



MINUTES OF THE PERSONNEL COMMITTEE

TUESDAY, APRIL 13, 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: Brian Johnson, Veronica Corpus-Dax, Bill Galvin, Barbara Dorff

Others Present: Ald. Jesse Brunette, Ald. Lynn Gerlach, City Attorney Vanessa Chavez, Police Chief Andrew Smith, Finance Director Diana Ellenbecker, Human Resources Director Joseph Faulds, Assistant Finance Director Pam Manley, Asst. Development Director Cheryl Renier-Wigg, Police Commander Kevin Warych, DPW Operations Superintendent Nathan Wachtendock, Asst. City Attorney Lindsay Mather, Housing Administrator Jayme Valentine, Detective Phil Scanlan, HR Operations Manager Melanie Falk and others.

C. APPROVAL OF THE AGENDA.

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to approve the agenda.
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 23, 2021.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Brian Johnson 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. Operator I - Public Works

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

2. Consideration with possible action to reclassify the Financial Analyst position from a part-time position to a full-time position.

Moved by Ald. Barbara Dorff, seconded by Ald. Brian Johnson to approve. Motion carried.

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

3. For discussion with possible action on having an outside Human Resource Department or consultant review the workplace complaint of the former City Clerk and report to the City Council.

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

Staff is directed to create a list of positions and a policy for investigations that will be conducted by a consultant or contracted attorney. Motion carried.

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

4. Consideration with possible action on a request to reclassify (1) one Public Works Building Maintenance Technician position to an HVAC Technician position and approval to fill the position and all subsequent vacancies.

Moved by Ald. Barbara Dorff, seconded by Ald. Brian Johnson to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

5. Request to reclassify a part-time Casual Worker position to a part-time Cleaner position.

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax, Brian Johnson, No- None, Abstain- None

6. 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. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to go into closed session.
Motion carried.

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

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Barbara Dorff to return to open session.
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 deny the grievance. Motion carried.

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

7. Consideration with possible action on grievance #2020-006 filed by the Green Bay Professional Police Association regarding SWAT team overtime compensation.

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. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to approve the findings of fact and conclusions of law. Motion carried.

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

8. Consideration with possible action to discuss and evaluate the expiration date for the City's Policy on COVID-19 Paid Sick Leave for each employee group as the COVID-19 vaccine becomes available to City employees.

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

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

9. A request by Ald. Brian Johnson to the Personnel Committee for an update on the alderperson orientation program that was submitted approximately two years ago.

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

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

F. INFORMATIONAL.

1. Report of routine personnel actions for regular employees.

2. Next meeting date: April 27, 2021

G. ADJOURNMENT.

Moved by Ald. Barbara Dorff, seconded by Ald. Brian Johnson to adjourn. Motion carried.

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

VERBATIM MINUTES

- Committee meeting.
- Are you ready?
- For the city of Green Bay, April 13th at 4:53 PM. Are we recording?
- Yes, we are.
- We're good. All right, we'll start with roll call. Alder Dorff.
- Here.
- Alder Corpus-Dax.
- Here.
- Alder Johnson.
- Here.
- Okay. Everyone's here and accounted for and I'll entertain a motion for approval of the agenda.
- Move to approve the agenda.
- Second.
- All those in favor say, aye.
- Aye.
- Aye.
- Aye, that passes unanimously. If anyone, if no one has any questions about the minutes I'll entertain a motion for those.
- Motion approved.
- Second.
- Second.
- All right, I have a motion to approve second and third. All those in favor say, aye.
- Aye.
- Aye.
- Aye, and that passes unanimously. Onto regular business. Item number one, consideration with possible action on the request to fill the following replacement positions and all subsequent vacancies resulting from

internal transfers. An operator one at public works. Does anyone have any question for staff on this? If not, I'll entertain a motion.

- Just one question alder Galvin.

- Yes, alder Johnson.

- You know, one of the things I think is interesting is how often do we ever see, and this isn't necessarily about this position in particular but it's very rare that it ever comes before us to eliminate or lower classify a position. You know and I just think there's a global discussion that needs to be had about when you keep adding positions. Of course, that I don't know what the historical context of that looks like, but on this particular position one of the things that I noted is the amount that we are currently supposed to outsource. Oh, you know what, I might have my positions mixed up here.

- Thank you, this is just a replacement one.

- Yeah, I think I got my positions mixed up, sorry, folks.

- All right-

- I'm pontificating on something too early.

- All right. All right, if no one has any questions for staff I'll entertain a motion on this.

- Motion approved.

- Second.

- All those in favor say, aye.

- Aye.

- Aye.

- All those opposed? The ayes have it. Onto item number two, consideration with a possible action to reclassify a financial analyst position from a part-time position to a full-time position, staff. Director Ellenbecker.

- Joe, did you want me to start?

- Yes, sure you can start, Director Ellenbecker.

- Sure, I know in your packet you had some information on the comparison, we currently have a part-time financial analyst. We actually have a full-time and then we have a part-time financial analyst. But there are just additional needs especially with our TIDS. Our TIDS as you know, we've expanded our TIDS then reporting for the TIDS have expanded. We have a lot more activity going on through these TIDS and the financial tracking needs have gone up. And so what we would like to do is ask that we take our financial analysts part-time which is 26 hours a week and have it go up to 40 hours per week and have the difference between the part-time and full-time be covered by TID dollars. So we know that there's enough to keep this person busy for those additional hours. We would charge it directly to any TID that they are working on or allocate those additional dollars over our TIDS. So the expense for the general fund, general lobby would stay exactly the same for the position that has been budgeted for the last three to four years. And then the additional dollars would come on a TEAF. This is something that he did bounce off of both what the development team. And I

also bounce it off the development director. And he also sees the large need for this additional recording, this additional items that need to be, again there's a whole list. We put the whole list in there of things that have to be done for the TIDS. And so here's our other recommendation was we would go out and then get a consultant to help us with some of this work, because again the TIDS have just exploded and the activity and the reporting that is needed for these TIDS. So that is our request. I'm not sure what questions you have.

- Any alders have any questions on this position or any of the ins and outs?

- I move to approve it.

- Second.

- Okay, I have a motion to approve and a second. All those in favor say, aye.

- Aye.

- Aye.

- And that passes unanimously. Onto number three, sorry. Onto number three. Well, can I ask a quick question on Director Ellenbecker? Is this a good thing if the TIDS are blowing up?

- Yes, I would say yes, because the City of Green Bay that the state statute allows you to do 12% of your equalized value. And the city still is only at five to 6% of our equalized value. So we're only at half of what the state says that you can put what area you can put into a TID. This is just a funding mechanism that gives more dollars to your municipality. We have much more activity going on, we have had we have added, you know, I guess I'd have to go back to you but we've added many TIDS and I'll get a lot of activity. Some of this was just the closure of some TIDS. And again, there's just still a lot of follow-up paperwork that has to be done to track and close on these TIDS. But yeah, the explosion is a good thing because what that's bringing in is more dollars to your municipalities and it's bringing in, you get a hundred percent of the increment instead of sharing with all the taxing jurisdictions. When working with the JRB, the joint review board. You know, we're willing to close some downers we're opening some new ones, but again we're not even close to our state statute. So the activity and a lot of new activity that's going on in the TIDS is a good thing.

- All right, thank you very much. Onto item number three, for discussion with possible action having an outside human resource department consultant review the workplace complaint of the former city clerk and report to the city council. Alder Brunette, I'll let you make your case.

- Yeah, thank you, Chairman Galvin. I want us to take a step back and don't think about people in the positions, but think about the positions themselves. Because a lot of times we get caught up in personalities and people we know, but as a city council as an independently elected city council, I want us to think about what our duties are and to eliminate any possible conflict of interest in our day-to-day duties of managing the City. So the former city clerk resigned from her position, the human resource director conducted an investigation and report it to the city council. The claims of the former clerk included, the position of the mayor. The HR director is a direct report to the mayor. So therefore I believe that we need some level of independence to avoid any appearance, whether actual or perceived conflict of interest. In other words, we cannot have our human resource director conduct an investigation of an alleged hostile work environment if one of the people that the former employee complained about is a position that the HR director reports to. So, I mean that's the foundational concern I've had. I had that concern a while back, but with the open records requests and some of the public scrutiny coverage that the City received, I think it's necessary for the city to have an outside agency, whether that be another municipality, human resource firm or a consultant to review the hostile workplace complaint for an objective viewpoint. That's it.

- All right, Alder Dorff.

- I wasn't aware that there was a complaint. I thought it was just simply there was a claim, an offhand remark made. Director Faulds, was there a formal complaint ever made?

- I guess that, I know a lot of this has been public record already. And in my report, I did talk about how, when the former you know, city clerk put in resignation, she discussed the reason was a hostile work environment that was in the report that's been public record. And I guess one thing I just want to maybe talk about is we did discuss this in closed session. So I think there's a lot of things that maybe we should not discuss in open session. So, yeah, so to answer that question there, I mean, it doesn't have to be a formal complaint in essence but during the resignation letter there was a claim of a hostile work environment.

- So then I would, you know we're not really talking about a formal complaint. We're talking about a claim. To me there's a difference when I worked with people and when they made the formal complaint, I had people that did have some complaints that I brought to HR and then worked through that. It was certainly a much bigger process than someone mentioning a word in a letter. So, I guess I have a little problem with the wording, but, besides that I do think that our HR director is fully qualified and was fully qualified and continues to be fully qualified, to do investigation. I'm very satisfied with what we were told in closed session. I have the documents in front of me here, and I have no question as to whether or not an adequate job, in fact, probably better than adequate job was done by our human resources director, Director Faulds. So, I see no need for the city to spend more money on investigating something when the investigation number one was done already. And number two, the person's gone. I'm not sure what we'd even be investigating. She doesn't even work here anymore. So I'm not sure how we could even investigate it. Thank you.

- Alder Brunette.

- Yeah, thank you, chairman. I believe that Director Faulds, the three page document that he provided the council was referred to as a complaint. So that's where I got the word from. I think it was a hostile workplace complaint or employee complaint, whatever it was.

- It says claim.

- Claim, are you sure it's not complaint?

- Well, I mean, I'm looking at it. It says claim in two places, claim is unsubstantiated hostile work environment claim.

- Maybe it was when we released the public records on the website, it was referred to as a complaint, whatever it is. I mean, it's beside the point but I know I saw the word complaint somewhere along the line. The question is not if Director Faulds is qualified, of course he's qualified, he's our HR director. But the issue is it's a conflict of interest. The things that were revealed in a series of emails were probably not known to Director Faulds when he conducted that investigation. Thus how would he know about the extent of all the emails unless that was stated in the investigation which it was not. So it's not him, it's not the position. I shouldn't say it's not the position, it is the position. It's not the person who holds the position. We cannot have conflicts of interest when we investigate workplace complaints. And I said that then, and I'm not going to talk about what we discussed in closed session, but now when some of the open records requests have revealed emails that were new to the city council and to the public, I think it's necessary for us to remove all appearances and actual conflicts of interests. I don't think it's appropriate for an employee to conduct a workplace investigation that involves their supervisor. I don't know of many places in the private enterprise or public entities that would allow that. And so that's what I'm asking for, is an outside investigation to review the workplace complaint or whatever it is Alder Dorff referred to it as. So pretty straight forward request. It's nothing to do with Director Faulds or his professional credibility or ethics. It's just we cannot, as a city council have our city employees perform in what could be perceived as a conflict of interest.

- Alder Johnson.

- Thank you chair. I appreciate the perspective that Alder Brunette's offering up here. And I think it does warrant a conversation about a policy for how to address these situations in the future because I think if he, again if you were to take a step back and look at this without faces, without names, you can certainly see the inherent conflict that could potentially exist with something like this. And I think it would be worthwhile to take a look at other employers in terms of how they handle these types of situations. Now that said, with this particular situation I think we ought to all not be too naive to recognize that it is intertwined with a broader issue as well related to accusations of election misconduct whether founded or not. And of course we are in the process of preparing an independent study on that as well. You know, one of the things that I've just internally battled with a little bit, I battled with a little bit is the merits of an independent investigation not to implicate us, but to exonerate, you know some of the claims that are out there because I don't think this is going away. And this particular issue is tied very intimately to the other one. And so I wonder if Alder Brunette might entertain you know, kind of combining the two of those, two of those things into a broader discussion. So that way, you know, we kind of take it up all at once either dispose of it or if it's accepted by the majority of council, you proceed with it. But the one thing that I'm just a little loathed to is to kind of embark on two separate independent investigations when the reality is, like I said they are intimately linked together.

- [Chavez] Alder Galvin, am I able to weigh in real quickly?

- Yes, go ahead, Attorney Chavez.

- [Chavez] Thank you. So Alder Johnson, what you bring up actually is directly on point, which is that this is kind of getting muddled with the we're kind of looking at two independent things. One is the hostile work environment claim that was made the statement that was made that resulted in an independent investigation with the separate evaluation of whether or not there was issues with the conduct of the election. And the reason I say that is because when an employee brings a claim or makes a claim of some nature of, regarding the way that their employment is being handled or the conditions they're being subject to, that is something that the city itself would be independently on the hook for. So when we are looking at this, that doesn't mean that we've made an investigation, we've exonerated somebody. It means that we've identified all the circumstances around it, and that there is nothing that requires the city to take action when we deny something, it's because there is, we haven't found any sort of liability on the city's part. And so that's what we do. And that's what Director Faulds did, was make a determination that what was alleged did not rise to the level of a hostile work environment claim. And so to really look at what was trying to be accomplished I think it's necessary to kind of take those two pieces apart. We would never go and try to prevalent an employee's claim against the city. And really what we would be doing at this point is looking at it from perspective to see whether or not Director Faulds was correct in his determination or whether or not we really should be taking some different action with regard to former clerk Teske's allegations. So I don't know that there's any way forward with an investigation by an outside entity with respect to an evaluation of those set of circumstances surrounding the workplace complaint. Instead what we're really talking about, I think this really kind of comes down to the crux of it is the issue surrounding the election itself. That's a completely separate issue, and we have to treat as a separate issue because that isn't the same thing as us trying to address a specific employee's concerns that were already looked at and determined to not be something that brings about liability on the part of the city. Does that make sense?

- Yeah, Attorney Chavez, just a follow up question to that because I think clearly, you know, as an elected body of government, we do function a little bit differently than say private sector employer, where they hire their CEO. Here, we have an elected CEO, right? So when you get a workplace complaint in situations like this, how do you handle that, right? I mean, is that up to the public thing to choose a different, you know person to represent them in that scenario or are there actual employment misconduct procedures that the city would be expected to follow?

- [Chavez] So what I can tell you in all, Director Faulds weigh in on this, but when we look at an issue with respect to a complaint that's been made by an employee we're looking at it both from the perspective as the employer trying to ensure that our conditions are being properly and they are something that is not creating this environment that's negative for our employees but we're also looking at it from the city's perspective of we need to limit the liability. If we have a supervisor or somebody who is creating this environment, we have an obligation to address it because then we do open up ourselves to a much higher level of liability. And so there isn't there, I know that that seems like in those contexts, like there's a conflict but it doesn't really emerge in the same respect that you would maybe in some different circumstances, but because we are looking specifically at the potential for liability and whether we do have to take action. Do you have questions about that aspect?

- Yeah, I appreciate that explanation. It's definitely a fine line. I think, like you said, of, you know, liability exposure for the city, you know, versus sort of a debate or discussion about leadership, right. And unfortunately I think the, you know, the elected or the electorate they're responsible really for voting in leadership, if you will. Whereas if, what I'm hearing from you and please correct me if I'm wrong, that internal staff would still be sort of responsible for ensuring that the city's liability, it's exposure, it's risk is mitigated through whatever policies we have at our disposal.

- [Chavez] Correct. And, well, I understand that it isn't, it's not like this couldn't ever collude into a situation where it include conflict of interest. You know, if it was, there are plenty of times when even just relationships among employees create a situation where we're like, nope, we need to step back and let somebody else handle it. We can't really necessarily be impartial and review it. And we do take those precautions when we need to. But what I will tell you is that I think every one of us values our job more than we value any individual person. And so we would rely on the fact that we're doing a good job to be our kind of saving grace. Like none of us are really at the, none of us can just be fired for no cause without somebody else having to weigh in on it. And so while it does seem like there would be a conflict and I'm not saying that it wouldn't be possible for us to ever have a conflict. At least in this circumstance when we're looking at it from a liability perspective, I don't think that that's the same level of concern necessarily.

- Any followup Alder Johnson?

- Oh, no, sorry.

- Okay. I guess I would ask, I have some questions or comments as we move along here. Looking at it as just a position, not who's in it, or who's making the complaint or anything else, should we not have or then look at a policy that, alder Brunette what you're saying is anything to do with any kind of complaint with the mayor of this city going forward, you feel should be investigated by an independent organization or person.

- I mean, it depends on the matter of the complaint you know, to answer your question, ideally yes. But if it's just something simple as whoever the mayor is at the time said something in a very abrasive or kirk tone, then no. That's just day to day management of people. In this particular case, what the, some of the emails have shown is that, the words here, cause I don't want to imply anything, but some of the media has reported that, that one of the employees in question in this manner felt like she, she made the statement that she did not she will not break the law. So if we have a city employee who felt like she was in a gray area, or perhaps being led to break a law in administering her duties then I think that would require an outside investigation.

- Okay. Hold on, hold on, hold on, hold on.

- She didn't say that but go ahead.

- Okay, just if I could then, okay. Following that thread, then we have had a mayor here in recent history who was accused of violating the law on several locations. And that was sent to different legal bodies who investigate and come back with conclusions. And in one of them, the body found that, they felt that he had.

And at that time we had a quasi-judicial hearing and council board at whether to remove the mayor or not. As I understand it, there's been a lot of accusations about the law being violated with this election. And as I understand it now, an organization and a group of people with that organization did come forward and they filed a complaint, a formal complaint with the Wisconsin Elections Commission. Now, are you asking body, you're asking for another independent investigation to look at violations of the law or whether there was a hostile work environment. Two separate things I mean, if you asked me.

- Yeah, I mean, they could be related though, alder. I think it's more specifically the workplace. I guess the main thing I'm getting at is here. We have an HR director who is investigating a claim that includes a person who he directly reports to. There's a conflict of interest. So all these accusations, all the things that are circulating out there about our election, could be true, could be untrue. I mean, who knows? We only know what we know, alder Galvin, I guess my point is if there is some horrible thing that is concluded in regards to our conduct during the election, I will have liked to have had a independent investigation into the accusations made by the former city clerk.

- Okay. I guess I'm looking at this as two separate things. There's an accusation or a complaint of a hostile work environment and there's an accusation or complaint that the law was violated. And I think those are two very separate entities. And as I understand it your focus here with this item that we're on is about a hostile work environment. Is that correct or are you trying to weave in the potential that the hostile work environment is also potentially involved with a violation of.

- I mean, it could, again, it could be I only saw the latest batch of emails, as I'm sure many of you recently saw, and there are certain things, and again they could be taken out of context. We don't know this. And that's what I'm saying. I'm too closely involved. City council does not investigate things. Therefore, I think it's necessary for the city to have an outside investigation report to the city council.

- So besides the WEC, you think there needs to be another investigation?

- When I say investigation, I mean I think my agenda item was a review of the work force complaint or whatever the wording. I'm careful with my words alder Galvin although I'm bringing this forward. I certainly don't want to create an impression that the mayor did do anything wrong. The question is, is it appropriate for the HR director who reports to the mayor to be the person to investigate accusations against that very mayor? Again, keep the people out of it. It's the position. You're a former police officer, when you have a officer involved situation, a lot of times you have an outside agency conduct that investigation if it includes a supervisor, same thing, thanks.

- It depends. And the chief's hear and the acting chief and potentially a future chief are all here. And it depends upon the type of allegation that's made. I mean, if there was an allegation against the chief who would investigate that? Would our HR director investigate it or an outside agency? And I think it kind of comes down to, there's a lot of gray area in there. It depends upon what's going on. I guess my concern here is the HR director, he answers to the mayor, but does the mayor hire and fire him or does the city council do that? Or can the city council do that besides the mayor? And so when any allegation against a council member, be investigated by HR do we have to get an outside independent body to look at that? I mean, once we started going down this road, we have to understand we can't just look at the narrow focus of this. We have to look at how this applies to anything in the future as these complaints come up, and they will. I mean they have in the past, we've certainly had some serious complaints in the past. And it's not going to stop going forward.

- Alder Galvin, you know, I can still see the merits. I don't know that I want to go down the path of review, separate from anything we might want to do with elections. And I think that conversation is still forthcoming, but to your point, alder Galvin here is a little bit where I'm struggling or where I think we need to be a little bit forward looking and we're not going to do this today cause it's off the agenda item. But hypothetically, let's say our HR director writes an unflattering report about the mayor, right? I don't think it's out of the realm of possibility to suggest that that the mayor could retaliate. And to be very clear, I'm not talking about this mayor,

a mayor, right? Could retaliate, they could make that workplace situation really uncomfortable to the point where they're trying to get somebody to quit. They could not reappoint someone to city or not reappoint someone and go before city council. I mean, I do think that, I mean, that is within the realm of possibility and I hope that we never have to deal with that situation, but I can appreciate a certain level of independence that currently doesn't exist right now. And I don't know what the answer is. I'd really have to see what other cities do and that's why I don't think we're prepared to act on that component today but I think it's worth exploring.

- [Chavez] Alder Galvin, if I may.

- Attorney Chavez and then alder Dorff.

- [Chavez] So one thing I think that director Faulds and I could do is look into creating a list of positions we feel would merit taking to outside council. Cause I think that's really the proper entity would be if it's not going to be done in house it would be done by an outside attorney. And then if we can bring that to the council, to, you know, identify whether or not there's additional positions they feel should be on that list. I would think it would be appropriate to not only include the mayor, but also the council, the council members and then potentially some of the appointed officials such as the HR director and the city attorney. I think those are also positions that would merit somebody else looking into something if something's alleged against them. So I don't think that there's any issue with us bringing forward a list of, I mean this is something we could do just as a staff and that'll have to be approved, like preapprove us being able to go out and have counsel obtained to address these issues. And we would just have that as part of our normal anticipated budget, I guess. It's really why I would do that.

- Alder Dorff.

- May is ask a question of Director Faulds?

- Sure.

- Director Faulds, and without revealing things we talked about that are confidential in our closed session. When I read the report, I don't see a complaint against the mayor in the report anywhere. I see a complaint against the mayor staff in general and work environment. But I don't even see a complaint against Mayor Genrich.

- Alder Dorff there was a, I think there was a, I guess my investigation was into a hostile work environment. And I felt that, you know, in the best interest was to look the emails that were sent between the mayor staff and the complainant. And so that I guess investigation involved talking to numerous employees. So I think that just kind of making sure that there was a thorough investigation and talked to enough people. So I mean it wasn't directed specifically at one person. It was a general hostile work environment claim.

- Right. So we're talking about the mayor here but it was a general hostile work environment claim. And that's very clear. It was never even directed against a single person, if it was directed at all. It was very offhand mentioned in comments was not even issued as a formal complaint. So I just, it seemed to me the result, the investigation resulted from your reasoning that if there is something here, I need to find out about it. And it could have actually been just ignored since nothing formal was ever done. But because you decided that as the director of human resources, that it fell upon you to investigate whenever there was even a whisper of improper or hostile environment that you were going to investigate that that's why you went forward and investigated it, isn't it?

- Yeah, the reason why is when you, when someone alleges a hostile work environment and attorney Chavez has talked about this, you know my interest and my responsibilities to the city as an organization, it's not to the mayor, it's not to the common council. That's what I'm hired to do. So when there's a hostile work environment claim you want to make sure that you talk to the individual and ask them what it's about and get

more clarity. So then let's say if someone does file a lawsuit it goes forward with it. You can show the court that you did follow up and you did look into it and you'd like to mitigate whatever claim was there if there was one. Otherwise that could be used against the city that you did not mitigate the hostile environment.

- So it seems to be a fallacy that we're talking about investigating the mayor. That's really not the extent of the investigation at all. It was, you were looking at the environment not the mayor and in doing so you had to actually interview many different staff members and look at many different angles. We're not talking about one person here that may, that is your supervisor. Is that correct?

- There was, so there were specific, I guess, I don't want to say specific but there were, like you said, often comments they were kind of all around the board or across the board made about the hostile work environment. So I talked to as many people as I could to make sure I had a thorough investigation to look and report back to the council. And I guess one thing and just to add in, and maybe expand what attorney Chavez said was when we're talking about an investigation at this point or any outside consultant coming in or an attorney, the investigation has been completed the report is finalized. And what happened was in February I believe was February 2nd, we had a common council meeting. I brought a draft report to be discussed at the common council. After we came out in the open session the common council voted 12-0 to move forward. Now, two months later, we're going back and we're asking for an independent investigation, which is okay and you can ask for that. But at this point we would ask that if anyone looks into it, it will have to be an attorney to have the attorney client privilege. And there won't really be a public report. The report will be to the common council and it will be about whether or not there's any additional or future liability that the city has. It will not be a public report on what occurred or anything like that. It will be the city's liability moving forward.

- So as a council said the investigation was final, we were done with it and now hear it comes again. And suddenly the mayor's name is getting thrown around quite a bit, but this wasn't even about the mayor. It was about a hostile work environment.

- Alder Brunette.

- Yeah, thank you, alder Galvin. I appreciate your comments alder Dorff but there are just an entire picture in that complaint just so you, let's recollect that complaint was provided to the council a few hours before the meeting. So many of us only read that complaint at the time of the meeting. And in that complaint, and I keep saying complaint cause I don't know a better word to use. Director Faulds referenced a December 14th email, I believe where he referenced the email but he didn't reference what was in the email cause if he would have referenced what was in that specific email from clerk Teske, it would have caused more questions from the council. So in that email, you keep saying that it didn't involve the mayor. That's not entirely true because in that email, I believe in my recollection, it included the... then Ben Krumholz broke this story a few weeks ago. Clerk Teske alleged that the mayor was verbally abusive to her at meetings that he had an agenda when it came to this election. So her complaint, although referenced in a single line by director Faulds, he did not include the entire email that clerk Teske mentioned. But alder Galvin, if I could just ask Director Faulds or Attorney Chavez a quick question.

- Sure.

- When we have open records requests for employee investigations, when an employee leaves a city, gets fired, terminates leaves. Has the City of Green Bay ever released their findings to the media or any other party through an open records request?

- Yes there's a, it goes through the, is it the mic? Okay, I couldn't tell if I was on or not. Yes, that has happened. The request goes to the law department, the law department does its analysis of a public records request analysis that they do. And certain documents are released and certain documents are not.

- In your time as HR director, Director Faulds, how long have you been with the city again?

- About five and a half years.

- Has the media requested in your five and a half years an employee complaint to HR investigation?

- Yes, they have multiple times.

- How many times?

- Well, I think there was one where they requested about three years worth of it and it took us a very long time to disclose all those documents. So there's been hundreds of documents that have been disclosed and released in relation to these discipline issues.

- Okay, and I'm not fishing for, you know, a gotcha question. My point is that there are certain investigations that we released to the public and there are certain investigations for whatever reason, we don't release quickly. This particular claim was released to the media, which is good cause I believe they should be. The question goes back to, is it appropriate for our position of HR director to investigate a workplace claim with the words, hostile work environment, verbally abusive and agenda, all these sorts of key words, if that HR director reports to the mayor? It's not anything to do with Mr. Faulds I know it may appear that I'm questioning his ethics, I'm not, it's the position as a city government because we report to the public. We should never put our employees in a position where they have to investigate a HR claim against a person that manages them. It's just not appropriate. And I don't know how much further you wanted to discuss this. It's up to your committee and what you want to do to move forward. But I do for the sake of disclosure to the city council because the former clerk was a person who we confirmed to that position. So the mayor pointed her, we confirmed her. So therefore she's the person that we entrusted to run our elections. I think that an outside investigation to retort to the council to make sure that everything was above board, no problems, no issues. I think that's entirely appropriate. So some of you can agree with me on that, some of you can disagree, but that's my position. I don't think we should ever put our city employees in that position where they're investigating a claim against the person that manages them. I don't think it's appropriate. So that's all. Thanks you, Chairman Galvin

- One last question, please.

- Sure, go ahead, Alder Dorff.

- And what would you expect to come from this? What kind of judgment would you expect to see? Yes, there was a hostile work environment or no there wasn't? Is this all that you're looking for? That's all you're looking for?

- Well, I mean, I would hope that an outside investigation assuming it doesn't cost that much and it's conducted by an attorney that they come to the city council say, yep, no problem whatsoever. We, these questions, we looked into it, we examined, you know employee law or whatever then yeah, I would hopefully, we can put it behind us then. And we can tell the public, listen we had an outside agency look at this and there was nothing there. That clerk Teske's claims are not correct. You know, that I think would be appropriate.

- What would make you think that clerk Teske would even participate in such an investigation?

- What would make you think that she wouldn't?

- She hasn't so far.

- And that she wasn't in this case.

- Okay, you know what? No further questions.

- All right as I've heard this discussion go through as I understand it, the council already approved the investigation that HR director Faulds did into this complaint. And it wasn't a formal complaint, it was comments that she made in a resignation letter that should trigger any supervisor to take action and look into further, which is what he did. The city council reviewed that. They said they agreed with it and pass it on. Alder Brunette is asking us to hire an independent attorney to look into HR directors investigation and possibly reconduct that investigation. And then come back with his decision as to whether he feels there was a hostile work environment or not. Is that correct?

- Yeah, I think that's a fair assessment.

- Okay. Attorney Chavez has said that staff could look at putting together a list of positions that should certain allegations be made against those people in those positions that we develop some kind of a policy or ordinances dictating how those complaints are handled. Is that accurate attorney Chavez?

- [Chavez] That is correct.

- Okay. That's kind of separate from what we're talking about here but I think it's something to look at. Because at the same time we've been talking about our code of conduct and ethics code as it pertains to elected officials and how that needs to be reworked quite a bit. And I think this would dovetail in with it, I believe. And if anyone wants to say yes or no on that, I'd, you know, pipe up now, but I think that's a separate issue we need to look at. As to if any laws were broken, even if it's related to this hostile work environment. I think the WEC is looking at that right now. And I think that's a, I'm not sure I've heard anything that's made me think we need to have another independent investigation, independent of the WEC's investigation. So what we have here in a very small box is, should the council consider hiring an attorney to review the investigation done by HR director Faulds and possibly expand that investigation to see only if there was a hostile work environment only by the mayor? Because HR director Faulds and I would ask alder Brunette are you satisfied with his investigation as it pertains to any other city employees creating a hostile work environment for clerk Teske?

- I'm kind of hesitant to answer that question because I don't have investigative powers as a council member. I don't know where those questions would take the investigation.

- Well, I guess what I'm asking is the information. Do you trust HR director Faulds to be able to investigate other employees, potentially creating a hostile work environment for another employee?

- Yeah, I mean, I trust director Faulds the question alder Galvin is he reports to the mayor-

- I'm not talking about the mayor.

- You know, to answer your question, yes. I don't want to get the opinion that director Faulds it's the position of HR. All those other positions don't, he does not report to those other positions. He reports to the position of mayor. So to answer the question, yes. I have no reason not to believe his investigation on those other employees.

- Okay. If I could ask a question and if I'm out of line, but I'd like to ask the question of chief Smith.

- [Chavez] Hold on alder Galvin, can I just clarify one thing?

- Sure.

- [Chavez] I don't want to throw any more layers into this mix but as far as the WEC complaint goes, that is not yet an investigation. It's a complaint that's made and then we will have an opportunity to respond to that now because we do have specific allegations made against specific people. As the city attorney, it is my obligation to defend those people including the former clerk. And so at this point, there is not an investigation. What it is, is us responding. And then after they receive our response, then at that point that WEC will determine whether or not to move forward with an investigation.

- Okay, thank you. All right, I appreciate that clarification. Now, if I could just ask chief Smith a question or two.

- Sure.

- All right, thanks chief. Have you ever of another police chief being investigated for allegations of any kind?

- Yes.

- And who would normally conduct that investigation?

- A couple of things. My understanding is they would sometimes hire an outside former chief or retired chief to do an investigation of that nature. I can think of one or two specifically where a former Green Bay chief actually did investigations for city councils or, you know, city leaders and the chiefs themselves.

- All right, if your assistant chief was accused, if there was an allegation against your assistant chief who would conduct that investigation?

- It depends on the nature of the allegation. I could have my internal affairs conduct an investigation of that nature, even though they outrank them. We could still do that, but I would consider having maybe the Sheriff's department come in and do an investigation like that.

- Okay. All right, thank you. I appreciate that information. All right so-

- I'd like to make a motion at this time.

- Sure.

- Or aren't you ready?

- I'm ready.

- I move to receive and place in file.

- Do I have a second?

- I'll second it. Alder Brunette asked the question, is it appropriate that the HR director investigated a claim against the mayor? And ultimately my answer is yes, I think it is appropriate. His responsibility lies with the city and to make sure that the city stays out of any kind of position where it could get itself sued. It's not, I mean, yeah, he needs to protect the mayor but I think ultimately he needs to protect the city. So, yes, I think from what I've read from the conversations we've had, I'm satisfied with the reports that we had with the investigation of the claim that clerk Teske made.

- And I tend to think too that even though the mayor, he does, the department heads report to the mayor, we also won't oversee that as a council. But I think those employees includes all our department heads. Their vested interest is the city of Green Bay not the mayor, whoever that person may be and not the city council

and whatever that city council is made up of. That their obligation, their focus, their oath is to protect the city from liability or any other kind of damage that may occur. And I also believe that's why when we get opinions from any of our directors, even if that doesn't necessarily agree with the council or doesn't agree with the mayor, I respect and trust those opinions that they're being done honestly and ethically. And I know alder Brunette has said he's not questioning that, it's appearances. And I understand that also. But I also agree that, agree with that. All right, so while we have a motion alder Gerlach.

- Thank you, I've been listening and I just want to pop in because what has been in the back of my mind as I've listened to this is that I wonder what standard HR practices are in a case like this. Because throughout my work life that always reported to the CEO or the COO or somebody, and my complaint, if I had one, and I never did. But if I did, it might very well have been about the CEO or the COO. And it's just seems to me that that's how HR always works. The HR director is never the person at the top, the HR director always reports to somebody. So there's always the possibility that the person is going to be involved in a claim by an employee. And I just wonder what standard practices, I wouldn't know but it seems like it would be worth looking into because this is all organizations have an HR director who reports up and there have to be complaints sometimes up there.

- Right, and I agree. I think something like that should be dovetailed in with what attorney Chavez offered to do, putting together a list of positions in place and circumstances which would dictate or potentially dictate outside investigations or independent investigations. And that might be a communication that could be put forward for one of our upcoming meetings. So alder Brunette.

- Real quickly. I mean, I respect each of you. I will say though, that I believe a motion or a vote to receive and place on file, in my opinion, is the wrong vote to take. I think we need some independence in government. We just heard the police chief say that when there's an accusation against a police chief typically they have an outside agency investigate. I think the same should be here. And hopefully that investigation would reveal that HR director Faulds report was correct, 100%. No problems. But if it's wrong and if the same investigation does show something that the city did wrong, we're going to look back at this vote and go why didn't we ask for an outside look in this HR claim because the person conducting the complaint against the person who part of the complaint was about reports to that very person. So I feel comfortable with my reasoning. You each can make your own decision, obviously but I think receiving and placing in file is the wrong decision. Thank you.

- Alder Johnson.

- Thank you alder Galvin, just one final comment. I'm going to support the motion but I want two caveats attached to this. And one is, recognizing that attorney Chavez is going to compile that list for us. And I think we do need to look at the creation of a policy that addresses these situations. The other one is I, you know I think this should be embedded, I guess within that global conversation about elections which I know is forthcoming because I think ultimately that's the heart of what's going on here, right? And we all know that. And I think unfortunately, you know government is different a little bit than private sector. I think there are some best practices we can extract from private sector, but I think we also have to recognize that government is a little bit different. Because the general public cares about what government does on a day-to-day basis. They don't care about what, you know, what Cheetos does on a day-to-day basis. People just want their Cheetos in that speed, right? I mean, government's different. And people are looking in, in that that impropriety or you know, or that perspective of a conflict of interest is what creates a spark and ultimately what festers and turns into a fire which is what we're seeing here. It's because there hasn't been that level of independence to take a look at some of these situations. And so, again, I'm going to support the motion because I don't think we need to have those things going on separately but I do think it can be part of that bigger conversation.

- All right. And with that, all those in favor, say aye.

- Aye.

- Aye.
- Any opposed? All right, that matter has and settled then.
- Thank you.
- Thank you, alder Brunette.
- Yep, take care. Have a good night, guys.
- All right, number four, consideration with possible action and a request to reclassify one public works, building maintenance technician position to an HVAC technician position an approval to fill the position and all subsequent vacancies. Staff or alder Johnson.
- Yeah, so this is when I started off on that first agenda item. This is the one that I meant to reference. So in particular, though, within this item, you know and I'd like for us to start thinking a broader picture. You know, we've indicated, and by the way I'm in support of this reclassification but I just wanted to point out, you know in here we talk about how right now we're contracting out \$25,194 worth of services. And by reclassifying this, we may not need to contract out some of those specialized services. But my hunch in terms of what we see in every other time in these situations is that that budget does not get reduced then by that \$25,000. And this is how spending, you know continues to grow and what gets us into a bind. So that was just the soap box that I wanted to step on for a moment. I do support this because I do think in theory it saves the taxpayers money but it only works if we actually reduce that spending on contractors in our budget.
- Okay. Does anyone have any questions on this item?
- Want to approve.
- Second.
- Second.
- Second, all those in favor say, aye.
- Aye.
- Aye.
- Aye, all right. I'll run the next item. I'm going to have alder Dorff takeover for just a couple of minutes. I've got to duck out. I'll be right back, I apologize, but I'll be right back.
- Okay, should it be alder Johnson though?
- Oh, I'm sorry, yeah, my bad.
- So we'll take up the next item for discussion possible action of having an outside... No, I'm on the wrong item.
- Number five. Number five, the casual worker.
- Let me get to the main page here, guys. Sorry. We're on number five.

- Yeah.

- Yes.

- A request to reclassify a part-time casual worker position to a part-time cleaner position. I see assistant director Cheryl Renier-Wigg is on the call. Is that who this is directed towards?

- It is actually, and my hat I wear today as the executive director of the Green Bay Housing Authority. So these positions are located at Mason Manor which is under the Green Bay Housing Authority budget. It is not as part of the city levy, but they are part of our table of organization through the department. So what we have is, well, first of all, I need to tell you that we are down two staff people at Mason Manor, our building maintenance person and our custodian. So we're attempting to fill those. It's been very, very difficult. So that being said, we've realized that we do have a need to have a staff person who is designated to work nights and weekends to help our tenants with lockout situations, or, you know, if your toilet gets plugged at eight o'clock at night, there's somebody that lives in the building onsite that can come and do those really light maintenance types of things. So by not filling a different casual worker position, we are able to actually reclassify one of our existing casual workers, who's been a very, very good employee to a cleaner position which allows him to do this higher level of tasks compared to our casual worker. So, and that includes some of the other things the staff person has been doing is on weekends and evening salting sidewalks, for example. So we don't have to have a company come in to do that for our residents, but Jamie Valentine our housing administrator is here too as well. I don't know if I missed anything on this report, Jamie.

- I think you were pretty clear with everything, Cheryl. Thank you.

- Any questions for me, I guess?

- Any motion from the committee?

- I move to approve.

- A second?

- Second.

- Okay, we have motion from alder Dorff to approve the reclassification second by alder Corpus-Dax. Any further discussion? Seeing none, all those in favor say, aye.

- Aye.

- Aye.

- Opposed? Motion carries.

- Thank you.

- Thank you.

- I'm ready, and I made it back in one piece. Thank you, alder Johnson.

- Very hard.

- And I'm sorry to put you on the spot I could have done it too.

- I forgot, I mean-

- I forgot too .

- Let me see, okay. Onto number six, consideration with possible action 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. Turn the mic on.

- I was running around a little bit. Excuse me. So where we left off last time, it was held over to this meeting to give someone from the union either detective Scanlan or attorney Surmeli the opportunity to speak regarding the union's position on the first part of the grievance. And then staff's recommendation after that is going to close session.

- So Phil, I don't know if you were brought up to speed on what happened at the last meeting.

- I was told there was a couple of questions at the association reps that were attending the meeting didn't feel comfortable answering, so I wasn't planning on making any oral argument, I knew with this matter but I just thought I would appear if there was any particular questions from the committee that I could answer that maybe.

- And I'll be honest with you. I don't recall what that question was that...

- I was told it was a question particular to the grandfathered matter with regard to K-9s prior to a point in prior to 2016. I didn't hear the question that's what I was told. That was the question was referencing, but other than I trust now you all the chance for the see that document that we sent. And I don't think I need to apply not any of that or argue anything about that. You know, we've been discussing the matter for quite some time now. Not that I could tell you anything that you haven't already heard and heard counterpoints. So I have really nothing new to offer unless there's a particular question.

- Does anybody remember what the question, the question-

- I think commander Warych. Commander Warych seems like he knows.

- You're nodding your head.

- Or director Faulds if you remember.

- I think it was a question that I asked and specifically it was related to, I'm stretching my memory here, detective. But I think it was specifically referencing contract language you know, that it indicated how handlers operated under previous contracts. And my question, and forgive me because we're not in the moment anymore. But I think the question was related to like, does that always get grandfathered anytime something is changed in a contract, right? So we negotiate it replaces old ones but do previous provisions continued to carry on as was being argued in the complaint?

- Yeah, that's a good question. Cause I mean, obviously we have a lot of positions and each position in our contract, depending on the having address it sometimes differently. I can speak with respect to the K-9 position. Our position is that the language that was created in the 2016, 19 contract was specific to new handlers. And if you look at exhibit six in the packet attorney Surmeli sent you there's even correspondence between him and then Lynn Baldwin specifically citing that the length of assignment language for K-9 officers only applies to new appointees. That was the intent of the, and spirit of the negotiation that is written in plain language under the K-9 article. And I can certainly tell you that with respect to that position, it's been a longstanding practice and understanding by both management and our association that prior to 2016 K-9 handlers going back to the days of Joel master Lear and Bill Galvin, and I'm sorry, Bill Resh and Shannon

Waldron. They kept K-9s until they were either retired or till they applied for different position. I can tell you other units inside article seven such as the community policing division, they have no term limits. And there's no mention of it in the contract cause there is none, same with the detective division. Things like the traffic unit, things like the drug taskforce and the new language in 2016-19 contract there's term limits. And they're specifically laid out in our contract they're specifically negotiated and agreed to. And so in regards to grandfathering typically when we negotiate a successor agreement to our labor contract, if we want to change a term limit we put it in the contract. I'll give you an example specifically that I can speak off the top of my head. In the past our drug taskforce agreement was that any officer can be in the drug taskforce twice. I believe there are two year assignments with an additional, a third. They were limited to terms and we changed it to a four year term and we specifically cited it was one and done. I was in the drug taskforce at that time. I had one term of four years and that was an agreement. So in that case, there wasn't a particular grandfather but it was specifically stated and agreed to that there would not be. And which is different than the K-9 agreement. So I kind of went all over the place on that but I will tell you that to speak in general terms about grandfathering, you'd have to look at the specific article of the specific contract particularly in article seven, whether it depending on what unit it is. Did that make sense?

- Absolutely, yep. And maybe the better question is, did my question make sense. Given that it's a couple months old now, but I think that was the heart of what I was trying to ask at the time. So thank you.

- And just to reiterate, because one thing alder Galvin resonated with me in the past talking about K-9s because he talked about this concept being mostly important for the K-9s prior to 2016. The concept of cause being the removal of a police dog as cause to remove as opposed to performance function and alder Galvin made a very good point that this really has a lot of effect on the grandfathered K-9 handlers, officer Reetz and now officer Lynch. But haven't thought I've had chance to think about that. You know, this also has effect on our new K-9 handlers after 16. For example, a K-9 handler is in the middle of his first dog, six, seven years, his dog dies. His dog's stomach flips and his dog was done. Very plausible scenario can happen to any police dog you know, should the department choose not to fill that dog at that time maybe not for a year or two because of budget constraints or maybe we were low-staffed and we can't afford to do it at the time. Our opinion is that that cause would still apply that K-9 handler was not removed for because he did not have performance issues so he would get the next dog. That's the point of that provision. He earned that position by merit. He was a qualified in his job and would be entitled to the next position once it becomes available. That's our concern over the definition of cause being defined by this committee.

- Any other questions? Okay. Attorney Mather, next steps.

- I would recommend that you entertain a motion to close the floor, or I'm sorry, go into close session. And then we can discuss more freely the potential revisions to the findings and conclusions that may be necessary.

- I move that we go into closed session.

- Second.

- I have a motion and a second, all those in favor say, aye.

- Aye.

- Aye.

- Aye.

- I'll read the language.

- Yes, please.

- Okay. The committee may convene in closed session pursuant to section 19.85, 1A Wisconsin statutes for the 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 19.852, Wisconsin statutes to take action on items discussed in closed session if appropriate and to consider the remainder of the agenda. We're going into closed.
- Okay.
- [Man] Yeah, so does that need to be whatever have the videos on it?
- [Dorff] Are they back? Are we ready?
- [Woman] One second.
- Now we're good. We're all set now.
- Make a motion to go back in open session.
- Second.
- Okay, all those in favor say, aye.
- Aye.
- Aye.
- Aye, I'll entertain a motion.
- I move to deny the grievances on both counts as described in our decision. There is no change in our decision regarding retaliation with respect to count one. The grievance with respect to officer Runge's removal from that unit is therefor not properly before the committee.
- Second.
- I have a second. All those in favor say, aye.
- Aye.
- Aye.
- Aye, then our motion passes. Onto item number eight. No I'm sorry, make that item number seven. Consideration with possible action in grievance number 2020-006. Filed by the Green Bay Professional Police Association regarding SWAT team overtime compensation. Staff.
- So alder, if any of you on the committee have questions about the draft, we can go into open, I'm sorry. I don't know why I keep doing that. On the close session to discuss them, otherwise you can, somebody can make a motion whether to adopt or I guess if you want or something else.
- Right, we already rendered our decision at our last meeting. We just, this is just a draft of the findings of facts and conclusions.
- Yes, that's right. Thank you.

- Do any committee members have any questions concerning the draft of findings of facts and conclusions?
- No.
- And if not, I'll entertain a motion.
- Would it be to accept the findings?
- To accept, yes.
- To adopt.
- To adapt.
- To adopt. I move to adapt the findings of facts and conclusions of law.
- Second.
- All right, we have a motion and a second. All those in favor say, aye.
- Aye.
- Aye.
- Then that passes. Onto-
- Can I just, I'll not spend some time since you've decided on that. So could I just please get a copy of that when it's finalized?
- Yes.
- I will send... Go ahead.
- No, no, go ahead, attorney Mather. I was just going to...
- I'll send you copies of both decisions right after the meeting.
- Thank you very much.
- You bet.
- Thank you for your time.
- Thank you, Phil. Item number eight consideration with possible action, discuss and evaluate the expiration date for the city's policy on COVID-19 paid sick leave for each employee group as the COVID-19 vaccine becomes available to city employees. Staff.
- So I wasn't at the last meeting where we discussed this but I believe there were some questions for us to follow up and look at expenses that we've spent on COVID leave. So I did put a memo in the packet that talked about how there's been about 17,500 spent. And that's from mid December until now that we've had actually totaled and calculated or approved, I should say. And then we have about an estimation of about 7,000 that's outstanding that will be under the COVID-19 sick leave pay. So right now all of our employees are

eligible to receive the vaccine. There is no mandatory requirement to have any COVID type leave under the federal law. So at this point, you know, the recommendation, I think you know, I'm not sure if it was talked about the last meeting, but the recommendation based upon the vaccine being available would be to allow the COVID-19s paid sick leave to expire April 31st. And I think a big reason for that is because it's not state or federally funded. This is coming out of city levy dollars.

- Right. I think that was what we came, the conclusion we came to was just a lot easier a lot less fuss and muss. Just let it expire on the 31st.

- April 30th?

- April, yeah. Cause there's no 31st.

- She knows, let's hold that.

- I know cause it's my birthday month.

- So I'll entertain a motion. I think a receive and place on file.

- Motion to receive and place on file.

- Second.

- Second, all those in favor say, aye.

- Aye.

- Aye.

- Aye, and that passes. Number nine, a request by alder Johnson to the personnel committee for an update on the alder person orientation program that was submitted approximately two years ago. Director Faulds.

- I guess alder Johnson. Do you have any questions and, or-

- No, I mean, I know you sent the packet out and we've previously discussed that this is going to be you know, a working document, meaning that we'll always modify and add things as time goes on. So I think we've got a good foundation to start from. I think the only question that I had is, we were going to, you were targeting sometime in May. Is that correct?

- Yeah, that's correct.

- Could you just, what are you thinking on that front? And you just offer up for any alder who wants to sign up and of course we know that everyone here will sign up for it.

- Yeah the thought process is, and I think we know that our city attorney has been very busy lately. So I know there's a lot of questions about Robert's Rules of Order. And I think talking to our social media policy which I sent you the submit training on that but I know that our IT director is starting to prepare some I guess, an IT presentation on not just how I guess the alders can utilize our IT and software more but also how our city staff uses IT technology to improve our services and help with our workload. So I think that the focus would be on really any questions that you bring forward and maybe an IT presentation. Then if the law department is available to talk about Robert's Rules of Order and maybe some other questions concerning procedural aspects of meetings.

- So, I guess once you select that date in May you're just getting communicated out. Is that the plan?
- Yeah, I can ask and see when people are available and really what I think, I mean it's a very large document. So, you know hopefully people can review it and maybe that spurs some questions or ideas, documents or things to add to the packet. And then also maybe when we meet they can ask questions at the meeting as well.
- Okay. Yeah. I mean, I think the appropriate action today would really just be to receive and place on file at this point with the understanding that the session's going to be scheduled in the near future.
- Yeah, we'll try not to wait another two and a half years for that.
- I appreciate that. For the benefit of the next council.
- Yep.
- All right, and second? Or was that a recommendation and a second?
- I moved the received and place on the file.
- Okay, I need a second then.
- Second.
- All those in favor say, aye.
- Aye.
- Aye.
- Aye, all right. The informational report of routine personal actions for regular employees. And our next meeting is April 27th, 2021.
- That's my birthday.
- Hey.
- Hey.
- Oh if we had in-person meetings, ah, darn it.
- How you guys would all be bringing me treats, right?
- We would.
- Yes.
- I have a question for director Faulds. Did we decide on that strategic planning date or you should I take it off my calendar for the 15th?
- It will not be the 15th.
- Okay, I just wanted to have everything on my calendar.

- Yeah, I'm leaning towards either it's going to be April 29th or May 6th. So I'll reach out to the alders again and I hope everyone can attend but we might not be able to get everyone. And Thursday is a night where I don't think we have committee or council meetings. So that was kind of reason why I picked Thursday.

- Okay.

- Okay.

- All right then, I'll entertain a motion for adjournment.

- Moved.

- Second.

- All those in favor.

- Aye.

- Aye. Aye, all right, everyone take care. Stay safe.

- Have a good week.

- Bye.

- Bye.