



MINUTES OF THE PERSONNEL COMMITTEE

TUESDAY, MAY 8, 2018, 4:30 PM

CITY HALL, ROOM 207

Immediately following Finance which begins at 4:30 p.m.

A. ROLL CALL.

1. Members: Ald. Bill Galvin, Chair, Ald. Kathy Lefebvre, Vice Chair, Ald. Barbara Dorff, Ald. Veronica Corpus-Dax

Others present: City Attorney Vanessa Chavez, Police Chief Andrew Smith, Fire Chief David Litton, Interim Co-Parks Director James Anderson, Human Resources Director Joe Faulds; HR Operations Manager Melanie Falk and others.

B. APPROVAL OF THE AGENDA.

Moved by Alderperson Barbara Dorff, seconded by Alderperson Veronica Corpus-Dax to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

C. APPROVAL OF MINUTES.

1. Approval of the minutes from April 24, 2018

Moved by Alderperson Veronica Corpus-Dax, seconded by Alderperson Kathy Lefebvre to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

D. REGULAR BUSINESS.

1. Consideration with possible action on request to fill the following replacement positions and all

subsequent vacancies resulting from internal transfers.

1. Support Assistant - Fire
2. Mechanic - Public Works

Moved by Alderperson Barbara Dorff, seconded by Alderperson Kathy Lefebvre to approve items 1 and 2. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

2. Consideration with possible action on request for out of state travel for Capt. Warych to attend the National Conference on Race and Ethnicity in American Higher Education in New Orleans, Louisiana, May 30-31, 2018, estimated cost for meals \$50.

Alderperson Galvin stated that he was informed that this request was no longer needed.

Moved by Alderperson Barbara Dorff, seconded by Alderperson Veronica Corpus-Dax to receive and place on file. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

3. Consideration with possible action on request for out of state travel for Interim Park Director Andersen to attend the Great Lakes Parks Institute Board of Regents conference planning and board meeting in Angola, Indiana, June 4-5, 2018 at no cost to the City for room, board or transportation.

Moved by Alderperson Veronica Corpus-Dax, seconded by Alderperson Kathy Lefebvre to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

4. Consideration with possible action on request for out of state travel for Interim Park Director Andersen and Recreation Supervisor Moeller to attend the National Recreation and Parks Association Conference in Indianapolis, Indiana, September 25-27, 2018. All costs for registration, room, board and travel will be covered by the Parks Rx grant.

Moved by Alderperson Barbara Dorff, seconded by Alderperson Veronica Corpus-Dax to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

5. Consideration with possible action on request for out of state travel for Public Works Superintendent Fietzer to attend the APWA Western Snow and Ice Conference in Loveland, Colorado, September 24 - 28, 2018. All costs for room, board and transportation will be covered by APWA-WI Chapter.

Moved by Alderperson Veronica Corpus-Dax, seconded by Alderperson Barbara Dorff to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

6. Consideration with possible action on review of Removal From Specialty Team or Assignment grievance.

The Committee may convene in closed session pursuant to § 19.85(1)(a), Wis. Stats., for the purpose of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee may, thereafter, reconvene in open session pursuant to § 19.85(2), Wis. Stats. to report any actions taken during closed session and to consider all other matters on the agenda.

Moved by Alderperson Dorff, seconded by Alderperson Kathy Lefebvre to enter into closed session. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No-None, Abstain-None

Moved by Alderperson Dorff, seconded by Alderperson Veronica Corpus-Dax to return to open session. Motion carried.

Yes-Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No-None, Abstain-None

Alderperson Galvin reported that the grievance is denied and that the findings of fact and conclusions of law would be made available at the next Personnel Committee meeting.

Moved by Alderperson Dorff, seconded by Alderperson Corpus-Dax to deny the grievance and uphold the Chief's findings. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No-None, Abstain-None

E. INFORMATIONAL.

1. Recruitment initiated for new Crime Analyst position approved as part of the 2018 budget.

Moved by Alderperson Barbara Dorff, seconded by Alderperson Kathy Lefebvre to receive and place on file. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

2. Report of Routine Personal Actions for Regular employees.

Moved by Alderperson Veronica Corpus-Dax, seconded by Alderperson Barbara Dorff to receive and place on file. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

3. Next meeting date: To be determined.

The next Personnel Committee meeting is scheduled for Tuesday June 12, 2018 at 4:30 p.m.

F. PUBLIC HEARINGS.

G. ADJOURNMENT.

Moved by Alderperson Veronica Corpus-Dax, seconded by Alderperson Kathy Lefebvre to adjourn the meeting. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Kathy Lefebvre, Veronica Corpus-Dax, No- None, Abstain- None

VERBATIM MINUTES

- Okay.
- We'll start the meeting for the Personnel Committee. We'll start with the roll, this is Alder Galvin, Chair.
- Alder Dorff, here.
- Alder Corpus-Dax, present.
- Alder Lefebvre, here, present.
- Thank you. Next up, approval of the agenda.
- Helps?
- We're okay.
- Okay, next up?
- Move to approve.
- Second.
- Alder Dorff, in a motion to approve, and Alder Corpus-Dax seconding. All in favor?
- Aye.
- Those opposed? A unanimous decision. Next, approval of the minutes from April 24th, 2018.
- Move to approve.
- Second.
- Motion to approve by Alder Corpus-Dax, and seconded by Alder Lefebvre. All those in favor?
- Aye.
- Any opposed? And that passes unanimously.
- My mouse is giving me some problems.
- Sure that's fine, just let me know.
- Okay, approval of the minutes.

- We did that.
- Okay.
- Okay, next on to regular business. The first item, consideration with possible action on request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers. Number one is the Support Assistant for the Fire Department and number two is a Mechanic for Public Works. Staff?
- We do have that attached memos on here. If you want to hear from Chief Litton, he's also here. If you want to hear him make a recommendation.
- Yeah.
- Any questions from?
- I have questions.
- You do?
- No.
- Move to approve.
- Second.
- A motion to approve both positions by Alder Dorff and seconded by Alder Lefebvre. All those in favor?
- Aye.
- Any opposed? And it passes unanimously. Item number two, I've been informed that the Police Department would like to withdraw this. So I'm looking for a motion to receive and place on file.
- Move to receive and place on file item two.
- Second.
- Motion by Alder Dorff to receive and place on file, seconded by Alder Corpus-Dax.
- All those in favor?
- Aye.
- Any opposed? And that passes unanimously. Number three, consideration with possible action on request for out of state travel for Interim Park Director Andersen to attend the Great Lakes Parks Institute Board of Regents, conference planning and board meeting in Angola, Indiana, June 4th and 5th, at no cost to the City for room, board or transportation. Staff?
- Again, interim Director Anderson this year, if you have any questions for him, I'd advise you to ask.
- Motion to approve.
- Second.
- Okay we have a motion to approve by Alder Corpus-Dax seconded by Alder Lefebvre. All in favor?

- Aye.

- Any opposed? That passes unanimously. Item number four, consideration with possible action on request for out of state travel for Interim Park Director Andersen and Recreation Supervisor Moeller to attend the National Recreation and Parks Association Conference in Indianapolis, Indiana, September 25 through 27. All costs for registration, room, board and travel will be covered by the Parks Rx grant.

- I move to approve.

- Second.

- Okay motion to move approve by Alder Dorff seconded by Alder Corpus-Dax. All those in favor?

- Aye.

- Any opposed? That passes unanimously. Consideration with possible action on request for out of state travel for Public Works Superintendent Fietzer to attend the APWA Western Snow and Ice Conference in Loveland, Colorado, September 24th through the 28th. All costs for room, board and transportation will be covered by APWA Wisconsin Chapter.

- Move to approve.

- Second.

- Okay, motion by Alder Corpus-Dax to approve, seconded by Alder Dorff. All those in favor?

- Aye.

- Any opposed? That passes unanimously. Okay, item number six, consideration with possible action on review of Removal From Specialty Team or Assignment grievance. This Committee may convene in closed session pursuant to State Statute 19.85, Wisconsin Statutes, for the purpose of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee may, thereafter, reconvene in open session pursuant to Statute 19.85, Wisconsin Statutes to report any actions taken during closed session and to consider all other matters on the agenda. Before we get going on this, something to read here?

- Yeah, it's.

- Okay, I have a script here I'll be reading from. Next up is item six, consideration with possible action on review of Removal From Specialty Team or Assignment grievance. This is the first regularly scheduled Personnel Committee meeting since the grievance was submitted to the Committee on April 23rd, 2018. This is a quasi-judicial matter. It is the goal that Personnel Committee to provide and conduct a hearing that is both fair in form, appearance and substance. To ensure that this hearing satisfied those goals I ask myself and each Personnel Committee member to confirm the following: each member does not have an interest or conflict of interest in this matter. Alder Dorff?

- No, is that my answer, okay? No, I do not have to a conflict.

- Okay, Alder Corpus-Dax?

- I do not have a conflict.

- Alder Lefebvre?

- I do not have a conflict.

- And I, Alder Galvin, do not have a conflict. Okay, next number two, no one has received any communication about this matter. In other words, ex parte communications. Alder Dorff?

- No.

- Alder Corpus-Dax?

- No.

- Alder Lefebvre?

- No.

- And Alder Galvin has not received any. The parties are entitled to a decision on the record, based upon the labor agreement between the City of Green Bay and the Green Bay Professional Police Association in effect as of the date of the event complained thereof. The Personnel Committee will either announce its decision tonight or take the matter under advisement and have a decision at the next Committee meeting. The Personnel Committee will make findings of fact and conclusions of law based upon the record before it. At this time the following materials have been submitted into the record. Number one, the grievance identified as Green Bay professional Police Association, contract violation information form, dated February 16th, 2018. Number two, a letter from attorney Kyle Ulaia, apologize, dated May 1st, 2018 along with five attachments. Those attachments are, Sub A, Internal Investigation 171-00034, reference Detective Andy Weiss, release of information. Sub B, letter from Chief Andrew Smith to Detective Andrew Weiss dated January 17th, 2018, reference discipline. Sub C, copy of the grievance submitted by detective Andrew Weiss dated February 16, 2018. Sub D, letter from Chief Andrew Smith to Andrew Weiss, dated March 1, 2018, reference, Removal From Specialty Team or Assignment Grievance 18-02. And letter E, letter from Human Resources Director, Joseph Pauls to Officer Andy Weiss dated April 3rd, 2018, reference grievance number 2018-002, Removal From Specialty Team, step two, grievance response. Next, I will ask if either of the parties is requesting a fact-finding hearing pursuant to section 3.8.3 of the labor agreement. The Committee may decide whether to hold a fact-finding hearing. Is either party requesting a hearing at this time? I need a verbal response.

- We are not.

- No.

- Okay, that's from Detective Pacola and Officer Weiss saying that they are not. Joel?

- I guess in regards to the letter that attorney submitted, Police Department's not asking for a fact-finding hearing.

- Would either of the parties like to make arguments in support of the written submissions?

- On behalf of Attorney the Police Department will not.

- Officer Weiss declines.

- The parties who now wish to make arguments, the Personnel Committee may now go into closed session to deliberate. Okay, all right.

- A motion to go into closed session.

- I'll entertain a motion to go into close session.

- All right, is that the most appropriate motion to make?

- Do we have to go into closed session?
- You don't have to go into closed session to deliberate. The recommendation is always to go into closed session.
- Okay, I move that we go into closed session and we'll do Reza.
- Second. Okay, motion by Alder Dorff, second by Alder Lefebvre to go into closed session.
- Just confirm that it's under the the language. The Committee may convene in closed session pursuant to Statute 19.85, Wisconsin Statutes, for the purpose of deliberating concerning a case which has the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee may, thereafter, reconvene in open session pursuant to Statute 19.85, Wisconsin Statutes to report any actions taken during closed session and to consider all other matters on the agenda.
- We have to vote this.
- Yes, this requires a vote.
- All in favor?
- Aye.
- Can't we use the part?
- Yes.
- Okay.
- She was just in here.
- We don't have anything up.
- We don't have anything up.
- I just
- Oh, okay.
- We didn't.
- I'm having issues with Kathy's.
- Oh, all right, I'll say it out. Alder Lefebvre are you in favor?
- Yes.
- Alder Corpus-Dax?
- Yes.
- Alder Dorff?
- Yes.

- I'm also in favor, that's unanimous. All right, I'd ask everyone to be so kind as to wait out in the hallway. All right, the Personnel Committee is back on record. I want everyone here to understand that we did not consider anything.

- You need to take a vote to go back into open session.

- Oh.

- Oh, motion to go back into open session.

- Second.

- Okay, I have a motion by Alder Dorff, seconded by Alder Corpus-Dax to go back into the open session. All in favor?

- Aye.

- Any opposed? That passes unanimously. All right, this Committee did not consider anything other than possible action on review of removal from Specialty Team or Assignment grievance by Officer Andy Weiss. The Committee has made the following findings of fact. One, there was not a reduction in rank. Two, Officer Weiss accessed the case six times to obtain information to be released to a third party, including the name of a suspect and details of the assault. Three, Officer Weiss used unauthorized access to this information for that purpose. Four, Officer Weiss admitted he used a personal communication device to release this information. Five, this information was related to department business. Six, Officer Weiss was questioned as part of a personnel complaint investigation regarding the release of these records. Seven, Officer Weiss initially refused to release those records. And these are our conclusions. Based on the foregoing the Committee concludes the followings, one, the grievance is properly before this Committee pursuant to article three of the labor agreement. Two, Officer's conduct in accessing this case and disclosing the records is a violation of 320.5.6 Three, his use of personal communication device is in violation of section 701.2 and 701.5 Four, failure to disclose the records upon questioning violated section 1008.2. And lastly, the Officer's conduct in this matter violated section 320.5.9 I'll entertain a motion.

- So, I'd like to move to deny the grievance and uphold the Chiefs findings.

- Second.

- Alder Dorff has made a motion to deny the grievance and uphold the Chief's findings and Alder Dax has seconded that. All in favor?

- Aye.

- I'm sorry.

- None taken, it's okay.

- Alder Lefebvre. Okay, all in favor?

- Aye.

- We'll have to do a voice vote. Alder Lefebvre?

- Aye.

- Alder Corpus-Dax?

- Aye.

- Alder Dorff?
- Aye.
- I vote at aye also, that concludes this matter. Okay, next item is, I'm sorry how are you doing?
- I'm good.
- Okay, E is informational. Recruitment initiated for new Crime Analyst position, approved as part of the 2018 budget. Staff?
- Since we had at the last meeting, we had some positions that were approved by the budget in 2018, this is one of those positions that was approved during the budget. So we're letting you know that we'll start recruiting for the new Crime Analyst.
- Okay.
- Do you need like, receive and place on file or?
- Yeah, you could receive and place on file.
- Okay, move to receive and place on file.
- Second.
- Oh you two.
- Now it will go into place. All right, motion by Alder Dorff to receive and place on file item number one under E and seconded by Alder Lefebvre. All in favor?
- Aye.
- Any opposed, that passes unanimously. Two, Report of Routine Personal Actions for Regular employees.
- With this, we always have attached with the report of your team, excuse me. We have to report attached to it and it just goes through the new hires, any transfers and any resignations, or people that leave the City, so it's just a motion to receive and place on file.
- Motion to receive and place on file.
- Second.
- Okay, motion by Alder Corpus-Dax to receive and place on file and seconded by our humming Alder Dorff. Okay, number three, all those in favor?
- Aye.
- Aye.
- Any opposed? That passes unanimously.
- Just for the public's benefit, can you just announce the date that you guys decided on the next meeting.
- Yes, we decided the next Finance and Personnel Committee will be.

- June 12th.
- At 4:30. We have no public hearings listed. I would personally make the move to.
- Move to adjourn.
- Moved by Alder Corpus-Dax to adjourn, seconded by Alder Lefebvre.
- All in favor?
- Aye.
- Any opposed? And that passes unanimously.
- Can I give these to you?