



MINUTES OF THE PERSONNEL COMMITTEE

**TUESDAY, JUNE 12, 2018, 4:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

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

Others present: Transit Director Patty Kiewiz, City Attorney Vanessa Chavez, Police Chief Andrew Smith, Finance Director Diana Ellenbecker, Chief of Staff Celestine Jeffreys, Assistant City Attorney Kristen Johnson, Attorney Carley Windorff, HR Operations Manager Melanie Falk, HR Generalist Jen Smits and others.

B. APPROVAL OF THE AGENDA.

Moved by Alderperson Barbara Dorff, seconded by Alderperson Kathy Lefebvre to approve the agenda. Motion carried.

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

C. APPROVAL OF MINUTES.

I. Approval of the minutes from May 22, 2018.

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

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

D. REGULAR BUSINESS.

I. Consideration with possible action on request to fill new position of Erosion Control Specialist in Public Works and all subsequent vacancies resulting from internal transfers.

Moved by Alderperson Barbara Dorff, seconded by Alderperson Kathy Lefebvre to approve. Motion carried.

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

2. Update and discussion on Bus Mechanic labor negotiations.

The Committee may convene in closed session pursuant to § 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. The Committee may thereafter reconvene in open session pursuant to § 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Moved by Alderperson Veronica Corpus-Dax, seconded by Alderperson Barbara Dorff to enter closed session. Motion carried.

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

Moved by Alderperson Barbara Dorff, seconded by Alderperson Veronica Corpus-Dax to return to regular order of business. Motion carried.

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

Reporting out of closed session, moved by Alderperson Veronica Corpus-Dax, seconded by Alderperson Kathy Lefebvre to direct staff to proceed as discussed in closed session. Motion carried.

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

3. Consideration with possible action on review of Standards of Conduct/SRO Expectations 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.

School Resource Officer Tracy Liska requested a fact finding hearing. The Personnel Committee requested that the parties present their oral arguments in support of the written submissions that were received by the committee, and both parties presented their arguments.

Moved by Alderperson Barbara Dorff, seconded by Alderperson Veronica Corpus-Dax to enter closed session to deliberate. Motion carried.

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

Moved by Alderperson Barbara Dorff, seconded by Alderperson Veronica Corpus-Dax to return to regular order of business. Motion carried.

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

Out of closed session Alderperson Galvin reported that the Personnel Committee considered only the item listed on the agenda. He then announced the findings and conclusions made by the

Committee; the decision of the Committee that a fact finding hearing is not required and that the grievance is denied. Alderperson Galvin further stated that the written findings of fact and conclusions of law would be made available at the next Personnel Committee meeting. Moved by Alderperson Kathy Lefebvre, seconded by Alderperson Veronica Corpus-Dax to deny the grievance and uphold the Chief's decision. Motion carried.

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

E. PUBLIC HEARINGS.

F. INFORMATIONAL.

1. Report of Routine Personnel Actions for Regular employees.

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

2. Next meeting date: July 10, 2018.

G. ADJOURNMENT.

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

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

VERBATIM MINUTES

- Get rolling here folks. Okay before we get going, I just want everyone to understand any decision that this Committee reaches is only a recommendation to the council. So any recommendation to the council can, once again if you want to, can be brought up again at council, if you so wish. If you want to fold and you don't agree with the decision that was reached here today, okay. All right, let's start with roll call. Alderman Bill Galvin, Chair is present. Each one verbally.

- Okay, Alder Barb Dorff present.

- Alder Corpus-Dax present.

- Alder Kathy Lefebvre present.

- Okay. Good, okay.

Looking for approval of the agenda.

- Motion to approve the agenda.
- Second.
- Approval of the agenda by Alder Barb Dorff seconded by Alder Lefebvre. All in favor.
- Aye.
- Any opposed, that's unanimous.

Approval of the minutes for May 22, 2018.

- I approve the minutes.
- Second.
- Second.
- I've got a approval by Alder Lefebvre and a second I think on the time was Alder Corpus-Dax. All in favor.
- Aye.
- And none opposed, that's unanimous. Okay. On the regular order of business, number two. Update the discussion on bus mechanic labor negotiations. The Committee may convene in closed session pursuant to state statute 19.85 Wisconsin Statutes for purpose of deliberating negotiation public employee contracts for competitive or bargaining reasons. The Committee may--
- Bill, you skipped the consideration on the erosion control specialist?
- I don't see that.
- Regular business, item one.
- Oh, oh, it's out of order.
- It's out of order.
- We have number two first.
- Oh, yeah.
- Oh.
- And then it goes two, one, three, okay. So number one is, I don't.
- Okay, I'll jump down to one, then.

Consideration with possible action and request to fill new position of the erosion control specialist in Public Works and subsequent vacancies. Staff?

- The Public Works department is requesting a new position for erosion control specialist, and also the ability to fill that due to some workload challenges and some issues that have been raised. And Director Grenier is here to provide additional information or answer any questions.

- Steve?

- Well, as Melanie indicated, prior to about two years ago we didn't have any erosion control specialists as part of the table of our organization. So, due to response to a Notice of Violation that was filed against the city by the department of Natural Resources for failure to enforce our erosion control ordinance, we brought a new position forward and staffed that with one individual. The workload that that individual is currently facing is more than what he has time for. As a result, we are getting some complaints from the contracting community, builders, and folks who are taking out permits with the city relative to our ability to respond in a timely manner. And we are physically not getting out in the field to complete the number of erosion control inspections that we need to get completed. So because we already have this position as part of the table of organization, we're simply asking to fill a second position, add that to the table of organization. This has no direct levy impact as it is funded under the Stormwater Utility, so the stormwater charges that go on everybody's water bill, that's how this position's paid for. It's not part of the tax levy.

- Okay, Steve. How many of these violations did we have?

- The violation from the DNR?

- Yes.

- It was a single violation, but what happens is you are in violation of your permit. What could happen is we could lose our ability to discharge stormwater to waters of the state.

- Are we just not doing the work, or we were just late on it, or--

- Uh--

- Did the DNR come at us?

- A lot of the inspections that were required simply weren't being performed. What happened is that we had a disconnect. There was a lot of things were falling between the cracks because we were split. We didn't have a single agency that was responsible for all of the inspections. If it happened within a public right of way, the department of Public Works was responsible for it. If it happened on a private site or a property line, that fell to Community and Economic Development. So because of that disconnect, we didn't have a single agency that was responsible for making sure that all of these things got done. As a result of that, we wound up rewriting the ordinance and all erosion control activities were placed under the department of Public Works so we can ensure that they were being followed through.

- Okay, and so when people get a permit, if it's private property, it goes to you. If it's public, it goes to you.

- Correct.

- Okay. And how much of a delay are we experiencing now with our contractors?

- We try to respond in three weeks. On rare occasions, it goes out four or five.

- So that could delay a project quite a bit. Especially with the shovel in the ground.

- Especially if you have a builder who's looking to get a house built, and they've got a buyer or somebody they're under contract with and they want to get moving, yeah, that can cause problems.

- Okay, and at this point obviously, I don't believe was budgeted for this--

- It was not, but that'll be up to us to find that in our stormwater utility budget for the year.
- So you look for some money that wasn't spent, or, cut some stuff here?
- Correct.
- Okay, and then it'll be budgeted through--
- We will make sure it's budgeted for in 2019, yes.
- All right, thank you, that's all I have.
- Yeah, good question.
- Well this is certainly an issue in my district, 'cause we need building to go on, and I totally am very familiar with us getting violation by state and how things needed to be tightened up. And there's a lot of resentment on some part of some people because things were tightened up, because they didn't used to have to do it this way, but now they do have to do it, but we need this position. So I'm very much in favor of us doing this.
- Yes, exactly, it sounds like yeah, definitely needed. And under one head, yeah.
- Okay, any other questions for Steve? All right, thank you, Steve.
- I'd like to move to approve.
- Motion to approve--
- Second.
- Motion to approve by Alder Dorff and Alder Lefebvre. All in favor?
- Aye.
- Any opposed? That passes unanimously. Good to go? All right, I'll start reading this whole thing over again. Update the discussion on bus mechanic labor negotiations. The Committee may convene a closed session pursuant to state statute 19.85 for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. The Committee may thereafter reconvene an open session pursuant to sub 19.85 to report the results of the closed session and consider the balance of the agenda. Staff.
- Motion to go into closed session, is that what you want?
- Yes.
- Motion to go into closed session.
- Second.
- Motion to go into closed session by Alder Corpus-Dax, and seconded by Alder Dorff. All in favor?
- Aye.
- Any opposed, no. Okay folks, we're in a closed session, so I just have to--

- I can't see behind that pink.
- I'm good, how are you, good to see you.
- Can you take this down, I gotta, take that down?
- Oh, yeah.
- I can't see with it.
- All right, the Committee is back in open session, and I would entertain a...
- Motion for the staff to proceed as recommended.
- Second.
- Okay, I have a motion by Alder Corpus-Dax seconded by Alder Lefebvre. All in favor?
- Aye.
- Any opposed? That passes unanimously. All right, number three. Good to go? Okay, number three, consideration of possible action to review Standards of Conduct SRO Expectations Grievance. The Committee may convene in closed session pursuant to state statute 19.85 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 state statute 19.85 to report any actions taken during closed session to consider all other matters on the agenda. Staff?
- You should have received a packet of information. And the assistant to the attorney, Mr. Johnson's here
- All right, I have something to read first. It is the goal of the Personnel Committee to provide and conduct a hearing that is both fair in form, appearance, and substance. To ensure that this hearing satisfies these goals, I asked myself and each Personnel Committee member to confirm the following. Each member does not have an interest or conflict of interest in this matter.
- [Alders] I do not.
- Do not? Okay. And I will, for public record, say that I have worked with Tracy for a number of years, I consider her my friend. But I also feel that I can render a fair and impartial judgment in this matter. Okay. No one has received any communication about this matter, in other words, any ex parte communications, other than communications regarding procedure and delivery of materials?
- [Alders] I have not.
- Okay. 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 make findings of fact and conclusions of law based upon the record before it. At this time, the following materials have been submitted into record. Number one, the grievance identified as Green Bay Professional Police Association Contract Violation Information Form, date of February 28th, 2018. Number two, a letter from Captain Jeremy Muraski date of June 6th, 2018, along with eight attachments. Sub A is an investigative report, 17-37. Sub B, Liska, DAP, dated 2/26th of 2018. Sub C, Chief Smith's initial response, dated 3/29 of 18. Sub D, Chief Smith's initial response dated sub two of 2018. Sub E, Chief Smith's response to step one dated 4/9 of 2018. Sub F, Liska step two agreements, dated 4/23 of

18. Sub G, HR Director Joe Faulds review, dated 5/11 of 18. Sub H, Liska step three grievance dated 5/30 of 2018. And sub I, letter from Chief Smith dated 2/29 of 18. Sub J, GBPD policy 320, Standards of Conduct, and Sub K, SRO Expectations. 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?

- [Attorney] SRO Liska is requesting a fact-finding hearing.

- Okay.

- The department is not requesting a fact-finding hearing. If we are going to do a hearing, I certainly would believe that today's not the appropriate day to do that, as we'd want to call people in.

- Okay. All right, then, we have a request, and so the Committee needs to make a decision. We have to vote whether we want to grant that fact-finding hearing.

- Today, or ever?

- First we vote whether we're gonna hold one, and then we will decide when to hold it. Okay? So if the Committee decides to hold a hearing, select a date for the hearing with at least a 10-day working day notice to the parties. Establish a deadline for any additional submissions, possibly a week before the hearing. Take a motion to schedule the hearing for that date, and then take a motion to adjourn until until that hearing.

- So I think at this time, you wanna make a motion, maybe, to have that hearing?

- Right.

- If I could interject, I think the facts of this are quite clear. I think it's been fully documented. The incident involving the two-day suspension is not the purview of this Committee. It's the purview, under Wisconsin Statute 62.13, of the Police and Fire Commission. That has been sent to the Police and Fire Commission for a hearing and that hearing date has passed. What that means is out of statute, she requested a hearing before the Police and Fire Commission and missed the statute. So she will be unable to have a hearing before the Police and Fire Commission. I would submit that you have the documentation of the incident that occurred here, or the series of incidents that occurred, and I'm ready to proceed and discuss this matter if you want to do it today.

- [Attorney] Can we approach?

- Sure, absolutely. Absolutely, and I would prefer, from now on, that you approach, just so we can get it on the recording from now on.

- Do you want us to approach the podium?

- Yes, if you would, please.

- And could you state your name, please?

- Sure, I'm attorney Carley Windorff, and I am representing the grievant, SRO Liska. Basically, what the issue has been, there's two separate areas of law. The 10-day timeline for SRO Liska to challenge her suspension is actually a Police and Fire Commission rule. There's not anything statutorily requiring the 10 days. That's outside the purview of today's hearing, which is just basically that we're asking you to have a fact-finding hearing so that we can flesh out some of the issues that she's raised in her grievance. I think the Committee would benefit from some testimony from some of the people involved, and basically, I think the spirit of her

grievance is that it violates the collective bargaining agreement as it relates to how disciplinary investigations are supposed to be handled. I can certainly go into that in a little more detail, but I would certainly also submit something in writing prior to the hearing so you could see what collective bargaining agreement provisions we're alleging were violated.

- Okay, do you agree with the Chief that her time to appeal the two-day suspension to the Police and Fire Commission has expired? Or?

- Well, based on my review of the applicable case law and statutes, there's nothing in 62.13 that says she has to request that within 10 days. That's just the Police and Fire Commission rule. It's my understanding she made a request for the just cause hearing, as it's colloquially referred to as, some time within 25 to 30 days after she was served with notice of the suspension. She was served notice of the suspension on February 28th. The Police and Fire Commission rule is she has 10 days to file an appeal with the Police and Fire Commission following the filing of the notice of suspension. There was nothing in the letter that the chief gave her pointed her to that Police and Fire Commission rule, and I'm not trying to testify, but just based on a Google search, I wasn't able to find that that's published anywhere. She did have an attorney at the time who I'm not sure was aware of that. Her union somehow believed it was a 25-day rule, and they were, from the timeline that I reviewed, were within the 25-day, but not the 10 days. Long story short, I also think she should be entitled to a just cause hearing just in her due process, due process considerations. When an officer is deprived of property or liberty interests, as she was in this case, both with the administrative, well, not suspension, but the administrative leave, and then the denial of 60 hours of flex time on top of the suspension. It's a very convoluted area of law.

- So what are you looking for this Committee? What part of this discipline are you looking for us to rule on?

- Basically that the investigation did not comply with the collective bargaining agreement. There were things that were considered outside the scope of what the investigation initially started as. Principles of progressive discipline. She was eventually disciplined for not showing up to school on time at 7:30. If she'd been given notice of that, or just been told, please show up at 7:30, she would have been. As far as my review of the case, there have been no other discipline of any other school resource officers for not being at school on time.

- If you're successful with this grievance, with this hearing, what do you think that will accomplish?

- Well, I think it would accomplish showing that because the evidence obtained throughout the investigation was obtained in violation of the collective bargaining agreement, that the evidence that was then used against her to suspend her, to place her on administrative leave, and to deny her the opportunity to earn the 60 hours of flex time shouldn't have been used. And therefore, she shouldn't have been suspended, or denied the opportunity to earn that flex time.

- All right, thank you. Does anyone else have questions? We're only talking about if we should have a hearing, right. So we don't wanna get into a lot of details or anything else right now. All right.

- Thank you.

- Thank you. Chief?

- Thank you, Andrew Smith representing the Green Bay Police Department. Recall that the grievance you have that is on that table there is what this is about. This is not an expansion of looking into other areas. This is not something where we go and explore different areas of the department, what we did or we didn't. I believe you're here to rule on the grievance at hand, it's in your hand, and not all the other issues that are being brought up here. But know this. This is about an officer neglecting their duty. This is about an officer who knew that she was supposed to be at her school at 7:30, and time, and time, and time, and time again failed to respond to that duty, failed to respond to that school on time. Not because she was doing police work, like

some of the other officers do, but because she was out at an alley on the opposite direction of her school, chit-chatting with a friend for many minutes at a time on many occasions, over and over again. That's what this is about. I think it's quite clear that she didn't do what she was supposed to do. Quite clear that those allegations are sustained. The things that she's discussing about having the development assistance plan, I think you would agree, once you look at the facts that you have presented in front of you, that a development assistance plan was in order. And that I think the rules were followed, and I think you should take a look at the grievance that she submitted, because that's why we're here. We're not here to explore other issues that are being brought up ancillary to this. This is about the grievance in your hand, not about all the other stuff that is trying to be brought into it. But, whatever decision you make, I'm certainly happy to respond to it however you'd like.

- Okay.

- Can we get?

- Yes. Kristy?

- [Kristy] Sure, so I think at this point, it's up to the Committee to decide if you believe you have enough information to rule on this matter. You can do that today, and we would recommend in closed session. If you think that you need more information, we would request or recommend that you do schedule a hearing. Otherwise, as Alderman Galvin indicated, you can also request that the parties submit a more thorough written submission to perhaps flesh out some of these issues. That could be done a week prior to the hearing that you would schedule, and could review those materials. If at that point you determine that you do have enough information to rule at that point, you could do that as well. Or follow through with the hearing that you'd scheduled.

- So what you're having us rule on is whether or not we agree that this grievance is a valid grievance and that the discipline, now what are we being asked to rule on?

- Well, not whether it's valid. Whether there's enough substance to allow them more time to present their cases on whether it's valid or not. Isn't that?

- [Kristy] Well, right, I guess I'm just, right you're ruling whether or not you want more information.

- And say we, okay. Say we don't want more information, and we maybe do. But say we don't. Then what do we rule on?

- [Kristy] Then we would recommend you go into closed session and deliberate the grievance that was filed.

- So in the end, that's what we're gonna be doing.

- [Kristy] Correct.

- That's my question today, okay. Wow. There's a lot of information.

- There is.

- [Kristy] You can go into closed session if you wanna deliberate whether or not to have a hearing, you could do that as well, or you can do that in open session. So if you want to deliberate whether or not to even hold a hearing, you can do that in closed session.

- What's the wishes?

- So if we decide that we want to go ahead with the hearing, it has to be in the closed session?
- No. If we would have a hearing, it would be on a later date, and it would be kind of like a court hearing. Each side would present its reasons as to why they feel the grievance should be sustained or why it should be denied. We could, if we feel we don't need any more information, we could go in a closed session right now to deliberate. Or, if we don't feel we have enough information, if there's some questions we have, then we would have the hearing.
- Point of clarification, sir. Would you be able to ask those questions today of myself or Ms. Windorff and get the answers that you need and not have to go into hearing? I'm only concerned about having to hire an attorney to come up here and sit through hearing and charge the city for what I think is an awful lot of money for something that I think you have right in front of you.
- [Kristy] You can certainly ask questions today if you want to proceed with just the information that you have in front of you. They can do oral argument, basically, in support of what they've submitted to the Committee already. So if that's the, again, if you believe that you have enough information in the written submissions that were already given to you, which would be the grievance that was filed by Officer Liska and the letter from Captain Muraski and all the attachments, you can review those and ask both Attorney Windorff and the Chief questions about what they filed for clarification purposes.
- Do you ladies have questions?
- Well, I'd like to know what the union--
- Well, do you have questions that the paperwork you have has not answered for you?
- Yeah, I have questions.
- Okay. Barb?
- I don't know that I have questions that the paperwork doesn't answer for me, it's fairly comprehensive.
- Veronica?
- I don't know. I have questions.
- Okay.
- Do you?
- I have a few but I think they also could be answered here. Are both sides, though, prepared to get into some of the meat of this matter?
- Yes.
- Absolutely.
- All right. So then I would say that we can do it.
- That's what I would think.
- You know, I would ask, Kristin? Closed or open session?

- You mean for the sake of everyone?
- All these questions I would recommend being done in open session.
- Open session, okay.
- I mean, everything that was filed was.
- And do we ask either of the parties if they have any preference on this? I mean, is that okay to ask? I mean, you would prefer to go closed or stay open or it really doesn't, it's not up to them, it's up to us?
- No, I would keep it open.
- Okay.
- Okay.
- All right. Give us just a second to get our stuff.
- I assume that
- Okay, if we are not going to have a hearing, ask parties whether they would like to make arguments in support of their submissions.
- Yes, please.
- Okay. I'm sorry, could I get your name again?
- Carley Windorff. C-A-R-L-E-Y, last name Windorff, W-I-N-D-O-R-F-F.
- Okay. Okay, so who goes first?
-
- All right. The parties wish to make arguments. To ensure that this hearing proceeds in an orderly fashion I will describe the grievance process that we follow. The grievant will have 10 minutes to present its argument in support of the written submissions. The City will have 10 minutes to present its arguments in support of written submissions. The grievant will then have five minutes for closing. The City will have five minutes for closing. Throughout this process, Personnel Committee members and chair may ask questions of any speaker. Please answer the questions asked, and do not engage in debate. The Committee will close the hearing and enter in Committee deliberations. I would imagine if we're asking questions, that's not gonna impact their 10 minutes.
- Right.
- Okay. So it's gonna be kind of a loose 10 minutes, all right. If anyone needs accommodation to hear her speak, please advise me now. Assistance will be provided if necessary. And if you're ready, Ms. Windorff?
- Thank you. And perhaps I should have started out with this, my request for the fact-finding hearing. We basically for the following reasons I think it would be helpful for the Committee to have the hearing. But I will continue with my argument. So basically this all started sometime in September of last year. Lieutenant Brester told SRO Liska that there were rumors going around that she was having an affair with another officer while on duty. She denied that was happening to Lieutenant Brester. She basically was then, well, let me rewind. There was an internal investigation, 17-000037 initiated. That's dated November 30th of 2017, which I was not able to review during Muraski's filings. But if the Committee needs that, I do have a copy of that. It's not so

much the content, well, we're just needing the content, and we're also just pointing out the date is significant because the internal investigation into that started in November of 2017. It's pertinent to the collective bargaining agreement in that the collective bargaining agreement in Section 25.3.1 indicates that the subject matter of any investigation shall be confined solely to those areas that are being investigated. Basically, the investigation took a different turn. They found, as far as I could tell, no basis for the having sex with this officer on duty. However, it's the same officer that she's alleged to have met with for inappropriate durations, even though she's given the department a number of reasons, work-related reasons, why she was having conversations with that officer. Part of that is because they were both part of the Police Officer Support Team, otherwise known as POST, which basically assists officers in the department with mental health issues that are unique to law enforcement. A lot of those matters are incredibly confidential. Then in January of 2018, SRO Liska was informed that she'd be placed on paid administrative leave, and would not be eligible to accumulate and earn SRO flex time, which I believe accumulated during the time she was off for about 60 hours. She suffered some significant, and obviously you can see that she's continuing to have a very emotional response to this. It's a very stressful environment. It was incredibly embarrassing to her to have to deal with this, both with people she worked with at the school, she was not allowed to comment on the investigation. Meanwhile, a lot of rumors, she wasn't basically able to respond to any rumors that she was having an affair while on duty. Her reputation was incredibly tarnished by this. As the Committee may or may not be aware, in 2013 she was involved in a very significant car accident. She was hit by, I believe, a drunk driver while on duty, and has pretty significant health needs and continuing back issues. During her administrative suspension, she was placed in administrative duty. She was working in the fingerprint room, and sedentary work for those 7 weeks.

- Excuse me. So she was placed on administrative leave--

- Administrative duty.

- Duty, administrative duty, which was working at the PD, inside the PD, but then she had another issue that came up? Is that what you're saying?

- Yes.

- Okay, during that time period.

- Well, she didn't have another issue that came up, but the sedentary work impacted her ability to continue doing the sedentary work.

- Okay, so she had a medical condition? And what was the result of that?

- She called in sick several days, and it served to really enrage Lieutenant Brester, who had been supervising her during this time. Apparently this duty was videotaped, although we haven't obtained the videotape yet, and the only reason she knows that is because Lieutenant Brester told her it was videotaped. And then she basically was isolated from the rest of the department, it sounds like, for this entire duration. And then he would make comments to her like she was wearing the wrong thing. SROs on Friday are allowed to wear school spirit colors. And I don't think she was told anything as far as what she could wear while on administrative duty. I don't think she had had contact with him that day. He came in later and said, "I was watching the video, "and you're wearing the wrong thing." So, just kind of a strange thing that you need to be videotaping an employee. Along with the back issues that she was in such pain that at some points she was lying on the floor and crying, and she, like I said, just sustained an incredible amount of emotional distress as a result of the administrative duty. Which again, lends itself to if they had just told her the issue was arriving to work at 7:30, she would have happily corrected that mistake, I think, even up to this point. The denial of ability to earn that 60 hours, and then being placed on administrative duty is already an exaggerated response to something that could have been corrected with a minimal amount of discipline.

- So she's on administrative duty, all this is happening, and she has no idea it was because she wasn't reporting to work on time?
- Right, because she was originally told that it was because they were investigating whether she was having sex on duty.
- Wait. Sex on duty, or just having an affair?
- It sounds mixed? Both.
- Both, okay. And was she given any paperwork to this effect? I mean, when she was brought in initially and placed on--
- I have a letter with the administrative duty, and then I believe seven alleged violations. She was given an investigation of the Loudermill hearing related to those. There's some issues as to when she received her Loudermill letter that is designed to basically inform her of the who, what, where, when and why of the alleged violations. The letter that I have is dated, the letter that I have is dated sometime in February, but she did not see it until April 19th. So she was never really given the opportunity to respond to the facts that Chief Smith had considered, and was using to sustain the policy violations. And also, she was never really given the opportunity outside of the Loudermill hearing, which we also have not been able to get reviewed, because I believe that those are also recorded. She was not able to respond to the level of discipline she thought was appropriate. She had a, as the Chief had indicated, she was placed on a development assistance plan. She was returned to the school district March 12th of 2018. She had requested early March, March 5th 2018, information on other officers' scan times or check-in times just to see if other SROs were also checking in at 7:30, and if they weren't that goes to the seven tests just cause as to whether this policy's being enforced in a fair and impartial manner. That request, the school district referred her to her commander, who said that the department did not retain that information.
- But wait, wait, wait. I thought you said it wasn't until April she found out that it was because she was late, but this was in March that we're asking about the policy being enforced. So why would she ask that in March?
- So January, she was given the formal complaint against personnel that lists the seven policy violations. That was basically her first notice of what she was being investigated for secondary to this November investigation. And that's where I think a fact-finding hearing would help the Committee figure out what had happened and at what point in time. But certainly by January, it had changed from having sex on duty to the breaks and the school resource officer concerns.
- So by January, was the excessive breaks and coming to work late?
- It wasn't coming to work late. It was violating the School Resource Officer expectations, which aren't contained within the Green Bay Police Department policy. And also, it's our assertion that it's not enforced in any consistent manner. That a school resource officer would have notice that if they didn't show up to their school at 7:30, on the dot that they would be subject to any suspension or denial of opportunity to earn flex time. So, if the policy violations are based on the alleged violation of the school resource officer expectations, if that makes sense.
- I'm terribly familiar with the school resource officer expectations, having been in charge of that program for twelve years. I'm very familiar with what I expected from my school resource officers, which we can talk about that later.
- Sure. And again, it wasn't that the conversations were not work-related. Of course, I don't know that she can say what every content of every conversation was, but they were both in the POST team together, and I don't think that there had been any complaints that she was aware of from her school as far as her showing up late

or after an incredibly tardy time. And it also meant that there was no evidence that we're aware of that indicated that she had been having sex on duty.

- But that's not what this is about.

- Right.

- Okay.

- Is it possible that an investigation starts looking at one thing could morph into another thing if evidence becomes apparent during that investigation?

- Well, and that's where I'm looking at the collective bargaining agreement, article 25 I mean, I guess if they have grounds for reasonable suspicion that the officer may be subject to disciplinary action, but when you're running it through the seven tests of just cause, she's never been disciplined before in her 16 years of employment with the department. Nobody else has been subject to discipline for the same offense as far as the grievant is aware.

- Basically she's being charged for not showing up at her duty station on time. Was that?

- Right.

- And no one else in this department's history has ever been disciplined for not being at their duty station on time?

- I can't say that for sure.

- Or are you just talking about SROs?

- School resource officers.

- Okay, but as far as police officers go?

- Oh, no, I just mean school resource officers.

- Okay.

- But school resource officers being paid by the school district to be in schools wouldn't have any idea that we'd want them in the school when the school day begins? Wouldn't you just normally know that?

- I completely agree with you. I'm not saying that she showed up at 8:30 every day. It's just that she requested the scan times of when other officers were logging in, and was denied that. So really, we have no way to know whether this is being enforced consistently or not.

- So then it comes down to whether it's being enforced. I mean, the expectation I know, for at least 12 years has been that you're in your schools. You go to roll call or you don't even go to roll call. You get to your schools if there are incidents going on. You get to your schools. So I have a day-to-day awareness of that. And there certainly has been discipline for people that were not showing up when I was in charge of that program. So. It would be hard to believe that someone wouldn't realize that they would need to be at work at 7:30.

- And we're not saying that that's an unreasonable expectation. It's just when you're looking at what happened, you started an internal investigation instead of just simply having an oral conversation and saying we have a

problem with how quickly you're getting to your school, can you please correct it? I mean, there was no opportunity to correct the mistake whatsoever. She was basically just spied on for how long, and then--

- I did have questions about why was it eight, I think it was eight times that it happened before she was even asked about it. I did question that as to why it wouldn't have been addressed immediately, that you know, you would have to get there. So I'm sure we'll hear those answers when the other side gets their turn to talk. But. Okay. So we're not even, so the issue isn't really whether she was there or not, it's what we're hanging our hat on here is that if everybody isn't consistently treated the same way within this group of people, that she's being treated unfairly 'cause everybody isn't being treated right.

- She was certainly denied the opportunity to discover whether other officers weren't logging into their school on time, which is why I mentioned the officer scan times.

- Well, if I could ask. If we're all adults, police officers by definition have kind of an independent job. We trust them to go out and do their job. We don't have someone sitting in the seat next to them making sure they're doing their job. We do have some ways of checking, but it's very loose and it's not very defined, because we trust that they're doing their job. So if we're trusting they're all out doing their job, we assume they're doing their job, but we have evidence that suddenly they're not, is that wrong, then, for the department to investigate that? Or are they then suddenly supposed to investigate every SRO to make sure they're all doing their jobs?

- Well, I think at the outset if you're investigating whether she's having sex on duty, and then you come to realize that she maybe isn't, but you have a problem with her response time in the school, and like you said, we're all adults, just simply give her the opportunity to correct her mistakes. And if the expectation, or the, there's the written expectations, and the expectations of everybody involved in the SRO program, and then there's what actually happens. And I think the officer scan times would have been helpful to the Committee to see if everybody's arriving at school at 7:30, or if other officers are talking to other officers on their way from roll call to their schools.

- If all the officers, say we found out that none of the SROs are reporting to school by 7:30, all in violation of the agreement with the schools, and by what I'm being told here, some job thing that was put together. They're all in violation. Does that mean they all get a pass, or does that mean we say, geez, this is not right. This is wrong.

- I think under the seven tests of just cause you look at their disciplinary records. Relatively clean disciplinary records, especially those that are 10 years free of discipline or more, are generally looked on with favor and are a huge mitigating factor. And I also think with respect to principles of progressive discipline, especially in this case, if you're a new chief and you wanna enforce expectations and policies in ways that are different than previous chiefs, then you give everybody the opportunity to correct their mistakes. But also--

- Would you say that, based on what you've read in the paper about our current chief, you think there's been a strong message sent to everybody already? That their expectations are if not stronger, going to be much more severe than they have been in the past?

- Absolutely, but I just think with respect to the school resource officers, again, that's part of the reason why we requested the fact-finding hearing, just to flesh out some of the other school resource officers who are currently at other schools, and just hear some of the testimony related to that.

- So looking at those seven tests of just cause, is it a reasonable rule that a person get to work on time at the school? I would say yeah, passes one. Two, did the employee get notice of the work rule. School starts at 7:30. That's as far as the West school district. I don't know how a person could think that's not. Let's see, sufficient investigation. See, if they would have talked to her after the first time she was late to work, I think that, I

would have felt like that was being picked on, though. I mean, I'm late once, and I'm already being called in? But eight times, it seems excessive too, so, I'm just trying to, but I wouldn't think you do it. Was it a fair investigation? Is there proof of misconduct? Is there equal treatment? That's what we're looking at, number six, right?

- Yes.

- Have you dealt with your employees equally without discrimination? Are work rules applied consistently?

- And I guess I would, based on, granted we're listening to Chief, but based on what you're saying, were they applied fairly? Well, it sounds like she was the first one discovered not reporting to school on time. So if you're gonna treat her fairly, you treat her what, how you treat all your officers?

- Right.

- And how are other officers treated if they don't report to their duty station on time?

- Well, I think they didn't look into that, because they deemed the officer scan times when they were at other schools not pertinent to this investigation.

- They have to scan in when they go to their schools?

- Their ID badge or something?

- Even like, when you open the door? But everybody doesn't necessarily, I mean, doors aren't locked before 7:30.

- They all scan in.

- What?

- I always scanned in.

- You did.

- Yeah.

- Okay, I'm not, the doors are not locked until after all the students are in. You can just go in the front door without scanning in. Officers could have done that.

- I scanned in.

- You did. But it may not be an expectation that everyone scans in. There may not even be that record available. And I'm not even sure how we'd get that thinking of how a school district runs. So I don't even know if it's something that's even possible to get.

- I guess my point is, if you, I just think it should have been handled differently. I think she should have been given an opportunity to correct her mistake, maybe not after the first time, but certainly before the eighth time. And especially when considering this started out with whether she was having sex on duty and morphed into something else is concerning. And then especially given her lack of discipline for the last 16 years. I think those were significant mitigating factors, especially when contrasted with her seven weeks of administrative

duty, which had a pretty significant toll on her physical and mental health and well-being. And then a lot of the treatment from her lieutenant, who, it's my understanding, and I don't necessarily know how this is all supposed to work, because I didn't review the Green Bay Police Department policies on this. But her lieutenant at several points throughout this entire timeline had, and again, this is why I was requesting the fact-finding hearing because I had anticipated having these witnesses for the Committee. The lieutenant who had conducted the initial investigation, there are several witnesses that indicate that he called her, he called SRO Liska a cunt and a bitch on several occasions. So the idea that the investigation wasn't conducted in a fair manner, it was conducted by Lieutenant Brester who, I would anticipate there would be testimony SRO Liska and the other officers who heard these comments that his behavior with her was pretty inappropriate.

- He called her that to her face or in private conversations outside her hearing?
- Private conversations outside of her hearing.
- And did these people report this to a supervisor or HR?
- It is my understanding that one of the witnesses reported it to the department investigations board.
- Okay, so you are also alleging that this investigation could be flawed because of his attitude towards her.
- Yet there's a lot of evidence in here that other people observed this, other, Commander Runge was one. I think Commander--
- Commander Ebel. Lieutenant Allen. And it sounds like she self-admitted during the interview that she wasn't reporting to school on time.
- And she'll be the first one to tell you that she wasn't.
- Right, and for whatever reason it was, I mean, whether it be for POSTs or just what did you do this weekend, she's not at school. And as I understand it, the school pays her salary, and they have expectations for these officers to be at school. Whether there's someone following them around to make sure they're complying with that or not, I think is neither here nor there. There is that expectation.
- Time's over.
- Is there anything else you'd like to present at this time?
- Do you want me to submit any corroborating documentation of all the things that I've brought up?
- Is it beyond what we have in these 60 pages of stuff?
- What kind of--
- If you listed what you have.
- Sure. Here it is. The ones I read off, the investigative report 17-37.
- And that's dated November 30th?
- I do not have a date on it.

- Yes, it is, November 30th.
- Then Liska DAP, dated 2/26 of 18. Chief Smith's response, 3/29 of 18. Initial response of Chief Smith, 4/2 of 18. Chief Smith's response to step one, 4/9 of 18. Liska step two grievance, or I'm sorry. Do you have that last one? That would be Chief Smith's response of 4/9 of 18.
- Yes.
- Okay.
- Liska step two grievance, 4/23 of 18.
- Yes.
- Director Faulds' review, 5/11 of 18.
- Yes.
- Liska step three grievance, 5/30 of 18.
- Yes.
- Letter from Chief Smith, 2/29 of 18.
- Yes.
- Okay, GBPD policy 320, standards of conduct.
- Yes.
- Okay, and then lastly, SRO expectations. There's no date on that.
- Yes. Okay, and you have other documentation for us?
- Yes, I have her performance statistics that shows she's the highest performing school resource officer if you're looking at traffic citations, being at school citations, written warnings, criminal arrests, cab dispatch calls, self-initiating calls. I also have the January 18th, 2018 letter indicating she'd been placed on administrative duty as well as the initial seven alleged policy violations, and then the corroborating initial seven policy violations from the Green Bay Police Department policy. And then, her request for the officer scan times, and then a letter dated February 13th of 2018 related to the Loudermill hearing, which again she indicates to me that she did not see until April 19th. And if you like, I can certainly follow up, email those documents too.
- Thank you.
- Sure. Do you want a break or do you wanna?
- I think you should
- All right. And Chief Smith, are you ready?

- Sure. First of all, I'd like to clear up some facts that have been misrepresented here, and I think it's really important. This is a very simple case of an officer not doing their job when they had clearly been given expectations, been spoken to about their job, and failed to respond to that informal discussion. This was never about sex on duty, there's no allegations of sex on duty. There was a rumor around the department that even I heard that these two were romantically involved and perhaps Jeff Brester mentioned sex on duty in the casual conversation he had at Subway in August with Officer Liska, but this was not about sex on duty. No one was accused of sex on duty, nothing to do with sex on duty. In August of this past summer, Lieutenant Brester observed Detective Liska, or Officer Liska, and Officer Eklund in a Subway. He recalled that there had been rumors around the department about them two spending an inordinate amount of time together while they're on duty. Also including there was an allegation by someone made that they may be having sex on duty. He pulled her aside in the Subway in August of 2017, and said, "Officer Liska, just so you know, "these rumors are out there, "and you shouldn't be spending so much time "with Officer Eklund while you're on duty." Warning number one. On August 28th, Officer Liska met formally with Commander Runge and Lieutenant Brester in Commander Runge's office.

- I'm sorry, what was the date?

- The date was August 28th, best of my knowledge. They met together and they talked about exactly the same thing. Spending time together. They reviewed the expectations, and I direct your attention to page five of the investigation, which has the school resource officer expectations to which Officer Liska was given and acknowledged that she knew about. And I direct your attention to the first bullet point, which says, respond to school as soon as roll call is over. Be at school by 7:30 a.m. Now this, you recall, was created by school resource officers. This is not an Andrew Smith thing. This has been in place for a long time, and these were clarified and reviewed by school resource officers recently as the best practice and what the expectations are. The next line says, most high schools and middle schools start at 7:30 a.m. That includes West High School, where she was assigned, 7:30 a.m. It is important for the SROs to arrive by 7:30 to assist staff with any issues, quite clear. She was given these when she was given the school resource assignment on January 2nd, 2017. She was assigned to the west quadrant, which includes West High School, which starts at 7:30. The expectation is that she's there at 7:30. She was reminded that she's spending too much time with Office Eklund. She was reminded of the expectations by Lieutenant Runge and, or by Commander Runge and Lieutenant Eklund on August 28th. It's all in the investigation fully for you to read--

- You mean, you just said Lieutenant Eklund.

- I'm sorry, I meant Lieutenant Brester. My bad. Commander Runge, Lieutenant Brester, August 28th. That's the informally meeting where they sit down and they tell her what the expectations are, remind her that she's supposed to be at the school and that time and remind her that these rumors are out there, that she's spending too much time on duty with Dave Eklund.

- Okay.

- Fast-forward to November 30th. On November 30th, they were observed park car-to-car in an alley, a gravel alley near an abandoned warehouse south of Adams and in the opposite direction of the school where she's supposed to be after roll call. Lieutenant observed her parked down there, and mentioned it to Lieutenant Brester. Lieutenant Brester took that information and then that same day was reminded by Captain Warych that he had seen them parked there several times as well, parked squad-to-squad, knowing that the SRO's supposed to be at the school and not where she's supposed to be at the time she's supposed to be there. Based on those incidents, the lieutenant that notified Lieutenant Brester, and based on the information from Captain Warych, we elected to put a GPS device on our police car that is assigned to her. The reason why we did that is because we can't afford to have somebody following her around all day to see where she's going, and to see who she's hanging out with, and to see whether she's shirking her duties and not where she's supposed to be. So it was an easy way for us to accomplish the investigation and find out if she's where she's

supposed to be or if she's not. Well, after about a month, we pulled the GPS device off and found out that in fact, she's not where she's supposed to be. Time after time after time after time, she left the police station, drove in the opposite direction of the school she's supposed to be at, pulled into an alley in an area where there's no crime, no crime problem, no crime concerns, no crime considerations, and went squad-to-squad with Officer Eklund. How long, I don't know. By their estimate, by her estimate it was 20 to 30 minutes. By his estimate, 30 to 45 minutes. We've got documentation all the way up into excess of 30 minutes that they were parked squad-to-squad there. Now this is after 7:30 while she's supposed to be at the school. After eight incidents of this happening, I said enough is enough, pull her aside, and let's end this investigation now. While we conduct the investigation, we put her on administrative duties. Now you'll know that that's the typical thing that the police department does. If you're engaging in serious misconduct, which I consider this to be, and you're shirking your duties and you're not where you're supposed to be, and you're letting the school children down, who get paid by the school, we have paid to protect those kids, and we're not there, we're not protecting those kids. As evidence of how lax this was, there was an incident occurred where a radio call occurred that came out at one of her assigned schools, and she failed to respond to that. That was January 3rd. During this investigation, a disturbance occurred at one of her schools, Lincoln Elementary, 7:39 a.m. At that time, she's parked squad-to-squad. At that time, she's supposed to be at her school. She does not hear the call. She does not respond to the call, and other officers handled the call.

- If I can interrupt. What if she'd been at West High School? Would she normally have responded to Lincoln? Or are you just saying because she was not where she was supposed to be, there's no chance she could respond.

- If she was at West High School doing school duties, I don't have a problem with her not responding to that. But if she's chit-chatting with a friend, car-to-car when she's supposed to be doing work-related duties, I do have a problem with that. And I think we need to hold our personnel accountable for what they're doing while they're being paid by the City or the school district to do that job. But had she been involved in getting late to the school because she was filing reports or making copies, or meeting with her lieutenant or commander, or even another officer about school-related, work-related, business-related issues, we wouldn't be having this conversation. We wouldn't be here, she wouldn't have a two-day suspension. But it wasn't. It was personal business. It was not POST-related. Ben can testify as to what the POST protocol are. There's no indication that there was anything to do with POST issues that they were talking, both on the POST team, that didn't even come up in her interview until afterward, when they realized it. So the reason why we let it go eight days is because we wanted to make sure we had a good idea of what was going on.

- You let it go eight days, or you let it go a month, and then checked how many times--

- Yeah, but virtually every day that they were both working and he wasn't assigned to a call, they were meeting car-to-car before school. Every day.

- If you were checking the GPS every day, would you have allowed it to go eight days?

- Well, I think we wanted to see what the scope of the problem was. We know she'd already been spoken to informally by the commander and the lieutenant about her attendance and about her meeting with him back in September--

- We contest that detail. She contends that the specific attendance issue was not brought up in the meeting.

- Okay.

- I think you'll find the investigation was pretty comprehensive about what was covered and all that business. A couple other things that need to be clarified. She was assigned to an administrative assignment, which is what we do. I've got people on administrative assignments right now, and administrative schedules because of

misconduct, and because we're investigating misconduct on them. That's a standard practice that goes back in the department's history.

- Is this normal, though, for seven weeks? For something like this?

- I've got someone who's been on administrative assignment for many months now.

- Well, that one sounds like a more complicated case. This sounds like one where we've got eight violations, you interviewed her, you interviewed him. What went on for that seven weeks that it took so long?

- Well, we've got a lot of other investigations going on, as you're aware. We've got the Spoerl case, which we were working, my internal affairs guys were working on. We've got a serious case involving another detective, that's in the detective squad room. We've got a case that, we've got three or four other cases that are pending, and a lot of other things that are happening behind the scenes on other cases. So we couldn't just drop everything and get to this investigation. I wish we could have gotten this investigation done quicker, but to be honest, seven weeks for a serious investigation like this is pretty darn quick, based on our track record. There's a question that, and it's not an agreement, so it's really not something that we should be considering, but there's a question about Lieutenant Brester getting a personnel complaint. He is the subject of a personnel complaint right now. After this investigation was completed, he was alleged to have made improper remarks in a private conversation. That is under investigation right now and has not yet been adjudicated. But in these interviews, not only was she represented by an attorney, but we had another officer in these interviews with her and with Officer Eklund, so it wasn't just a one-on-one interview. And certainly the information that was gleaned from these interviews, videotape recorded and audiotaped, I have no question about the accuracy of these interviews and the accuracy was transposed there. You are correct, most officers don't scan their way into the school when the doors are open. There's no reason to pull out your card and scan if the door's open. Everybody walks in, students and officers included. It's quite clear to me that this is a simple case. It's a simple case of being where you're supposed to be while you're paid to be there, or not. And my real concern about this is during those times when she's a mile and a half or two miles away from the school in the opposite direction chit-chatting with a friend, our schools were in session, doors were open, and our children were vulnerable because she was not there. And she was supposed to be there, she knew she was supposed to be there, she was told she was supposed to be there. We have the documentation that she was given that says you're supposed to be there. And she had no reason to be there that's work-related, except to chit-chat with a friend in an alley where there's no other crime taking place.

- What about her record?

- Well, that's why she got two days. So it's certainly much more serious, shirking your duties like this, and leaving our schools exposed and our children exposed like that? That's much more than a two-day suspension. That's much more than two days suspension. The reason why it was only a two day suspension was because of her record. She's got a great record. She had provided documentation to me about how much work she does at the school, and that's great. But had she had not a good record, this would be much more than a two-day suspension. So to clarify, it wasn't about sex on duty. It was about not being where you're supposed to be and not having any police-related reason to be there.

- I also failed to give the Committee the POST team policy. I'm not sure how the department can be certain about the content of the conversations unless they were somehow recorded. And again, I guess I just ask the Committee to reconsider granting us a hearing so some of the facts could be fleshed out. It's easy the Chief and I to sit here and tell you what we think the facts are, but it's certainly a lot more helpful to fact-finders such as yourself to hear from the actual parties involved. But, of course I would defer to your decision as far as if you have enough to decide today.

- Okay, pause. Can we revisit having a hearing?

- You could.
- Does anyone feel so inclined to revisit that, Barb? Veronica? I'm sorry?
- I don't
- Kathy?
- No.
- We have a tie. I'm not inclined.
- We don't have a tie. The motion fails.
- The motion fails, right, on a tie. Okay. Then we continue. I'm sorry. So they each get five minutes of rebuttal.
- Right, if they wish to add anything else, they can do that; it really should be just on what was submitted for the record. No testimony should be given, and anything that wasn't submitted shouldn't really be discussed or considered.
- Do you wanna take a few minutes?
- Yes, thank you.
- So we take a little break?
- Sure.
- All right, we're gonna take a break, five minutes or so.
- Until?
- Okay, let's, 'til say quarter after. So if anyone has to use a restroom or you guys wanna meet somewhere else off to the side, either party. There's certainly room for you to do that. The Committee is back in session. All right, and we were with...
- I think we left off, the Chief had finished.
- And Carley, we're gonna give you five minutes to finish up.
- I know I've given the Committee a lot to think about today and we are here before you on SRO Liska's grievance of the fact that she was placed on the seven weeks of administrative duty, and denied the opportunity to earn the 60 hours of flex time. With respect to the fact that the investigation started November 30th, and then she was placed on administrative leave January of 2018, and then she informed the Committee today that basically there was really not a whole lot going on in those seven weeks is concerning. It's my understanding that the eight violations that the department cited as the concerning behavior, happened before that January of 2018. So basically it just seems that those seven weeks were just them processing it and figuring out the level of discipline. I think when you're considering all of the facts in this case that the seven weeks of the administrative duty, especially given the sedentary nature of it coupled with her specific physical needs, the fact that she was recorded, and constantly had the lieutenant commenting on her behavior and attire in that room, especially in light of his specific comments directed towards her is unreasonable. We're

asking that the Committee find that it was an unreasonable work rule as it relates to the collective bargaining agreement, and that you grant our grievance. Thank you.

- What exactly was an unreasonable work rule?

- That she was placed on the administrative duties and denied the opportunity to earn the flex time. And that's another thing of just the consistent enforcement of it. For example, Lieutenant Brester in that pending investigation, it's my understanding he hasn't been placed on administrative leave. So it just seems that given her work record, the mitigating factors, the seven tests of just cause, that a more minimal level of responsive discipline would have been adequate to correct the policy violations.

- I know very well what flex time is, and as I'm sure does Alder Galvin, but I don't know that the other two alders have any idea what 60 hours, how you earn 60 hours of flex time, and why SROs want that. So could someone explain that to them, please?

- Yeah, sure, thank you. And this is Detective Phil Scanlan, he's a representative of the union.

- Good afternoon. I'm a representative with the Green Bay Professional Police Association, and I know we've heard a lot today from different angles of the investigation. The grievance at hand is that the placement of her on administrative duty was an unreasonable work rule, that at that time, the 18th of January, she had already been brought in and questioned, they had the offenses that she'd committed, that she had answered the questions and she'd admitted to the offenses that they alleged. And that being placed on administrative duty for seven weeks cost her a loss of time in regards to flex time. Flex time is a Friday that police school resource officers, or everyone in this department that's not on an administrative schedule has every other Friday off. Police school resource officers work Monday through Friday. So as a way to accommodate for that difference in schedule, every other Friday, they gain eight hours of pay. Then the school resource officers traditionally have off during the summer, so they accumulate that time and then use it all for the summer to be off when the kids are off, and then during the school year, they're there Monday through Friday. So that accumulated time makes up for the difference of not having off every other Friday, and gives them off during the summer so they can be synced with the school district hours. So I just wanted to say briefly that we've heard a lot from both sides. The grievance here at hand in regards to what was brought forth by the Green Bay Professional Police Association is that because the investigation was, for the most part, to my knowledge, documented as far as the policy violations that she had committed, that she was put on administrative duty for seven weeks, having a loss of that time, loss of the opportunity to build those flex days, and the remedy for that would be to compensate her for the flex time that she lost, or give her the opportunity to accrue the time that she would have been able to accrue working at basketball games and events that school resource officers can accrue.

- Real quick question, Phil. Has any other officer ever been suspended pending an investigation?

- Suspended, or put on administrative duty?

- I'm sorry, administrative leave.

- Yes, administrative duty, yes.

- Administrative duty. Have they every missed overtime--

- Yes.

- Or anything else during that time?

- Yes.
- And how was that resolved?
- I guess I can't speak for every single investigation.
- To your knowledge.
- To my knowledge, I'm not aware of SROs being put on administrative duty and not accruing time. I'm not aware of also any grievance regarding administrative duty where someone accrued that time back.
- Okay, wait.
- I guess you're asking me what had happened in the past?
- No, no. Has an officer ever been put on administrative duty?
- Yes.
- Have they ever missed overtime during that administrative duty time?
- Yes.
- And, when everything was resolved, did they get that overtime back?
- I do not know.
- Okay. Has there every been an SRO that's been put on administrative duty? To your knowledge?
- Besides Officer Liska, I'm not aware personally.
- Okay, thank you.
- Part of the flex time was about events that weren't worked. It's not just about this every other Friday, right? Isn't part of the flex time about that we ask them to work in a school district, they work basketball, and they accrue hours for that? They work the football games, they work the prom, whatever? If they aren't working those hours, they don't get that flex time, and by not being there for seven weeks, she was not allowed to work those hours.
- Correct.
- So it's beyond just missing the opportunity of Friday off, right?
- It's both.
- It's both, combined came up to 60 hours.
- Okay. Any other questions before we go to Chief Smith? All right, Chief Smith?

- Thank you. Just for clarification, regarding the administrative duty loss of flextime business. January 20, or January 18th, 2018, she was assigned to administrative duty while we conducted this investigation. She was placed off work by her physician on February 20th, so that was what, two weeks later? She would have missed two Fridays of flex time had she been working. After that, she was on light duty, and would not be able to work in the field, and would not be able to work those flex days because she was on a light duty assignment, was unable to work those. I had my staff go back and check how much overtime she earned from September until the time she was placed off duty working events at night. Except for the Homecoming, less than three hours of overtime during that time period.

- Or do you mean admin time, or?

- I'm talking not flex time, this is overtime, working events out in the field. Less than three hours, except for the homecoming business, which they all earn, was what I was informed of this afternoon. Just to be clear, putting someone on administrative assignment is standard practice. It's in the letter that I give and that has been given out since long before me, that you can't go out and earn overtime while you're on administrative assignment. People are placed on administrative assignments when it's serious misconduct. There were a lot involved in this investigation. We didn't just pull her in and say, did you do this? And did he do this, and you're done. We went and conducted investigations into the GPS, we looked at where they were, and where they were at what time, we looked at what was going on in that particular case involving the school call that came out on Lincoln Elementary on January 3rd, we went and interviewed school administrative officials to find out if she was where she was supposed to be. And that's all in the investigation that you can see here. This is a substantial investigation, I think a very thorough investigation which you have, and you can use to judge whether we did a good job, and whether the seven weeks of time were well spent. But it was not just a one-and-done interview, and then make her go do administrative assignments. There's some misinformation about the videotaping. That room is videotaped for the protection of our officers. It's not audio-taped, but it's videotaped, has been as far as I know. We assign officers down there. In fact, I just had an officer who was light duty with a back injury working in that very desk in that very position doing that very thing that she was doing while she was on this administrative assignment. And he was being recorded that entire time just like everybody is, because it's a videotaped system we have for our officer's protection. That's in the fingerprint room downstairs where we have people come in and out of this fingerprint room who are--

- So it runs continuously, correct? It doesn't matter if anyone's in there or not?

- Correct.

- Okay.

- And it wasn't meant to spy on anybody. It's a videotape that is on all the time.

- Was it accessed during this investigation?

- I believe the lieutenant checked to make sure she was at her assigned duty, doing her assigned duties.

- So you all looked at the video to make sure--

- Yes, sir. A couple things. There's been some information about this being a POST conversation that they had down there. Neither party gave that information to the investigators when they were first questioned about what was going on, what they were talking about--

- What is a POST conversation?

- Police Officer Support Team.

- Oh.

- So they are members of the Police Officer Support Team. If they are involved in a discussion involving the Police Officer Support Team, there's a POST data form that's supposed to be completed. Standard form, completed when you have one of these conversations, obviously zero of that were completed during this time. So if they were having POST conference or POST interview, they didn't tell us about it when they were interviewed, and they didn't do the protocol and follow the POST policy as they were supposed to. So that's something that came up after the investigation was just about over. A couple things I wanna make clear. One thing that is kind of disturbing. It's a simple case, it's about holding people accountable for being where they're supposed to be, where we're paying them to be, where they need to be to protect our kids, and where they weren't. Had they been doing real police work, had they been doing something that was police related, something that was important that needed to be done, we wouldn't be here today, as I mentioned. If you look at the total times, I have 189 minutes over the month that we looked at them that they were chit-chatting down there. 189 minutes, about three hours. If you extrapolate that back to the time she started, which they both said that they had been engaging in this activity from the time when she started, basically her SRO positions, that's close to 24 hours chit-chatting in an alley away from your assignment for no reason. The facts are clear, the case is simple. You have all the information in front of you. They did a thorough, fair investigation, that meets all seven steps of just cause. What we're trying to do here is send a message to all of our officers. Do your job. Or there'll be consequences. That's why we're here, and I think it's quite clear that the job wasn't being done for the kids at that time.

- I just have one clarification on the light duty that she would have been entitled to less time. She wouldn't have had to be placed on light duty had she not been placed on the administrative duty. Essentially her doctor recommended she be placed on light duty because of the back issue she was experiencing because she was unable to move around as she normally is at the school resource officer position. It's also, SRO Liska's position that she was never given, she never had a conversation with any of the people in the department. Allegedly she had a conversation about the attendance issue, it was all about the rumors with the inappropriate relationship with Officer Eklund, and indeed there's also been some information relayed to me that all the SROs had to go through the expectations individually after she was placed on administrative leave. They had to sign forms indicating they understood the expectations. And again, that was done after she was placed on administrative leave, and I don't believe that she has ever had to do that up to today.

- And if I could interject, doesn't it make sense that we would make sure the rest of the SROs are aware of the rule that has just been violated so flagrantly? Doesn't it make sense that we would tell the officers, hey, by the way, in case you missed this, you were told this, and remind them so we can hold them accountable as well.

- I need a clarification. In between what you told me about the admin duty caused her injury and something about she never had a conversation with--

- The department has said on multiple occasions that she was warned, and it's her position that she was never given warnings about the attendance issue until she was given the policy violation notices on January 18th.

- Okay.

- So I believe it was Commander Runge and Lieutenant Brester had said multiple times that they've talked to her about the attendance specifically. And based on her best recollection of those conversations, it was always about the inappropriate, alleged inappropriate relationship with Officer Eklund and those rumors, which she obviously--

- Were they documented? Were those conversations documented by Runge and Brester?
- The conversations were not documented, but I draw your attention to her statement in the investigation that discusses that.
- Okay.
- At this point, I think that if you guys are done asking her questions, then you go into closed session for deliberation.
- Are there any more questions on either side? All right. The Committee may convene in closed session pursuant to state statute 19.85 for the purpose of deliberating concerning a case which was the subject of any judicial cause or judicial trial or hearing before a governmental body. The Committee may thereafter reconvene in open session pursuant to state statute 19.85 to report any actions taken during closed session and consider all other matters on the agenda. We will be going into closed session.
- Do I have to move?
- Oh, I'm sorry.
- I move that we go into closed session.
- Second.
- Okay, motion by Alder Dorff, second by Alder Veronica Dax. All in favor?
- Aye.
- Any opposed? That's unanimous.
- By Alder Dorff?
- By Alder Dorff to go back into open session, seconded by Alder Veronica Dax, all in favor?
- Aye.
- Any opposed? That passes unanimously. Okay, this Committee did not consider anything other than consideration with possible action on review of standards of conduct, SRO expectations grievance, filed by Officer Tracy Liska. The Committee has made the following findings of fact. One, this matter was heard by the Personnel Committee at their next regularly scheduled meeting following receipt of the grievance pursuant to article three of the labor agreement. Two, the parties were provided an opportunity to submit written documentation in support of their positions. Attorney Windorff also submitted four documents during the hearing, and we labeled those one, two, three, and four. Four, all the documents were admitted into the record and considered by the Personnel Committee in making their decision. Officer Liska requested a fact-finding hearing and the Personnel Committee determined that a hearing was not required in this matter. Officer Liska was tardy in reporting to the schools in her assigned school resource officer quadrant on at least nine occasions. Number six, instead of being on time to her assigned school Officer Liska met with another officer outside of her assigned school district area responsibility on a regular basis. Number seven, all these meetings occurred when Officer Liska knew or should have known that her duty assignment was to be at her assigned school. Eight, Officer Liska was aware of the policies of the Green Bay Police Department as well as the expectations for all officers assigned to SRO duties. Number nine.

- Okay, sorry.
- Yep. Green Bay Police Department policy 320.5.7 provides the standards of conduct, efficiency, and neglect of duty. Number 10, Green Bay Police Department policy 320.5.7 provides the standards of conduct, efficiency, unsatisfactory work performance including but not limited to failure in confidence, inefficiency, or delay of performing or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse. 11, Green Bay Police Department policy 320.5.5 provides the standards of conduct, attendance, unexcused or unauthorized absence or tardiness. Conclusions of law. This grievance is properly before the Personnel Committee pursuant to article three of the labor agreement. Number two, a hearing on this matter was timely conducted in accordance with article three of the labor agreement. Number three, Officer Liska's conduct in being tardy to her assigned school on at least nine occasions constitutes a violation of policy 320.5.5 Number four, Officer Liska's conduct in meeting with another officer outside of her assigned school district area of responsibility, instead of being on time to her assigned school, constitutes a violation of policy 320.5.7, and 320.5.7 I will now take a motion to deny the grievance and uphold the chief's findings.
- Ithe motion.
- Motion by Alder Lefebvre to deny the grievance and uphold the chief's findings. Seconded by Alder Corpus-Dax. All in favor?
- Aye. Any opposed. Then it's unanimous. And this portion of the meeting is concluded.
- [Carley] Thank you.
- Ready, okay. Under F, number one, report of routine personnel actions for regular employees. Staff?
- This is our standard report that's presented at each Committee meeting detailing transfers and hires, promotions to
- Does anyone have any questions on that? All in favor of receiving and placing on file the report of routine personnel actions? Oh, I need a motion.
- How about I move that we receive and place on file.
- Second.
- Second, okay, motion by Alder Dorff to receive and place on file, second by Alder Corpus-Dax. All in favor?
- Aye.
- Any opposed, that passes unanimously. Number two, next meeting date July 10th, 2018. All right.
- So, we have to take the June 26th one off.
- We were told that we can't delete those items, but we'll note canceled.
- Oh, okay.
- So do you have to--

- Do we have to--
- It's canceled, no.
- It's canceled. No, all right. All right.
- Motion to adjourn.
- The motion--
- Second.
- Motion to adjourn by Alder Corpus-Dax, seconded by Alder Dorff. All in favor?
- Aye.
- Any opposed?
- No.
- All right.
- We have to leave the meeting, so nobody forget that. It's my job to remind everybody of that. It's messed up.
- Okay.