

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.

A verbatim transcription of this item is being prepared and will replace this summary upon its completion.

Ald. Nicholson asked Robyn Hallet to review the job duties of the Housing Administrator. Ms. Hallet stated as Housing Administrator, she oversees both Brown County and Green Bay Housing Authorities, which includes oversight of

the management of the City's public housing properties, and Brown County's housing choice voucher program which is administered by Integrated Community Solutions (ICS). Ald. Nicholson noted the job description includes authority to assist individuals with housing and asked if this includes sexual offenders. Ms. Hallet replied the federal housing program prohibits admission of sexual offenders into subsidized housing. Ald. Nicholson inquired about the process when individuals apply for subsidized housing. Ms. Hallet stated when individuals complete an application a criminal background history and sexual registry history verification are completed. It's known immediately if the individual is listed in the sex offender registry. The application form also notes that sexual offenders do not qualify for subsidized housing, so those individuals usually screen themselves out. Ald. Nicholson asked if Ms. Hallet had ever been engaged in trying to find housing for sexual offenders within the City limits. Ms. Hallet replied typically, no. Ald. Nicholson asked if Ms. Hallet had ever engaged in trying to find housing for individuals in the City limits, knowing they were sexual offenders. Ms. Hallet responded there was one situation, which was not through the GBHA or BCHA programs, but rather seeking information as to what other programs might be available to them. Specifically low rent housing that was not subsidized, but would be low cost and affordable. Ald. Nicholson inquired if Ms. Hallet was aware of the ordinance that prohibits sexual offenders from living in the City without having an appeal process. Ms. Hallet was aware of the process for individuals whose sexual offense involved a child. Ald. Nicholson stated the ordinance applies to all sexual offenders.

Ald. Nicholson inquired if the City could be held liable if an employee helped find housing for a sexual offender who then committed a crime. Atty. Wachewicz said no, there are governmental discretionary immunities that would protect the City under State statute. Discussion continued on City employees helping sexual offenders find housing within the City. Ms. Hallet indicated in this case the gentleman needed to move from his current location and she helped look at what options might be available to him. Ms. Hallet did not place the individual. Ald. Nicholson inquired if a landlord would be notified if the individual was a felon. Ms. Hallet indicated landlords would not generally be notified, but in this case, the landlord was informed the individual was a sexual offender. Ald. Nicholson and Ald. Zima felt that looking for housing for individuals is not part of the Housing Administrator job duties. Ms. Hallet indicated she does not help individuals find housing but rather provides individuals with resources to look for housing.

Ald. DeWane inquired if this type of situation has happened before. Atty. Wachewicz stated not to his knowledge and cautioned the committee about discussing employee issues that should be handled administratively. Atty. Wachewicz suggested the committee look at some type of policy geared toward the issue that was presented. Revising the job description is not the best way to solve the issue. Ald. DeWane asked if putting in another communication to see if the Housing Authority has had any other violations in the last 3-4 years would be the best way to get his question answered. Atty. Wachewicz agreed that would be appropriate. Atty. Wachewicz stated to his knowledge this was a rare

circumstance. There is a background screening process that individuals go through for the application process to become part of the housing authority program. Ald. Zima doesn't see a need to revise the job description. The activity was outside the job description, was done on company time, was questionable, and was totally outside the authority of any employee of the housing authority. The City is not in the business of providing any assistance to sex offenders.

The committee asked Director Boland to prepare a communication for Ald. Nicholson's signature to review and investigate the housing authority process.

Director Flom stated Ms. Hallet was not looking to place this person in Housing Authority property or place them in any specific property. Ms. Hallet is the Director of the Housing Authority which manages Brown County and Green Bay Housing Authority property and vouchers. Because of that, the department gets a number of calls from different people looking for resources. The department tries to provide resources where available, but does not place people. The call to this particular landlord was a cursory step in building that resource base. There was no intent to place someone here outside of any City ordinance, local code or law. Ald. DeWane stated what was done could have been avoided by contacting the City Attorney's office prior to offering assistance.

Human Resources and the City Attorney will prepare a communication for Ald. Nicholson to refer this issue to Human Resources to investigate the incident and provide a recommendation.

A motion to refer to Human Resources to review and revise language in the Housing Administrator job description was made by Ald. Nicholson, and seconded by Ald. DeWane. Motion carried 3-0.

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. 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
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.

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 approve 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