

**MINUTES**  
**PERSONNEL COMMITTEE**

Tuesday, June 3 2014

City Hall, Room 207

4:45 p.m.

Members Present: Ald. Andy Nicholson, Ald. Thomas DeWane, Ald. Guy Zima

Members Excused: Ald. Thomas Sladek

Others Present: Ald. David Nennig, Ald. Mark Steuer, Ald. Joe Moore, Lynn Boland, Kim Flom, Jerry Hanson, Dawn Foeller, Tony Wachewicz, David Litton, Tom Molitor, Steve Grenier, Dawne Cramer, Andy Rosendahl, Jim Mueller, Mike Hronek, Russ Schwandt, Robyn Hallet, Melanie Falk, Coleen Hinz and others.

1. Roll Call.

2. Adoption of the Agenda.

A motion to adopt the agenda was made by Ald. DeWane, seconded by Ald. Zima. Motion carried 3-0.

3. Approval of the minutes of the meeting of May 14, 2014.

A motion to approve the minutes of the meeting of May 14, 2014 was made by Ald. Zima, seconded by Ald. DeWane. Motion carried 3-0.

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

- a. Building Custodian – Public Works.
- b. Sweeper Flusher Operator (Days) – Public Works
- c. Network Technician – Information Technology

A motion to approve the request to fill 4a, b and c and all subsequent vacancies resulting from internal transfers was made by Ald. Zima, seconded by Ald. DeWane. Motion carried 3-0.

5. Request by Ald. Nicholson, to review and discuss with possible action, the Housing Administrator job description.

**Transcription of Agenda Item #5  
Request by Ald. Nicholson, to review and discuss with possible, action, the  
Housing Administrator Job Description**

**PERSONNEL COMMITTEE  
Tuesday, June 3, 2014  
City Hall, Room 207**

Speakers on this item included: Ald. Andy Nicholson (AN), Guy Zima (GZ), & Tom DeWane (TD); Robyn Hallet (RH), Housing Administrator; Lynn Boland (LB) HR Director; Kim Flom (KM), Community Services Director; and Att Tony Wachewicz.

AN Robyn?

RH Yes

AN Hi. I've got some questions for you. I just want to say um, thanks for attending ah the meeting upon request. Could you just go over some of your job description as Housing Administrator?

RH Sure, in general as the Housing Administrator I oversee both the Brown County and the Green Bay Housing Authority. Ah, that includes oversight of the management of the public housing properties which is the, the Green Bay Housing Authority and then for the Brown County Housing Authority, that would be just the Housing Choice Voucher Program, administered by Integrated Community Solutions

AN Okay, so basically what, I, I do have a copy of the job description, basically those would be your major roles, your high priority roles, ah and in here, in the job description, it states that you do have authority for ah, assisting ah, assisting individuals for housing?

RH Correct.

AN Okay. Does this include sexual offenders?

RH Ah, the Federal Housing Program ah prohibits ah admission of sexual offenders into subsidized housing.

AN Okay, so, what would, so basically what would happen if someone approached you that they need some housing that you have, and they're trying to house someone that is a sexual offender?

RH When somebody fills out an application ah we need to know, several checks on them. We do a background, criminal background history as well as a sexual registry history ah verification. Um, so we would, we would be able to see immediately if they are on the sex offender registry. We do have an indicator on the application that tell us if they don't qualify so that usually screens them out

AN Okay. So have you ever been engaged in trying to find housing for sexual offenders within our City limits?

RH Typically no.

AN Have you ever engaged in trying to find housing for sexual offenders knowingly that they're sexual offenders, tried to find them housing in the City limits?

RH In one incident, there was one situation.

AN Okay

RH It was not through our program. I was seeking what other programs might be available for them.

AN Such as?

RH Ah, I was specifically looking for low, low rent housing, something that was not subsidized but was a low cost that would be affordable.

AN Ah you know, are you aware that we have an ordinance that prohibits sexual offenders living in our City limits without having some type of due process, or an appeal, I mean an appeal process.

RH I am aware of that for individuals who, whose sexual offense was involving a child.

AN It's basically, it's for any sexual offender.

RH Okay, I did speak with ah, Jim Mueller about this

AN So another question for Tony Wachewicz, our attorney, I have a question. If we have, if we have um, if we have such as what Robyn stated, if we had a City employee that found housing for a sexual offender, and found housing and that person committed a crime, such as involved with a child or any type of crime, a sexual crime, would the City be held liable with this?

TW I don't think so.

AN And why would you state that?

TW Because I think that really what it is, is about finding housing, is more of an assistance project or welfare, um, um (inaudible). I still think that there are probably a variety of . . . immunities or things of that nature that would probably prohibit some sort of (inaudible)

AN And where would those immunities be? Where would that be stated?

TW That would be under statutory immunity

AN Is that in our ordinance?

TW It's not in our ordinance. It is part of case law um, and statutorily (inaudible)

- AN So you're saying, is that State Statute?
- TW Yes
- AN Really? Boy, I'd like to see a copy of that.
- TW It, it applies to all sorts of government, any government employee be it elected officials or city employees, ah, all sorts.
- AN But Tony, wouldn't you consider that a grey area, a matter of an opinion, because I, I just can't see the city employee basically violating our own ordinance.
- TW I don't know that they are necessarily violating our ordinance.
- AN I guess that would be under discussion.
- TW Well, I think that what the entitlement here is, is that there is a certain (inaudible) but there are some areas that are (inaudible) that need to come in front of the Board. There also still is the whole procedure (inaudible) through our Board minutes by going to the Board and that whole process.
- AN Do you think our City employees should be involved with something like this?
- TW I don't know that's my decision to make.
- AN Then whose would it be? The City Council?
- TW Well, again . .
- AN Someone's got to make the decision.
- TW Well, I don't know that it's the Council's decision either, ah,
- AN Would we have authority over it? Would we have (just a minute) would we have an authority to make a decision then, as a Council?
- TW What decision do you want to make? (inaudible)
- AN Basically, I guess that the decision I would like to see, that I am basically concerned with, Tony, is that before we start placing individuals in the City of Green Bay that are convicted sexual predators or, or offenders, they have to go through an appeal process to see if they can even ah live in our City limits, correct?
- TW Right.
- AN Okay. So why would we actually try to find a place first and then, and then go through the process?

- TW I don't know if that's actually what's happening. I don't think so.
- AN Okay.
- TW I think that either the person is around and (inaudible) and cannot find a location that's per ordinance, or if they do need an exemption before the Board. I think that's my understanding of what the problem is.
- AN Okay, Robyn can you (inaudible)
- RH In this particular instance, the gentleman needed to move from his current location and, I was simply looking for options for him. I was not placing him per se. I don't have the, I guess, the authority to specifically place him in a particular property. I was just looking to see what options might be available for him in the City.
- AN So you were in the action of placing him, trying to find a placement?
- RH . . . I was looking for options for him that exist. I do that very frequently. When people call me, you know, they're coming to this area to live here and are looking for something that's . . . and I provide options.
- AN And basically if it's within the City, who would be paying for it financially? Would it be up to the individual's responsibility?
- RH Correct. If they don't qualify for other . . .
- AN: Subsidized housing?
- RH Then it's usually (inaudible).
- AN: Great. Do you, I mean do you notify the, the landlord if there, if the person does have any type of criminal activity background, or any type of background that's, that's, such as a felon or a felony?
- RH Ah generally, what we're speaking to, I don't do very often. Ah, and in a special situation, they don't necessarily know which landlord they might be going with, so no, I wouldn't, I wouldn't be in contact with any.
- AN But, if you knew this person was a felon, would you tell the landlord, and give him a heads up?
- RH If there not a part of the Housing Choice Voucher Program, and actually if they are a part of that program, ah . . .
- AN Well, I'm talking about, they're not IN the program. So you would contact the landlord, for an example if you knew the person was a sexual offender or any type of criminal activity as a felon, ah you would try to find placement upon request and you would not tell the landlord?

- RH In this, I don't, because this rarely happens and is not part of my main job, in this particular situation I think that I was trying to find a place that would be low rent for him and I called a particular ah landlord, property owner, and I told him the situation, that the individual was a sexual offender.
- AN Okay, ah, I'm done with questions for now. I don't know if, does the rest of the committee want to ask Robyn or the attorney any questions. I guess one of my concerns right now is ah basically our city employee is looking for housing for a sexual offender. I mean, I mean is this, is this the first time? Have you ever done this, or?
- RH I believe this is the first time that I actually made phone calls. I, I don't recall specifically but I believe in the past I may have. I answered their questions and gave them what they needed to know.
- AN One last question, Robyn. Within our ordinance, we have footage of a park and school, are you aware of the footage? Do you actually look into the ordinance and look at places that are not close to schools and parks?
- RH Generally, again no, because I don't deal with the situation very often. I am aware of this footage but . . .
- AN I guess that is a grave concern to me. Ah I'm done with questions. I just can't understand why you wouldn't look into our ordinance and what it states before you would actually engage in any type of verbal conversation with any landlord, knowingly that they're a sexual offender. I, I just can't comprehend that, but, does anyone else have any questions?
- GZ Where did you say, is it in their job description that they can do this or?
- AN It's in here somewhere. Tony, where, where is it?
- TW I'm sorry what are you looking for?
- AN In the job description
- GZ The job description looks like you're the person to oversee and manage this program. Correct?
- RH Yes.
- GZ Do you actually go in the field and do field work ah?
- RH (inaudible) . . . Yes, I'll go . . .
- GZ I'm, I guess I'm just wondering in the job description, where would it fall under? I'm not saying it does but ah, where does it fall under that you would be out looking for housing for a sexual offender, that's what, first of all that's way down the list somewhere of, you know, some other employee way down the pecking

order but ah is this just, you know, ah technically is this just a personal effort you made privately, or?

RH I, again,

GZ I mean people have their own time to do whatever they want, you know, but

RH I would like to state this was one incident (inaudible) . . . calls that I made, not in my job description, maybe 20 minutes

GZ I guess, how does it come that the Administrator of the Green Bay/Brown County Housing Authority and your entire staff, how would it come to the point that you would do on company time will solicit people to provide housing to a sexual offender who would hopefully (inaudible). job description

RH As I stated, this was a situation which came to my attention and I wanted, you know, to serve the client as (inaudible) we serve the residents of Green Bay.

GZ You wanted to serve this client personally. The problem came to your attention so it was someone else on your staff that brought this to your attention?

RH Yes

GZ And they said, what should I do, and what did you tell em? Why is it that you took it personally in your hands?

RH I wouldn't say I took it, well I wouldn't say I took it personally. I took it upon myself as the Administrator to help and follow my responsibilities.

GZ In what way was it your responsibility to take the very peculiar situation and go and, and approach someone, not even a really (inaudible) person?

RH Not an (inaudible) person? I did approach the property owner and talked to him of the situation

GZ And it's only a couple of blocks away from a park. I'm kind of aware of this through Alderman Nicholson. I did speak to the gentleman. He said he applied. He indicated to me that he really didn't have any idea about it. He didn't know that you're supposed to go through a committee or anything else. It seemed like you were there soliciting for this gentleman, for this gentleman to provide housing for someone without even telling him that he needed to go through a committee to do it.

RH I . . .

GZ I find it extraordinary that you, that you would even be involved with this thing unless it was on your own time or someone, that you were trying to help someone

- RH I (inaudible)
- GZ I guess where is it in your job description, I just, I can't find it.
- AN Tony, I can't find it here and I thought I saw it.
- LB Mr. Zima and Chairman Nicholson, I'm not sure that it's specifically addressed in here but if you look at, under the essential functions, the essential functions say that this responsibility "(inaudible). It probably would fall within that kind of a broad ah function. It does discuss problems, it does discuss other (inaudible). Even though I don't think it specifically addresses that one, it probably would fall within that kind of a broad function.
- AN So you're stating this sentence here, "responds to the public, investors/ tenants".
- LB Yes
- AN That gives the authority of, that right there, that gives authority to the Administrator to house people in the City limits.
- LB No, it doesn't give her authority to house and
- AN Or engage in conversation, or, any type of action?
- LB I think that what what your asking is where would it say that she should be dealing with problems and I understand what Alderman Zima was asking in terms of how does the problem get to her, but there is a, it's kind of a catch all is what I'm saying where it does talk about responding to the public and dealing with problems. Now within that is she, you know, are things that she's doing lawful and appropriate is a different issue but within that you can see that might be a catch all where that might fall.
- RH I would like to address that if I may.
- AN Just one second please. Don't you think, I mean part of the concerns I have is that this is pretty vague.
- LB Ah huh
- AN Don't you think we could ah make it clean, we could clean it up and have specifics?
- LB I think that probably in looking at this is that you know . .
- AN Because, heaven forbid that we have a City employee break our own ordinances.  
LB and
- AN or violate our ordinances.

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LB It was last updated in 2000 and 8 and so I do think in looking at it, I usually have a catch all phrase (inaudible), but I do think it probably could use some updating (inaudible). I do think there have been significant changes in your housing areas (inaudible). We should, we could certainly look it and make sure.

AN That would be one concern, but Mr. Zima?

GZ Well, you know I'm not so concerned that somebody does something. We're not sure that getting somebody a cup of coffee (inaudible)

AN Can we get a copy of that?

GZ With all respect, Mr. Chairman, I mean that's something that's generally

AN I'd, I'd like to have a copy

GZ I mean if you're doing your duties like we're doing our duties as alderman

AN Okay, I guess ah

GZ They can't personally attack us if we haven't broken a law. You know, we're not exempt from breaking the law

AN I just want

GZ When everything else is covered.

AN I just want to take a look at that. Can you get a copy for us? That's all. And then Lynn um

LB Our general process for looking would be to look into an issue, so we have a new ah department head in HR and we'll look into the issue and see if anything, that you know, make sure that we have everything (inaudible). I'm not sure that there is but I do, we'll look into it.

GZ Police department (inaudible)

AN If you have something on your mind?

GZ No, no, I just

AN But this, are you talking about this? This job description? The item we're talking about is the job description of the Housing Director/Administrator. Do you have any other concerns?

GZ Well,

AN Go ahead Mr. Zima.

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GZ Well, because it is in the County. The Director has gone out of her way to subvert police ah reviewing ah cases for people who are breaking laws of our Housing Department. And ah, we finally got it straightened out but it passed as a misunderstanding but it was, I, I see patterns of going outside their authority and cause they may have some moral conviction one way or another about your job but

RH May I ask what other pattern?

GZ Well I think you remember at the County when we were talking about the investigations of people on the housing program and the contract with it and there was certain things written into your rules that didn't allow for, ah could not be reviewed by the Police Department, only under your authority. You were gonna screen them first, and ah you didn't want to allow us to screen the records to see if there was violations. You did not want to open your, your records to our police authority to review the history of clients. And, it was subsequently fulfilled, you wrote a letter to us about it and it was straightened out, but I found that those were kind of extraordinary circumstances and this is just another, maybe it's relatively small, ah maybe not, somebody trying to get housing without, going outside of our laws for people, to help somebody for some particular reason. Ah, I don't know what your personal motives were in it. You, you didn't volunteer how it came to you or why you took personal interest to go out and you know. The gentleman told a story to myself and Mr. Nicholson, he's not here or anything, but it seemed quite a bit outside the curve of legal spegal to me.

AN So Guy, you're talking about the job description?

GZ Well, you, your concern which you brought to my attention, I might have taken it a little further, but I thought it was extraordinary that the Director of our program would be going to a tavern that rents rooms and ask someone to allow a person to stay there who was a sex offender and only, only a couple of blocks away from a park, without any real conversation about having to go through proper procedures with that person. It sounded like they were ready to move em in, if you'd take em. I thought it was kind of outside the bounds of our normal procedures and I don't know, maybe you have an explanation of why you took such a personal interest in one particular sex offender who needed housing.

RH (inaudible) I was in the realm of my, my duties . . .

GZ It's never in your duties to go out and actually look for housing for an individual. Have you ever done that before?

RH I wasn't aware of where he could rent and I wanted to (inaudible), so I made a call to this individual ah property owner who could not only (inaudible), but could also provide me knowledge . .

GZ Okay, no further questions

AN Just, Lynn, one thing I do want, with the committee's approval, is basically clean up some of this ah language, ah maybe that paragraph that you highlighted

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where it responds to the public investors, public investors, tenants and ends and ends with the problems. That's pretty vague. I think that's one of the concerns I have.

GZ Well, I, I don't think we have a, we should have anything about a Director getting involved at the absolute lowest level of the department as part of their job description.

AN That's one of my concerns.

GZ I mean

AN Basically, I, and I agree with you, Guy. I don't believe our Director should be, ah I mean that's what we have employees for, don't we? Robyn, don't you have ah staff that actually looks for housing for people?

RH Ah, I have a property manager who manages (inaudible). I haven't seen the best (inaudible)

GZ Does anybody go out and actually look for a house, housing for a particular client? I thought the Housing Authority basically people came and applied. They qualified or not qualified and they went and looked for housing.

RH That's correct

GZ And if they found something that qualified, they brought it in and then you examined it and approved it or disapproved it.

RH That is correct.

GZ Where does it, where does anywhere in the department do they actually go out and look for housing for people?

RH I was not looking for housing for him but very frequently I get calls from people in the community who are looking for housing. They don't know what the Housing Authority does. They see that it might be a good resource to get answers to their problems, so I help walk them through, provide them (inaudible)

GZ So the Director takes inquiries off the street.

RH Yes

GZ There's nobody else between you and?

RH Our receptionists in the Planning Department help with 75% of the calls, but occasionally they don't know either how to help the individual and I have . . .

GZ Then they bring that problem to you?

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RH Correct

GZ Was that the case this time?

RH That, that's not the case.

GZ Well, then I guess tell us what transpired.

AN What was, yes, what was the case this time then?

RH Well, our Property Manager became aware of an individual who needed (inaudible). It was brought to my attention.

GZ What did they bring to your attention?

RH That there was an individual who was a sex offender who needed to move from his current location and was wondering about opportunities or services.

GZ What other opportunities might be available to him? Wouldn't it be the, the appropriate thing that if you're a sex offender you're not eligible for anything in our program here, end of sentence. Why would you be out looking for a place for him to live, or other people that might have that kind of problem?

RH It's part of customer service to help residents of the community.

GZ That's not satisfactory to me. If you think it's satisfactory, I, I think it's bizarre. It's totally outside the purview, we've, we've been told here, out of your own mouth, that sex offenders are not eligible for housing assistance and you're out on company time looking for housing for people who aren't qualified under the program. I find that extraordinary. I think a letter should be put in the file that you were working outside the scope of your (inaudible)

RH I'm sorry?

GZ Who were you helping out here with?

RH Well, I asked (inaudible)

AN We'll get to ya.

RH Ya, that's fine

AN Do you have anymore questions:

GZ No. I said I feel something should be put in the file that she is operating outside the scope of her authority and her job description and I don't think this is grounds for termination or anything like that, but I think it needs to be noted in the file that she has not fulfilled the job duties that she has. The job duties were very clear. You have no help that can come from the Fire Department. That's the end of

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that. You went beyond that and I find that inappropriate, outside your job description, I think there should be something placed in the file regarding inappropriate activity on your part.

AN Anything else, Guy? Alderman DeWane.

TD Obviously you knew you were stepping outside your boundaries, that, knowing he was a sex offender, knowing what we went through with the County. I was there, Rob Strong. You didn't want to open up your records, just to let us know how you were proceeding with stuff, kept a lot of things from us, and yet you openly admit, I mean just blatantly go against our City ordinances, you knew you were doing wrong. I, I guess I need to hear from you, why? What was the purpose of this?

RH I was interested in finding what services might be available for this individual and other individuals in his situation. I wanted to know that information for myself as well as to make an appropriate result.

TD Okay, so in your mind as a Director, as a Director, and I, we pay a lot of money for this position, you felt it was your obligation to go ask a, a landlord whether or not he had a place for a sexual offender openly knowing you were breaking all City rules and ordinances instead of calling maybe the Director, Attorney Wachewicz. Doesn't that seem more logical, like hey I want to find out what the procedures are, what, what we can do in the future for something like this? You wouldn't call our attorneys, you wouldn't call your boss? You would just go out and try and find, cause to me I really believe if you would of opened up that door he'd be there and he would not of said a word

RH (inaudible)

TD Ya, I, that's fine, please

RH I, the first call I made was to the property owner to inquire what his regulations were and then I did later speak to the law department. I believe I sent an e-mail to Attorney Wachewicz and then ah asked Mr. Jim Mueller, so I did speak with the office staff. In hind sight, looking at it now, I suppose I should have been focused on Mr. Mueller first and I apologize for that. Um, I guess occasionally we do things out of order and , , Thank you

AD Okay, Tony, what is the possibility because I was watching her demeanor when they were asking her questions and if this happened before and I am not sure it hasn't happened before and I'm not too sure that ah there's people out there that might not have qualified properly for Housing Authority that are under Housing Authority. I, I just think they're very kind and, and noble people that want to help everybody out and what is our, you know, our obligation to make sure this is run properly. We pay a lot of money. What can we do to make sure, to check these records?

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TW There are a couple things going on here right now I'd like to address. First of all to my knowledge ah this is the first time this has come up. We discussed this um a little bit internally on how to handle this. Um, but second of all, what I want to do is, I want to mention to the committee a couple of things. I am getting a little concerned that we are a little bit off key which is the job description and I get a little uncomfortable when we're talking about someone's ah, this process that's going on right now where you're talking about putting a letter in the file and things of that nature. I don't think it's a good practice to be basically . . .

TD Okay but Tony, excuse me

TW I just wanted you to hear this just to be advised

AN Tony, can you just answer the question and we'll come back to you, okay, just answer Mr. DeWane's question, then you'll have the floor right after.

TW I think I did in the beginning. I said this hasn't happened before.

AN Did he answer your question?

TW I just want to say to the committee that . . .

AN Just a minute . . .

GZ We haven't had this situation before? Is that what you're saying?

AN Did he answer, Tom, did he answer your question?

TD Apparently. To his knowledge it has not happened before and that was my question.

AN Okay, Tony, you have the floor.

TW We have a situation where we're going through a process that really should be handled administratively and internally when we are having discussions about employees which really is getting a little bit off the topic of the agenda item here and I am concerned and would like the committee to be aware of that and think it should be handled more administratively and internally. There are a lot of factual details that go into this and it seems like there is some miscommunication or some differences on what actually factually occurred here which is kind of the point of having an administrative or internal type of (inaudible) or preferred situation, and then with respect to the actual question or other question, Mr. DeWane, or Alderman DeWane as to what can we do, I think that we need to look at some sort of a policy. Revising the job description is not necessarily a legislative type of decision or action, but really needs to be more geared towards some sort of a policy towards this issue of housing as presented. So, I think that's the way that you can get. kind of get at here and what that actually entails, I guess is something that can be shaped, fashioned, and figured out, ah but I

don't know that I would say that revising the job description is probably not the best way to do that.

TD Okay, Tony, okay to get my question answered, would I need to put in another communication on what we can do to do a background check, say go back 3 or 4 years to find out whether Housing Authority has any other violations.

TW Well, that would probably be the most appropriate way to do that.

TD Okay

TW Um, again, to my knowledge that hasn't happened, I think this is a rare circumstance that came up and there is a screening process, a background check process that occurs when people go through the application process to become part of the Housing Authority program.

TD Okay, if I put in a communication in, legally can we have that done?

TW Sure

TD Because, I know when we went through the County they wouldn't open up their books for nothin.

TW Well, I think we can look at that and can report back to you

TD Thank you.

AN Any other questions, Tom?

TD No

AN Do you have anything, Guy?

GZ Well Mr. Chairman, I don't think the job description needs ah changing, ah any reasonable person if he was outside the job description and was done on company time ah, very questionable, was totally outside the authority of the Housing Director or any employee of the Housing Authority for that matter, and of course, this was something done on private time and something they wanted to do to help some person and they instructed em properly how to go about doing things out of mercy or something like that, well that's fine, there's all kinds of good works in life, but ah, I find this troubling, find this troubling.

AN Then make a motion then, Mr. Zima

GZ Well, I, I'm concerned with what Mr. Wachewicz said that perhaps this agenda item here today, and perhaps we should refine the communication asking our staff to investigate this particular activity that occurred, to talk to the parties who are involved and then come back with a recommendation to us what, if any,

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action would be taken. So, I, I think that probably that, does that take a separate communication or can we make a motion to that effect?

AN You can refer anything to ah, HR, cause . . .

GZ Well, we're talking about a specific problem, I mean it came up, the activity, when Mr. Nicholson, I guess looked at this job description and thought what, is this part of the duties, and of course it's not, in fact, it is totally outside the duties. We're not, we're not in the business of providing any assistance to sex offenders cause there's no assistance to be had and yet, on company time, we're having some freely admit that's what they're doing.

AN Okay. Um, Lynn, do you know what Mr. Zima's looking for?

LB Refer to HR for review and investigation

AN Guy?

GZ I, I'm satisfied with that. Is that within our purvue ah, Mr. Wachewicz?

TW I don't really see how it's germane to the agenda item. I guess . . .

GZ Separate communication?

TW Separate, I guess . . .

GZ Would you just prepare a communication for, for Mr. Nicholson to that effect and let him ah, let him sign it. We'll handle it ah that way. I think that's the best way to handle it that way

LB Sure. Mr. Wachewicz and I will get together. Okay.

AN Do you have anymore questions?

GZ No, I think we've ah exhausted the subject.

AN Director Flom?

KF I, I know that, thank you to the committee, I know that for the benefit of the audience and for the separation that Robyn was not looking to place this person in Housing Authority property or place them in any specific property. She is the Director of the Housing Authority, manages Brown County and Green Bay Housing Authority property and vouchers and because of that we do get a lot of calls from a lot of different people looking for resources. So, we do try to provide resources if we have them but we do not place people. The call to this particular landlord was a cursory step in building that resource base. Ah, I don't think there was any intent to place someone here outside of any City ordinance, local code or laws.

- AN Tom DeWane, do you have a question?
- TD Ya, I just got to ask you, you're saying she wasn't trying to do anything, she was trying to find out answers, I mean clearly our ordinance and our City policies,
- GZ Especially for sexual offenders
- TD Ya, especially for sexual offenders, everything just said, doesn't make sense.
- KF Well, I, we will certainly look at that issue. I'm trying to just say in terms of the job description and separation there is the work where we do take the application for and review them for Housing Authority property, but we do field a lot of calls from people looking for resources, ah, not just sex offenders, anyone looking to find a home in Green Bay.
- TD I understand that Ms. Flom, I understand that, but as a Director, no we've all received those kinds of calls and the first thing I do is refer them to our attorneys.
- GZ Or our Planning Directors
- TD Or a Planning Director. We don't, we don't try to make phone calls to see if we can find em housing, which was done here. You can say what you want, they were trying to find this individual housing, pure and simple. What you don't do, is go out of your, I mean, I understand you're trying to defend this somehow but to me it is
- GZ Is indefensible
- TD Ya, makes it worse because you're telling us well, it's okay, when it's clearly not okay. It's, step one should have never taken place. We have three good attorneys that are very busy, I understand that, and now we have the third one back on. Anyone could have answered this question in four seconds. As fast as it got out of her mouth, they could have told her what to do, and that clearly, clearly didn't happen here.
- AN Tom do you have ah anymore questions? Guy do you have anymore questions?
- GZ No, I have none.
- AN So, Lynn, what is the motion we're looking for here?
- GZ I think we have to have a separate communication
- LB To receive and place on file and then we will prepare ah, ah
- GZ That was my motion
- TD Second

June 3, 2014

#5 agenda item

AN Will Lynn read it please for the record?

TD Receive and place on file.

AN No, no, no, just one second please

LB Well, I think to receive and place on file and then we will prepare, will prepare in conjunction with the City Attorney a communication for Ald. Nicholson to . .

GZ You are going to investigate the incident and give us your recommendations. This is not a motion from the committee here. This is something separate, a separate communication. It will be referred to your office, that's all. This is privately done.

AN Okay, so, what I'm looking for, Lynn what I'm looking for on this issue with the job description, I want it cleaned up. Tony recommended a policy. Tony, is that?

TW Yup

AN Okay, so I want to refer this back with a policy that comes back to this committee that cleans some of this language up so it's a little more specific than just problems. I mean problems you can go from A to triple Z and I'm not going to get into a discussion about that but you know what I mean. So, Mr. Zima that's what I'm looking for.

GZ Well, really Andy, problems are within the scope of the authority of the Housing Authority. This is outside that, is totally outside it. I, I would like to have them review the job description and come with any recommendations if they . . .

AN No, this is going to be my recommendation, to refer back to HR to come back to this committee, this is my motion, to have this language cleaned up.

TD Well, I'll second it for discussion. Let's go. It doesn't matter anyway

AN Okay. All in favor?

TD Aye

GZ Aye

AN Nays. MOTION CARRIED

AN What I'm looking for is to where it ends the problems. Okay, thank you, thank you very much. Okay, #6.

Transcribed by:

Rae Knippel

Word Works Transcription

06/11/14

6. Request to revise Chapter 9, Section 9.2.5 of the City's Personnel Policy, Overtime, to include paid holiday, vacation, personal leave, and comp time hours as actual time worked for the purposes of determining eligibility for overtime to be effective at the beginning of the next pay period following approval by City Council. (Referred back to Committee from Council)

Director Boland explained this item went before the Council in March and was referred back to the committee. Prior to March 2011, all paid time counted towards the calculation of overtime, which included holiday, sick leave, vacation, comp and funeral leave as time worked for overtime purposes. The current policy is consistent with the Fair Labor Standards Act (FLSA) which states overtime will be paid for all hours actually worked in excess of 40-hours per week. If an employee takes vacation, sick leave, holiday, etc., those days do not count towards the 40-hours per week for the purposes of determining eligibility for overtime. Director Boland reviewed the comparison charts on overtime costs and percentages for general municipal employees, which showed overtime costs decreased from \$646,768 in 2009 to \$421,061 in 2013. Also included in the packet is a comparison of the actual DPW overtime costs between 11/3/13 and 2/08/14 and what those costs would be under the proposed calculation. The proposed calculation would have increased costs by \$15,726 or 9.9%. When employees work overtime on a holiday, they are paid double time, so during weeks that include holidays, there would be a greater increase in cost under the proposed calculation. Ald. Zima asked for confirmation that the current policy in effect is that leave time does not count towards the calculation of overtime and former Ald. Kocha asked that leave time be counted towards the calculation of overtime. Director Boland explained the Personnel Committee recommended that leave time be counted towards the calculation of overtime on a 2-1 vote, it went before Council and was referred back to committee.

Ald. DeWane said when employees are on a holiday, vacation or personal leave and a storm occurs, the employee has to come in at straight time. In the past this was negotiated, and then Act 10 came along and things changed. Ald. DeWane feels it's important to let employees know they are appreciated for their hard work.

A motion to approve the request to revise Chapter 9, Section 9.2.5 of the City's Personnel Policy, Overtime, to include paid holiday, vacation, personal leave and comp time hours as actual time worked for the purposes of determining eligibility for overtime to be effective at the beginning of the next pay period following approval by City Council was made by Ald. DeWane, seconded by Ald. Zima for discussion.

Ald. Zima understands there are emergencies that occur and employees are called-in when they are on vacation or some other type of paid leave. Ald. Zima agrees that paid leave time should be counted towards the 40-hours worked for emergency call-ins. But, if an employee takes a day off and then later in the week works two hours extra one day, it should not count towards the 40-hours worked.

Reed Lewis, Green Bay Housing Authority  
Steve Lardinois, Public Works Department  
Eileen Clark, Public Works Department

Ald. Nennig indicated in talking with former Ald. Kocha, this was an issue of fairness to the employees and feels employees should be compensated for being called-in to work outside of normal work hours. Ald. Moore's concern is in regard to taking personal time off on a Friday and then receiving overtime on the personal time. Director Grenier addressed the difficulty of staffing during snow emergency operations and not knowing when overtime issues might arise. Director Boland indicated that not including personal leave time would need to be reviewed with payroll for processing issues.

A motion to return to regular order of business was made by Ald. DeWane, seconded by Ald. Zima. Motion carried 3-0.

Ald. DeWane stated the employees of the City, both management and laborers, work extremely hard, and should be compensated fairly. This would also be a morale booster for employees in all departments. Ald. DeWane stated this should be passed tonight and brought before City Council.

Ald. Zima asked how the current policy came about. Director Boland stated the change occurred during negotiations of the contracts in 2011, just prior to implementation of Act. 10. The personnel policy was also changed to the current language. When the contracts expired in December 2013, employees fell under the language in the personnel policy, which is the same language as the contracts. Ald. Zima supports the policy change. Director Boland noted the proposed policy change does not include sick leave. Ald. Zima asked for clarification on Ald. Moore's concern. Ald. Moore explained his concern is if an employee worked four 9-hour days and then took a personal day on Friday, the employee would receive 4-hours of overtime on the personal leave time.

Motion carried 3-0.

7. Recommendation to revise Chapter 8, Section 8.3.2 of the City's Personnel Policy, Compensation, to require a written performance review and recommendation by the Department Head or designee for advancement through the appropriate pay grade of the Administrative Salary Schedule, in response to Ald. Moore's request.

Ald. Moore stated this issue has been discussed since budget time and originally was in regards to the automatic 2% general salary increases for employees who had been employed for less than six months. Ald. Moore explained he changed his request to address the automatic pay increases that are built in the salary schedule. This policy change would require a performance review prior to receiving the automatic pay increase. Director Boland noted this change would apply to each step of the salary schedule.

Paid leave time should count towards the calculation of overtime only when an employee is called-in to work.

Ald. Nicholson inquired how many employees would be affected by a policy change. Director Boland replied it would apply to all non-exempt employees; or approximately 300-350 employees excluding public safety employees since they already have this provision in their contracts. Ald. Nicholson asked for an example of an emergency that would affect Parks. Director Boland replied forestry workers may be called-in following a bad storm for downed trees. Parks Director Cramer added employees may be called-in for storm damage, snow removal or vandalism to buildings that need to be secured. Ald. Nicholson asked what type of emergencies DPW employees are called-in to handle. Director Boland replied snow operations, sewer back-ups, accident clean-up, signing and barricading. Ald. Nicholson asked how many emergency call-ins occurred at DPW last year. Public Works Director Grenier replied there were 36 or 37 snow operations during the past year, which is high.

Ald. Zima asked if the approximate financial impact had been calculated for changing this policy. Director Boland stated it's difficult to calculate, but based on last year's data, it would add an additional ten percent to the overtime costs.

Ald. Zima stated he was speaking about the difference between calling employees in and employees working longer one day during the week because of vacation or a holiday. Director Grenier stated it's virtually impossible to determine without reviewing each pay stub for each employee. The overtime numbers are the total overtime expenditures; that includes individuals who worked 40-hours during the week and then worked additional hours and had no previous scheduled time off. To determine the overtime costs for emergency call-ins only, the data Director Boland provided would have to be evaluated even further because, if an employee is off work on paid time-off and they are called-in into work, the paid time-off ceased and was credited back to the employee. The employee was then on the books as working, so the hours counted towards the 40-hours worked at straight time. Ald. Zima stated if that is the case, then there is no need to change the policy. A question arose as to whether paid leave time is credited back to the employee if the employee is called-in to work. It was determined it depends on the situation if the leave time is credited back.

A motion to open the floor to interested parties was made by Ald. DeWane, seconded by Ald. Zima. Motion carried 3-0.

The following employees spoke in favor of changing the overtime policy. Topics discussed included emergency call-in during holiday weeks, vacation leave not counted towards the 40-hours worked, call-in policy, and fairness to employees.

Kevin McNamara, Public Works Department  
Paula Whiting, Public Works Department  
Jodi Belongea, Public Works Department  
Jeff Curnett, Public Works Department

Ald. Nicholson asked who approves the administrative pay increases. Director Boland stated the general increases to administrative salary schedule are approved by the City Council. The administrative salary schedule is a 4-step system and new employees are placed at a step when hired depending on qualifications. New employees are eligible for increases until the employee reaches the maximum of the schedule. Once an employee reaches the maximum of the schedule they are only eligible for general increases. Director Boland stated under this proposal a new employee would be eligible for the step increase but would not automatically advance to the next step with a favorable recommendation from the supervisor and department head. Discussion continued on the probationary period and how employees advance through the steps.

A motion to approve revisions to Chapter 8, Section 8.3.2 of the City's Personnel Policy, Compensation, to require a written performance review and recommendation by the Department Head or designee for advancement through the appropriate pay grade of the Administrative Salary Schedule was made by Ald. Zima, and seconded by Ald. DeWane. Motion carried 3-0.

8. In accordance with Wisconsin Statute 66.0502, repeal of Chapter 5 of the City's Personnel Policy and Ordinance 1.80 of City Code (Am.GO 47-01) regarding City Employee Residency Requirement.

Director Boland stated the current City policy has a residency requirement for department heads. Effective July 1, 2013, a statute was passed that prohibits the City from requiring any employee or prospective employee, as a condition of employment to reside within any jurisdictional limit. The statute does provide that a local governmental unit may impose a requirement on law enforcement, fire or emergency personnel to reside within 15-miles of its jurisdictional boundaries. Director Boland is recommending repeal of the current City residency policy.

Ald. DeWane spoke with the League of Municipalities on two occasions, and legally the City cannot do anything about the statute. This change would be in accordance with State Statute.

A motion to repeal Chapter 5 of the City's Personnel Policy and Ordinance 1.80 of City Code (Am.GO 47-01) regarding City Employee Residency Requirement, in accordance with Wisconsin Statute 66.0502 was made by Ald. DeWane. Motion denied due to lack of second.

9. Report by the Police Chief on revenue dollars generated by Municipal Court traffic citations for the last three years.

Chief Molitor presented a report to the committee. Judge Hanson indicated the average traffic ticket is \$124; the City receives \$83 of that amount, so if you lose 1,000 tickets the City loses \$83,000. Chief Molitor continued review of the report. Ald. Nicholson stated in 2013 there were just over 8,600 citations, which is

considerably less than previous years. This is due to not having a dedicated traffic unit. Chief Molitor agreed there has been a downturn in citations.

Because the original request was not brought back to committee, the committee is unable to take any action on this item. Ald. DeWane moved to hold this for two weeks and bring back the original request that was submitted by Ald. Nicholson.

Ald. Nicholson stated there is no traffic enforcement presence on the streets. For example, in years past you could always count on the police department being on Ashland Ave, but there hasn't been a squad or motorcycle there in the past year. Ald. Nicholson believes there should be a traffic enforcement unit. Chief Molitor stated that four officers have been assigned traffic duties during their normal shift. Recently, it was discovered they were only working about 55% of the time on traffic enforcement as they were being pulled off for service calls. Chief Molitor agreed the traffic enforcement needs some attention. Enforcement is writing citations, educating the public, writing written warnings; it's taken some form of action to affect the problem. As citations are going down, the number of warnings is rising. Chief Molitor would like to have a dedicated traffic unit, but the language in the contract needs to be reworked and that has to be negotiated. In the meantime, officers have been assigned on shift to write citations.

Discussion continued on the number of citations issued, revenue dollars collected and assignment of traffic duties. Ald. Zima asked Chief Molitor to prepare a report on the size of the police department over the years.

A motion to open the floor for interested parties was made by Ald. DeWane, and seconded by Ald. Zima. Motion carried 3-0.

David Boyce stated as a former biker, there is nothing more reassuring that seeing a motorcycle patrolling through the neighborhoods. It's a very visible sign of police department presence.

A motion to return to the regular business was made by Ald. DeWane, and seconded by Ald. Zima. Motion carried 3-0.

A motion to receive and place on file the report by the Police Chief on the revenue dollars generated by Municipal Court traffic citations and bring back the original request by Ald. Nicholson at the next Personnel Committee meeting was made by Ald. DeWane, seconded by Ald. Zima. Motion carried 3-0.

10. Request by Ald. DeWane, to discuss with possible action, hiring an outside consultant to study the Green Bay Police Department organization and discuss any cost savings the consultant may bring forward at a later committee meeting.

A motion to hold the request until the next Personnel Committee meeting regarding hiring an outside consultant to study the Green Bay Police Department organization was made by Ald. DeWane, seconded by Ald. Zima. Motion carried 3-0.

11. Report of moving expense reimbursement for the Community Services Director.

A motion to receive and place on file the report of moving expense reimbursement for the Community Services Director was made by Ald. DeWane and seconded by Ald. Nicholson for discussion.

Director Boland explained in accordance with Personnel Policy, the HR Director has the authority to authorize moving expenses for a department head not to exceed \$10,000. In recruiting and bringing Ms. Flom into the City, and working through the Purchasing Manager, Ms. Flom was asked to provide 3-quotes regarding moving expenses. The lowest bid was selected in the amount of \$7,759.11. The policy requires a report to the Personnel Committee. Ald. Zima asked Director Boland if she was authorized to approve this. Director Boland stated the Council changed the policy and authorized the HR Director to be able to negotiate up to \$10,000 in moving expenses to a department head and report back to the committee.

Motion carried 3-0.

12. Report of Routine Personnel Actions for regular employees.

A motion to receive and place on file the report of Routine Personnel Actions for regular employees was made by Ald. Zima, seconded by Ald. DeWane, motion carried 3-0.

13. Labor negotiations.

- a. Request by Human Resources Director to approve the 2014 Agreement with the International Brotherhood of Electrical Workers, Local No. 158 with a 2% general salary increase effective with the start of the pay period in which October 1, 2014 occurs.

Director Boland stated the attached agreement is for the electrical workers, who have recertified as a bargaining unit. This agreement is similar to the agreements passed for the Parks Association and the DPW Association. The agreement was shared with the IBEW Business Manager and he indicated they already ratified the agreement.

A motion to approve the 2014 Agreement with the IBEW, Local No. 158 with a 2% general salary increase effective with the start of the pay period in which October 1, 2013 occurs was made by Ald. Zima, seconded by Ald. DeWane. Motion carried 3-0.

- b. Update and discussion regarding labor negotiations.

A motion to convene in closed session for item 13b was made by Ald. Zima, seconded by Ald. DeWane. Ald. Zima read the closed session language. Motion carried on roll call vote.

Reporting out of closed session, a motion to hold the update and discussion regarding labor negotiations until the next Personnel Committee meeting was made by Ald. DeWane, and seconded by Ald. Zima. Motion carried 3-0.

There being no further business, a motion to adjourn was made by Ald. Zima and seconded by Ald. DeWane at 7:30 p.m. Motion carried 3-0.

Respectfully submitted,  
Peggy Barden  
Recording Secretary