehire policy was so different from the other City departments. Comm. Goldhahn wanted to have a discussion to decide if it should be different than the rest of the City.

Melanie explained that she had done some research on the development of the rehire policy for the police department and offered to share this information with the Commission. She noted that in May, 2004, Police Chief Craig VanSchyndle asked the Commission to consider rehiring an officer who had left the department less than a year prior and the Commission denied the request. In July 2004, Chief VanSchyndle came back to the Commission, bringing with him a petition signed by union members in favor of rehiring the officer. The Commission again denied the request, concerned that this would set a precedent for other City departments and suggested that the former officer re-apply with the next recruitment. Melanie went on to report that in December 2004, an Alderperson came before the Commission and requested that they reconsider a rehire policy for former police officers. After discussion about the cost savings for recruitment and training, the Commission directed the Police Chief to survey other departments and develop a policy for rehire for both the Police and Fire departments.

Melanie then stated that in May 2005, the proposed policy was presented to the Commission and approved with the following provisions:

- Person must apply within 18 months of resignation.
- Person could only be hired if a vacancy was available.
- Rehired officer would serve a one (1) year probationary period.
- Rehired officer would go to the bottom of the list for seniority.
- Benefits (i.e. vacation, sick leave accruals) would be based on rehire date.
- Salary would be at a new hire rate.

Melanie continued her report saying that in August of 2005, two (2) officers were rehired.

Next, Melanie noted that in December 2008 Police Chief Arts asked the Commission to revise the seniority provision of the rehire policy and provide returning officers credit for their years of service minus the number of positions hired since the resignation. The

remaining provisions remained intact and ultimately the Commission approved the seniority revision to the policy in April 2009.

Comm. Goldhahn asked if this policy applied to both Police and Fire Departments and Melanie said yes. Comm. Goldhahn stated that after reviewing Wisconsin Statutes, it was not clear to him if the Police and Fire Commission had the authority to set these kinds of policies or whether it is a legislative function of the City Council. Attorney Wachewicz arrived at this time and Comm. Goldhahn asked him to comment on the Commissions' authority in regard to the rehire policy. Attorney Wachewicz responded that the Commission would have the authority to establish the eligibility criteria of rehiring an officer. He added that when you get into the terms and conditions of employment, the Commission's authority ends.

Comm. Goldhahn asked if the Police and Fire departments had the only rehire policies and both Melanie and Atty Wachewicz answered yes. Comm. Nelson asked if the Council was working on a rehire policy, and Human Resources Director Lynn Boland answered that they were and at the Personnel meeting the question was asked if a new policy would also apply to Police and Fire departments. Director Boland agreed that the Commission had the authority to establish the criteria and procedure for hiring but when the employment status and benefits were considered that should have gone to the Personnel Committee. Comm. Schimmel commented on the need for a policy versus looking at rehiring on a case by case basis.

Chief Molitor was asked for his perspective and he explained that the department has had a few officers who returned who may not have if they were not given their seniority back. The Chief noted that the department does have some issues with new hires who do not make it through the probationary period and talked about the cost savings of bringing back someone with experience.

Comm. Coates asked if the City is going to have a uniform policy. He questioned whether we would be setting ourselves up for litigation if there is a separate policy. Atty Wachewicz answered that he didn't think so as long as the Commission works within its' authority. Comm. Schimmel commented that there is a distinction between regular employees and protective services by State Statute. He added that in his experience it is easier to defend decisions if you have a policy in place but the down side is that you lose the flexibility to chose who you want to rehire. Comm. Schimmel recommended that we wait and see what the City Council puts together then see if it makes sense for the Police and Fire Commission to follow the same policy.

Director Boland said the question that is going to come up is whether the PFC has the authority to establish a rehire policy that includes employment status and benefits. She questioned whether the Commission would have the authority to choose which policy to follow if the Personnel Committee and Council set a rehire policy. Atty Wachewicz said that the Council could not intrude into the first part of the existing policy but the second half could be set by the Council and then the decision by the Commission would be if they agreed to those. Chief Molitor said he will live with whatever policy the City or Commission

agrees to and he just wants to make the Commissioners aware of the cost of hiring new officers versus bringing someone back.

Comm. Goldhahn asked if rehire was noted in either Police or Fire contracts and Director Boland said it is not specifically outlined. Discussion took place of the differences in the current rehire policy for Police and Fire and the proposals that the Personnel Committee has been looking at. Comm. Goldhahn said it seems to be counterproductive to have different processes and agrees with Comm. Schimmel that we should revisit this after the City process is finished.

#### **6. Report from the Chiefs.**

Chief Molitor reported that on Monday, May 6, 2013 the police department went on-line with their bicycle registration and minor crimes reporting. The department trained the Community Service Interns (CSI's) on calling victims back and they are getting the queue cleared out. The CSI's are also making sure the GERP report is filled out properly as that is how the reporting is done to the State and Federal governments. Additionally, he reported that the department is working with Wal-Mart to do some on-line reporting for minor retail thefts. The department is in the final stages of the project which includes negotiating with Wal-Mart's legal team. The Chief commented that if the program is successful they will work with the County to get the other Wal-Marts in Brown County into the program.

The Chief informed the Commission that Packerland Veterinary Clinic is the new City vendor for the animal control contract. He feels this is a good move for the department and the citizens of Green Bay.

Comm. Coates asked the Chief about the article about the audit of the Homeland Security grant that appeared in the Press Gazette. The Chief explained that at any given time the department has between five (5) and seven (7) grants going at the same time. He noted that the Recovery Act grant was one to spur on the economy and when they were awarded it they shared it with the County. When some of the equipment that the County purchased was returned they had \$9,000 to reuse. The Chief explained that with other types of grants you can have a change without notifying the Federal government if it is less than 10% of the total grant. Unbeknownst to the department, this type of grant did require approval from the Federal government. The Chief said that the department did not intend to do anything wrong and the government audits the department on every grant. Grants are used to purchase items not only for the department but the whole city. Chief Molitor listed the cameras that are along the waterfront for port security that required data switches to improve computer network efficiencies. He stated that the department will be correcting any violations that occurred during the audits.

#### **7. Removal of a Police Patrol Officer Candidate. (Closed Session)**

Comm. Goldhahn read the closed session statement. A motion was made by Comm. Schimmel with a second by Comm. Coates to go into closed session. Motion carried.

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Comm. Schimmel made a motion to return to open session with a second by Comm. Kostichka. Motion carried. Out of closed session it was reported that after discussion of the candidate, the decision was made to remove the candidate.

**8. Review of Patrol Officer Candidate. (Closed Session)**

Comm. Goldhahn read the closed session statement. Comm. Coates made a motion to go into closed session with a second by Comm. Nelson. Motion carried.

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A motion was made by Comm. Schimmel to return to open session with a second by Comm. Coates. Motion carried. Out of closed session Comm. Goldhahn reported that the Commission had approved one (1) candidate for the hiring process.

**9. Bills.**

- a. **IPMA-HR \$2,499.00**
- b. **Prevea Health \$270.00**
- c. **Prevea Health \$3,451.50**
- d. **Psychological Consultants \$450.00**

Comm. Kostichka made a motion to approve the bills with a second by Comm. Coates. There was no further discussion and the motion carried.

**10. Set date of next meeting.**

The regularly scheduled meeting of the Police and Fire Commission is scheduled for June 6, 2013, at 5:00 pm in room 310 of City Hall. Comm. Schimmel and Comm. Coates may need to be excused from the meeting but will update the Commission if they cannot attend.

There being no further business, a motion was made by Comm. Schimmel to adjourn. Motion was seconded by Comm. Coates. Motion carried and the meeting was adjourned at 6:05 pm.

Respectfully submitted,

Lola Becker, Recording Secretary

APPROVED: \_\_\_\_\_  
Rod Goldhahn, President