

MINUTES
PERSONNEL COMMITTEE

Monday, February 22, 2016
City Hall, Room 310
5:35 p.m.

Members Present: Ald. Andy Nicholson, Ald. Tom Sladek, Ald. Guy Zima, Ald. Tom DeWane

Others Present: Ald. David Nennig, Ald. Jerry Wiezbiskie, Lynn Boland, Steve Grenier, Patty Kiewiz, Andrew Smith, Melanie Falk and others

1. Roll Call.

2. Adoption of the Agenda.

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

3. Approval of the minutes from the January 25, 2016 meeting.

A motion to approve the minutes from the January 25, 2016 meeting was made by Ald. Sladek seconded by Ald. Zima. Motion carried unanimously.

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

- a. Senior Property Manager – Community Services
- b. Street Laborer – Public Works
- c. Clerk III – Clerk's Office

A motion to approve 4a, b and c was made by Ald. DeWane and seconded by Ald. Sladek. Motion carried unanimously.

5. Requests to approve out-of-state travel.

- a. Public Works – 2 mechanics to train on commercial and construction equipment tire selection, usage, maintenance and repair in Bloomington, IL, March 21-23, 2016, maximum cost of \$150 for meals if not covered by the vendor.

A motion to approve the request as presented was made by Ald. DeWane and seconded by Ald. Sladek.

Under discussion, Ald. Zima asked whether this was included in the budget. Director Boland stated this request was not included in the budget; however the vendor is paying for all travel and hotel costs. The only cost may be for meals. Ald. Zima inquired why the vendor is covering these costs. Director Grenier stated the

vendor is Bridgestone Tire, a large manufacturer of commercial tires, and they offered to bring Public Works staff in to talk about tire construction, selection of proper tires for the right application, proper methods for mounting, tire maintenance and recapping to help extend the life of the tires utilized in our fleet. Most of the department's heavy equipment tires cost \$3,000 to \$4,000 each so investing in this kind of training and education will pay for itself in a very short period of time. The vendor reached out to the City and offered the training. Bridgestone Tire will pay for the travel, lodging and training. The maximum expenditure will be approximately \$150 if the vendor does not cover the cost of meals. Ald. Zima inquired if this obligates the City to this vendor. Director Grenier replied it does not; all purchases of this nature go through a competitive quote process. Ald. Zima asked why the vendor is being so generous. Director Grenier stated the vendor is as interested as the City in making sure the right tire for the right application is selected. Vendors bring prospective buyers in and educate them in order to help companies make appropriate purchasing decisions.

Motion carried unanimously.

- b. Police – Lt. Gering and Lt. Allen to conduct background investigation on a police officer applicant in Houston, TX, February 24-27, 2016, estimated total cost \$1,262.

Ald. Zima inquired if backgrounds checks have to be done in person. Chief Smith stated this candidate has traveled to Green Bay on three separate occasions to conduct the initial background. This is part of the final investigation before an offer of employment can be made. The lieutenants will talk to his current and previous employers, co-workers and neighbors. The department feels more accurate information can be gathered by talking to these individuals in person rather than by phone. It's not common to travel this distance to conduct background checks, but this is part of the standard investigation process for all patrol officer candidates. This candidate has relatives who live in Green Bay and he served in the military with one of the GBPD officers. Chief Smith noted this candidate is at the top of the current eligibility list.

Chief Smith explained when officers visit a neighborhood in person, they find out information they wouldn't normally get in a background check. It may be a dispute with a neighbor, observed behavior such as in a domestic incident or loss of temper or inability to get along with people. They meet with co-workers, not just co-workers the candidate provides, but others he may not have gotten along with in order to get a better idea of the candidate. The police department is taking a chance if a thorough background check is not completed.

Ald. Zima stated this is the first time seeing a request like this during his forty years on the council. It's highly unusual.

Chief Smith indicated the department didn't have any connections in the Houston area but did consider hiring a private investigator to conduct the background

investigation. The department feels it's best to conduct these interviews whenever possible

Ald. Zima questioned why the department can't figure out if a good choice was made during the employee's one year probationary period and suggested taking a chance on hiring the individual. Traveling to Texas seems extraordinary.

Chief Smith agreed traveling that far is extraordinary. The idea is to get the best picture of this individual before the City takes a chance on hiring him. The saying goes if you do a little bit of prevention at the beginning to make sure the right person is hired you don't have to worry about the liability for 20 or 30 years in case the individual happens to make his way off of probation.

Ald. Sladek stated he spoke with the President of the Police and Fire Commission and was surprised to find out how thorough background checks are for patrol officers. The implications of having the wrong person in that job can be very serious. This is the standard background investigation done on all officer candidates and we should uphold the standard the Police and Fire Commission has established. Ald. Sladek doesn't feel the City should hire or walk away from this candidate without completing a thorough background check and supports the request.

Ald. DeWane inquired what the cost would be for sending one officer to conduct the background investigation. Chief Smith indicated the net savings would be approximately \$300. The savings would come from airfare and per diem. The benefit of having two officers conduct the investigation is twofold. Number one is the safety issue. The officers will be dressed in plain clothes but in neighborhoods they are not familiar with. The second is when officers are conducting an interview its always best to have one person conduct the interview and the second person watch for the verbal clues, watch for body language and try and pick up things the person conducting the interview might miss. When doing a homicide investigation it's always better to have two people as opposed to one because they can pick up different clues, different tells that this person may be less than honest and then they can follow up and ask those questions. Two people is always better with officer safety being number one. The cost of sending two people versus one is not that great.

Ald. DeWane moved to open the floor to interested parties. The motion was seconded by Ald. Zima. Motion carried unanimously.

Barbara Dorff, Police and Fire Commissioner. Ms. Dorff stated the Police and Fire Commission spends an incredible amount of time interviewing candidates and rating their backgrounds. Every candidate is scrutinized. Sometimes a candidate will do fabulous in the interview process and score high points and then something comes up in the background check. Ms. Dorff met and interviewed this candidate and is very impressed. The hope is he can become part of the Green Bay Police Department. It is very important to complete the final background investigation.

The City has a high standard for all officers and we want to keep that bar high. Ms. Dorff advocates approval of this request.

A motion to close the floor was made by Ald. DeWane and seconded by Ald. Sladek. Motion carried unanimously.

Ald. Nennig remembers a couple of times when the investigative team went out of state to conduct the background checks. It appears to be money well spent. Ald. Nennig stated he supports this request and noted the Police Department has a budget for investigating candidates.

Ald. Zima is uncomfortable with this request. Chief Smith stated all information gather to date on this candidate has been positive, but the department needs to complete the investigation. Ald. Zima inquired if the officers would be paid overtime. Chief Smith replied the officers will use as little overtime as possible. The officers will be paid for an 8-hour shift and if they work overtime, they will earn comp time, but won't be paid around the clock. Their off work hours will be free time.

A motion to deny the request for out-of-state travel was made by Ald. Zima and seconded by Ald. Nicholson.

Ald. DeWane stated this is the standard background check for all our patrol officers; the only difference is this potential candidate lives in Texas.

Ald. Sladek stated the only reason this discussion is taking place is because it involves travel outside the state line. This is the execution of the background check the Police and Fire Commission applies to every candidate to be a law enforcement officer. There should be high standards for these officers. The PFC President indicated that background checks have provided reason to walk away from potential hires in the past. This is a position where there has to be very high standards when it comes to checking out the backgrounds of the candidates. If the committee denies the request for out-of-state travel, my recommendation to the PFC would be to walk away from the candidate rather than lower the standards set by the commission. Ald. Sladek stated this is the price of doing business for out-of-state candidates and this request should be approved.

Ald. Nicholson stated he spoke with Chief Smith by phone and discussed the two reasons he disagrees with this request. The first, from personal experience when he was hired by LAPD in 1990. Ald. Nicholson stated he traveled to Los Angeles and a background check was not completed. All contact was made by letter or phone to neighbors, superiors, bosses, employers, etc. The same process was used for departments in Kansas City, Mo., the State of Wisconsin and Outagamie County Sheriff's Department. Ald. Nicholson asked Chief Smith if someone came to his neighborhood when he was hired in 1988. Chief Smith indicated someone went to his neighborhood, but he was living in San Diego at the time. Ald. Nicholson stated he had report papers from the academy, and the agencies

accepted everything over the phone and by mail. The second issue is why two lieutenants? Why not the individuals that were doing the background checks in that division. Ald. Nicholson understood from the Chief the other individuals did not want to go, but doesn't understand after being in 4-different police departments how can you tell your boss you don't want to do your job. Those officers chose to be a police officer and they know the advantages and disadvantages of what being a police officer entails; the long hours, different shifts, dangerous episodes that could happen, the boredom. When an officer volunteers for a division, they know what they are getting into because they are experienced officers. Ald. Nicholson doesn't understand why the department is sending 2-lieutenants when there are two people in the division that are doing the backgrounds instead of sending the two lieutenants.

Chief Smith stated the decision to send the two lieutenants occurred before he was hired. Ald. Nicholson stated for the record this decision came from Chief Lewis not Chief Smith.

Chief Smith stated the decision was made to send officers that were willing to go in order to get a thorough investigation. It's also been suggested the other officers would have requested overtime for the entire time period. Chief Smith stated the lieutenants' plan on working their standard 8-hour day and if they go over 8-hours while doing the investigation they will request compensatory time off. The Chief went on to say he has a little bit of a problem with police officers conducting background investigations on police officers. It's fine to have police officers conduct background checks on the civilian employees, but it's less than ideal to have a police officer do an investigation on a police officer they will be co-workers with down the road. When doing a background investigation, the officers come across a lot of information about the person, their family and their background. This information should be kept with the supervisor and not be the subject of locker room discussion. Chief Smith would like to think supervisors are held to a higher standard and not share that information with the rank and file officers.

Ald. Nicholson stated his background checks were done by patrol officers that were in the division of personnel, not by lieutenants or captains.

Ald. Zima stated he could live with this if it was a one-time exception, and asked if the department had other candidates. Chief Smith indicated there is a list of several hundred individuals in different stages of the process. There are approximately 12 candidates on the final list. The department has 4-5 positions open. Ald. Zima suggested hiring a candidate closer to home, rather than setting a precedent of nationwide searches. If the background check has been done to the normal extent and the department has confidence in the candidate, then just take the chance and hire the individual. Ald. Zima noted this is a last minute request and questioned if the Council would get a chance to approve it.

Director Boland stated she became aware of the request last Thursday and spoke with Ald. Nicholson on Friday regarding this request.

Ald. DeWane asked Ald. Zima to approve this request in good faith. The dollar amount is pennies compared to other request the Council approves. Ald. DeWane asked Chief Smith if he could put together a procedure for future travel requests.

Ald. Nicholson stated it's not the dollar amount but rather the procedure and how it was handled. There are very professional officers in the personnel division and they should be relied upon. Ald. Nicholson won't support this request.

Discussion continued on when Council would be able to approve this request. Emergency authorization may be obtained from the Mayor, President of the Council and Personnel Committee Chair.

Ald. Zima asked the Chief how important this request is to him. Chief Smith stated it's very important to hire top quality people in this position and he wouldn't feel comfortable hiring this individual without the background check. Based on what is known about this candidate, he would make a fine officer if he can pass this part of the background. Ald. Zima asked if the money has been spent for the tickets. Chief Smith believes the tickets have been purchased and is not sure if the tickets are refundable.

Chief Smith stated this has been a very valuable lesson for him and he will come up with a procedure to notify the committee properly and in advance before any travel of this nature takes place in the future. The notice will also be done prior to any council meetings.

Ald. Zima withdrew his motion.

A motion to deny the request was made by Ald. Nicholson. The motion failed due to lack of a second.

A motion to approve the request as presented was made by Ald. DeWane and seconded by Ald. Sladek.

Ald. Sladek stated perhaps the follow-up discussion should be between the Chief and the Police and Fire Commission rather than with the Personnel Committee. The PFC has set the standard for the level of background checking they do and the hiring is their responsibility. If the Personnel Committee tells the PFC that under no circumstances will out of state travel be approved, then they may as well dismiss any applications from out of state. There is another body that has responsibilities to do the hiring and that body has certain standards the Personnel Committee needs to support.

Motion carried 3-1 with Ald. Nicholson voting no.

6. 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. Sladek and seconded by Ald. Zima. Motion carried unanimously.

Ald. DeWane was excused from the meeting.

7. Update and discussion on labor negotiations.

A motion to convene in closed session was made by Ald. Sladek and the closed session language read. Roll call vote taken 3-0

Reporting out of closed session, a motion to direct staff to proceed as discussed in closed session was made by Ald. Sladek and seconded by Ald. Zima. Motion carried 3-0.

There being no further business, a motion to adjourn was made by Ald. Sladek and seconded by Ald. Zima at 6:40 p.m. Motion carried 3-0.

Respectfully submitted,
Peggy Barden
Recording Secretary