



MINUTES OF THE PERSONNEL COMMITTEE

TUESDAY, MARCH 23, 2021, 4:30 PM
IMMEDIATELY FOLLOWING FINANCE COMMITTEE
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom meeting.

B. ROLL CALL.

I. Members: Ald. Bill Galvin, Ald. Barbara Dorff, Ald. Veronica Corpus-Dax, Ald. Brian Johnson

Present: Veronica Corpus-Dax, Bill Galvin, Barbara Dorff, Brian Johnson

Others Present: Ald. Lynn Gerlach, Park, Recreation and Forestry Director Dan Ditscheit, Finance Director Diana Ellenbecker, City Attorney Vanessa Chavez, Public Works Operations Director Chris Pirlot, Police Commander Kevin Warych, Asst. City Attorney Lindsay Mather, Officer Luke Lansbach, Human Resources Director Joseph Faulds, HR Operations Manager Melanie Falk and others.

C. APPROVAL OF THE AGENDA.

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to move Regular Business agenda item #3 to follow Regular Business agenda item #1.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to approve the agenda as amended. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

D. APPROVAL OF MINUTES.

I. Approval of the minutes from March 9, 2021.

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

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

E. REGULAR BUSINESS.

I. Consideration with possible action on the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.

a. Parking Maintenance Technician - Public Works

b. City Forester - Park, Recreation & Forestry

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to approve the request to fill the Parking Maintenance Technician position and all subsequent vacancies. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

Moved by Ald. Barbara Dorff, seconded by Ald. Brian Johnson to approve the request to fill the City Forester position and all subsequent vacancies. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

2. Consideration with possible action on the request for reconsideration received from the GBPPA on the decision issued on grievance #20-005 filed by the Green Bay Professional Police Association regarding the removal of an officer from the K-9 Unit.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Barbara Dorff to hold until the next Personnel Committee meeting. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

3. Consideration with possible action on the request to reclassify the Public Works Sr. Carpenter position to a Street Section Laborer and approval to fill the position and all subsequent vacancies.

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

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

F. INFORMATIONAL.

1. Annual review and feedback on the City's Dress for Your Day Policy.

2. Report of routine personnel actions for regular employees.

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

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

3. Next meeting date: April 13, 2021

G. ADJOURNMENT.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Barbara Dorff to adjourn. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

VERBATIM MINUTES

- Meeting. The time is 5:10 on the 23rd. We'll start out with roll call. Alder Dorff?
- Here.
- Alder Corpus Dax?
- Here.
- Alder Johnson?
- Here.
- And this is Alder Galvin. I'll entertain a motion on the, oh, I do have a request on the agenda. They have asked that item number three be moved up in front of item number two.
- I move to amend the agenda and move up item number three to be right after item number one.
- Second.
- Do I, okay, we have a motion and a second. All those in favor, say aye.
- [All] Aye.
- And that passes unanimously. I'll entertain a motion on the minutes if everyone does not have any questions.
- No wait, we have to, we have to now--
- Oh yeah.
- I move the amended agenda--
- To be approved.
- Second.
- Okay.
- All right, I have a motion and a second. All those in favor of the amended agenda.
- [All] Aye.
- Okay. And I'll entertain a motion on the minutes if no one has any questions or corrections.
- So moved.
- All right. All those in favor say aye.
- [All] Aye.

- And that passes unanimously. Onto Regular Business. Consideration with possible action on the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers. Item A is the Parking Maintenance Technician position. Does anyone have any questions for staff? Alder Johnson.

- Thank you, Alder Galvin. This one would likely, let me see, did I see Chris, Chris Pirlot. If I'm not mistaken, I'm looking at this Parking Maintenance Technician position. I'm not questioning it's importance. However, if I'm not mistaken, is this not the third one in probably as many months out of four positions?

- It is. The parking maintenance technician, this particular we have daytime shift and an overnight shift. The overnight shift are the ones that do the nighttime enforcement for our normal no parking on the street. They power wash the ramps when they're empty, snow removal in the winter. And we have, indeed, have had, is three in three months where they either moved to, someone retired or went to day shift. And we had a couple that resigned. One found a better job that they were actually looking for elsewhere. And the other one that resigned realized that, "Nah, it just wasn't for me."

- So, in your opinion, this is just a coincidence and not necessarily reflective of a bigger issue that we might need to address with the responsibilities?

- No, it's we do have 24/7 coverage in parking. We need the shift coverage. In a perfect world I would love to have only day shifts, but it is what it is right now. And yeah, we had just an unfortunate circumstance that we have where the people just decided it wasn't for them or something else occurred in their career transition.

- Okay. Thank you.

- Okay, so I make a motion that we approve.

- Second.

- All those in favor.

- [All] Aye.

- That passes unanimously. And then item B, the City Forester, Park and Recreation position. I just want to say, Mark, the gentleman that's leaving this position has been a real asset for me, at least, during all the years that I've been in Alder for the City. And the fact that he's retiring, I mean, good for him, but I'm going to miss him, and I'm sure everyone else in the city is going to be missing him. I think he did a pretty darn good job.

- I move to approve.

- Second.

- All those in favor say aye.

- [All] Aye.

- And that passes unanimously. On to item number three. Consideration with possible action on the request to reclassify the Public Works Senior Carpenter Position to a Street Section Laborer and approval to fill the position and all subsequent vacancies. Does anyone have any questions for staff? If not, I'll entertain a motion.

- Motion to approve.

- Second

- Second, all those in favor say aye.

- [All] Aye.

- And that passes unanimously. On to item number two. Consideration with possible action on the request for reconsideration received from the GBPPA on the decision issued on grievance number 20-005 filed by the Green Bay Professional Police Association regarding the removal of an officer from the K-9 Unit. Staff

- [Joseph] Attorney Chavez or Attorney Mather, if you want to start with this.

- [Lindsay] So this one, as we had discussed last week, the issue was whether the first portion of the grievance has been resolved, which is the question of has, excuse me, Officer Lynch's removal from the K-9 Unit. And attached to the agenda was the February 4th letter from Attorney Cermele, in which they explained the union's position as to why that portion of the grievance had not yet been resolved and also the city's response. And so, the issue before the committee today is basically figuring out the resolution of that portion of the grievance. And the remainder of the grievance has already been decided. And that part's not being reopened. Do either, I don't know if, Alder Galvin, if you want to ask if either of the parties want to speak in favor of their motions? I know that they did that at length last time. But if the committee wants to hear from them after reading the memos, I defer to you on that.

- Sure, well, and actually, after reading the February 4th letter from the GBPPA's attorney, that clarified for me a little bit further of what they were looking for. And I'm not sure if the committee, after reading through that letter at length and having time to think on it, has any questions for either the city and or the GBPPA. And I'm not sure if anyone's, who's here representing the GBPPA?

- Alder Galvin, I'm the only one present for the GBPPA today, just due to some scheduling conflicts. So if there was any, it would probably be best suited for either Detective Scanlan or Detective Miller.

- Okay. So, okay. I'll take that under advisement. And then who would it be representing the city today? Okay, Director Faulds. All right. Do any of the committee members, after going through the February 4th letter and then rereading through the case file that was presented by each side, do any of the committee members have any questions for either side? Alder Johnson.

- Thank you, Alder Galvin. I just had one question that really kind of stuck out at me. In the letter from the attorney, it was referenced that the provision related to basically a K-9 handler's ability to hold that position indefinitely existed in previous contracts. But when that contract was renegotiated in 2016, that's when the term of 10 years or two dogs was imposed. And the claim was made that anybody who was a K-9 handler prior 2016 was essentially grandfathered in and allowed to continue to hold that position in perpetuity. And so, that's where, that kind of threw me off a little bit because I think it's at the heart of what we're talking about here. And so, this would be a question for either party that wants to answer it. Specifically, are all provisions of renegotiated contracts grandfathered in? And if not, why is this particular provision grandfathered?

- Okay. I would ask, I know Director Faulds is more than prepared to answer that. But Officer Lansbach, do you feel prepared to answer that? Or would you rather wait until our next meeting to have either your attorney or Detective Miller answer that?

- I would prefer that they speak to that directly, just due to them being a little more well-versed in past practice.

- Okay. And then here's my suggestion. Director Faulds, go ahead.

- [Joseph] I guess my response to that is the city's position is that we've allowed Officer Lynch to go back on the K-9 unit. And I think the question that Alder Johnson is asking is not really relevant to deciding, and I know it's up to Alder Johnson and the committee to decide if it's relevant or not. But our position is that, whether it's grandfathered or not grandfathered in, we agreed that Officer Lynch is grandfathered in, and that's why we put him back on the K-9 Unit. So that's how I would respond to that. I don't want to put Officer Lansbach in a bad position. I wouldn't expect him to respond. But that's the city's position, is that that's not really relevant to this discussion. The city believes we've resolved it. We put him back in the K-9 unit. There's no controversy, nothing to discuss, let's move on, that's our position. But if you want to wait until the union president comes back, we have no problem with that either.

- Okay, and then I guess I would, I also have a question, and this would be for the--

- Alder?

- Yeah, if I could just, Alder Johnson, very quickly, because I have some questions relative to the letter of December 4th, in basically one, two, three, paragraph three, and the point they're trying to make there. And if the GBPPA is not, does not have the staff present today to answer that question, I would say, I would be more comfortable waiting till our next meeting and allow them the ability to answer our questions. I don't think there's any rush on this. There isn't any deadline out in the future that that has to be met by a specific date. And so if you're willing, Alder Johnson, I'd be willing to wait until our next meeting so that they can have their personnel there, if they so choose.

- Sure. And I'm happy to wait. But it just, since the question was already asked, I appreciate Director Faulds' response to that, that the city's perspective of course, is that the issue's settled because we've replaced him. But, if I'm not mistaken, it's not necessarily an interpretation of that particular incident, but an interpretation of the contract as a whole. And so that's why I'm not sure that the union, while I understand that the city. It seems to me that the union's perspective might be different, so if we do hold this and come back, I would think that, I just wanted that follow up question to be out there, recognizing that I'm looking for clarity about, which I believe in the letter makes it clear at least, that they're looking for the interpretation of the contract as a whole and not just this one incident.

- And that's my question too, because it seems like they're looking, the GBPPA is looking for an answer for most, that will encompass and similar to this that would come up in the future. Whereas I think the city, if I'm interpreting it right, says we should be just looking at this as a single issue to decide if there's been a violation, seeing as he's already been returned. I see Alder Dorff has a question or a comment.

- It is, because I thought our responsibility was pretty narrow. I thought that's why we had contract negotiations, for contract interpretation. I didn't think it was our responsibility to completely interpret the contract universally, but really, based on just the particular issue at hand. And so I would like Director Faulds' to an accurate

- And before Director Faulds answers, I think the bargaining unit has an opinion on this, obviously, which is probably contrary to what the city's opinion is. And I don't know if we're serving our purposes by getting one answer today and waiting two weeks for the next answer or are we better served by just waiting two weeks and getting all that information at one time?

- I guess. I just didn't in fact, having done these, we've done these over the past six years or four years, it always seemed to be specific to an issue, that we never were supposed to be, that's what negotiations are about. But maybe I don't completely understand our role.

- And I guess my understanding has been in the past and even before I was an Alder, when I was a member of the police department. And the grandfather or great-grandfather through the GBPPA, that when we did have these grievances, a lot of those decisions were far-reaching and they weren't necessarily about a specific

situation, but that those decisions sometimes covered situations that came up in the future and were referred to. Much like in this case or in double-oh-six, which was omitted by accident for tonight, they refer to past grievances in which this committee made decisions and comments and they refer to that. I guess I would prefer to wait again until both sides can be represented to get that answer. And then we can make a decision moving forward from there.

- Okay. So, should, would you like a motion on that?

- I would, if yes, if someone sees fit.

- Okay.

- Motion to hold until the next Finance meeting.

- Or Personnel.

- Or Personnel meeting.

- I'll second that

- All right. All those in favor.

- [All] Aye.

- And there's none opposed. So that will wait until the next Personnel meeting. On to, I think that might be it.

- That might be it.

- That is wow, I'm out of town when they have one of the shortest dual meetings in history.

- Lucky, because you can go play with your grandson.

- Yeah, I can't wait to have him kill me again. Let me see. Yes, Annual Review and Feedback on the city's Dress For Your Day Policy. I read through that. Does anyone have any questions or comments?

- No.

- Okay. Does anyone have any questions or comments on the report of routine personnel actions for regular employees? All right then I would--

- Move to receive and place on file.

- Yep, okay, I'll entertain a motion.

- I move to receive and place on file.

- Second.

- All those in favor say aye.

- [All] Aye.

- Our next meeting date is April the 13th, 2021 at 4:30. I'll entertain a motion to adjourn.

- Second.
- All those in favor say aye.
- [All] Aye.
- All right. Everyone take care. Luke, tell Christie, good luck, and congratulations.