



MINUTES OF THE PERSONNEL COMMITTEE

TUESDAY, AUGUST 24, 2021, 4:30 PM

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

Others Present: Ald. Lynn Gerlach, Ald. Mark Steuer, City Attorney Vanessa Chavez, Park, Recreation and Forestry Director Dan Ditscheit, Interim Police Chief James Runge, Investigations Commander Paul Ebel, Assistant City Attorney Lindsay Mather, Human Resources Director Joseph Faulds, HR Operations Manager Melanie Falk and others.

C. APPROVAL OF THE AGENDA.

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

Motion Passed.

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

D. APPROVAL OF MINUTES.

I. Approval of the minutes from August 10, 2021.

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

Motion Passed.

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

E. REGULAR BUSINESS.

I. Consideration with possible action on request to add a Conservation Corps Coordinator position

to the Parks, Recreation and Forestry table of organization.

Moved by Ald. Barbara Dorff, seconded by Ald. Brian Johnson to approve contingent upon the department receiving the grant.

Motion Passed.

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

2. Consideration with possible action to repeal and replace Chapter 24 Social Media Policy.

Moved by Ald. Brian Johnson, seconded by Ald. Veronica Corpus-Dax to approve.

Motion Passed.

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

3. Consideration with possible action to create Chapter 32 Remote Work Policy.

Moved by Ald. Brian Johnson, seconded by Ald. Veronica Corpus-Dax to approve.

Motion Passed.

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

4. Update and discussion on Green Bay Professional Police Association 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 Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to enter closed session.

Motion Passed.

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 return to regular session.

Motion Passed.

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

Moved by Ald. Bill Galvin, seconded by Ald. Veronica Corpus-Dax to direct staff to proceed as discussed in closed session.

Motion Passed.

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.

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

Motion Passed.

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

2. Next meeting date: September 14, 2021

G. ADJOURNMENT.

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

Motion Passed.

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

VERBATIM MINUTES

- The City of Green Bay's Personnel Committee on August 24th at 4:31 PM. We'll start with a roll call. Alder Dorff?

- Here.

- Alder Corpus-Dax?

- Here.

- Alder Johnson?

- Here.

- I'll entertain a motion on the agenda?

- So moved.

- Second.

- All in favor say aye?

- [All] Aye.

- Any opposed? And that passes unanimously. I'll entertain a motion on the minutes?

- Move to approve.

- Second.

- All those in favor say aye?

- [All] Aye.

- And that passes unanimously. Onto regular business. The first one is consideration with possible action on a request to add a Conservation Corps Coordinator position to the Parks, Recreation, and Forestry table of organization. Staff?

- So in the packet, there is a request to fill, along with the job description. We do have Director Ditscheit available tonight to speak more to that. One thing I'd like to add is the grant funds are going to the Parks Committee tomorrow. So if this is approved by the Personnel Committee, then it should be contingent upon the funds being received by the city as well.

- Okay. Thank you. All right, Dan?

- Yeah, so, well. To create this new position. So we don't currently have it in our table of organization, and be called the Conservation Corps Coordinator. And the total cost for the salary and benefits for this one-year position is \$79,983. So we recently, as Joe mentioned, we received a grant award from AmeriCorps, which will fund the bulk of the position. So the grant award is for \$65,613. And the bulk of, or all of this grant funding would go towards a salary and benefits for this position. But per the agreement, the city will have to fund a grand total of \$25,000 in addition to that 65,000. Part of the 25,000 would go towards the remaining salary that the grant doesn't fund, but the bulk of the funding would go towards other items, such as travel expenses, a computer for this workstation, a cell phone, office furniture, supplies to manage this, and then also attending a conference, and then a required AmeriCorps consulting fee. So that's what makes up the bulk of the 25,000 that the city would have to commit to in order to accept the grant. So if we do approve this position, the actual position would expire on 08/14 of '22. So it is only a one-year position, or a request to fill for year, at this time. So over the next year the position would be responsible to manage all aspects of this planning grant. But more importantly, they'd also put together a second AmeriCorps program grant proposal. So the second grant proposal is basically a three-year implementation grant. So this individual would be responsible to figure out what projects we could complete over a three-year period and calculate how many employees the program would be needed to implement it, and then look at what the budget would be to implement it also. And then they put together a second grant application and apply for it. And all of that planning would be done over this next year, so that if we receive a second program grant, we can then hire somebody right, or hire all of the individuals required to run that program right away and get going on the programs as quickly as possible. So all of the planning would be done this year. The implementation is really contingent upon getting a second grant. If then, like I mentioned before, if the second grant is not awarded, this position would end on 08/14 of '22. And if you look at the job description that's in the agenda packet, you can see all of the responsibilities over the next year. It is a pretty extensive list of responsibilities, so this would be a full-time position in order to get everything up and running. I do have, I can answer any questions you have in regards to the planning or this initial one-year process, if you have any more after reading that description over. And then as far as, I'm sure you have questions about where the money is going to come from for the 25,000 that the city would be committed to. So we do have enough money in our 2021 Park budget to absorb the costs that would come out of the 2021 budget. So we're able to do this because we purposely didn't fill a seasonal recreation specialist that we budgeted for in 2021. And we did it in the hopes of getting this grant, because we applied for it a while ago. And so we can absorb the 2021 expenses in the current budget, and then we, if this is approved, we would just build the 2022 expenses into our budget that we're currently preparing, which will be discussed in the next couple of months. And as Joe mentioned, the other step in the process is to actually have the Park Committee and City Council formally approve this grant. So, like he mentioned, if you do authorize this position to be filled, it should just be contingent upon Park Committee and City Council approval to accept the grant.

- All right. Does anyone have any questions for our director? Alder Johnson?

- Thank you, Alder Galvin. Director Ditscheit, and I appreciate that it only goes through August. That was my initial concern, is that if we only had funding for one year, that we were committing to a longer period of time. So even though they're going to be building out a three-year plan, I just want to understand clearly, we're not committing to a three-year position. It's just, they're going to build out the plan for three years. And if the funding is awarded, then we can execute it. Is that correct?

- That's correct. I mean, we are requesting for a one-year fill, which will take us through 08/14 of '22. After that, the position would only continue if we get the second grant. And if we do get the second grant, the position turns from a planning perspective to an actual implementation perspective. So what they would focus on in the next grant phase would be hiring all of the staff that would be required and then managing them in the field, and then coordinating any purchases that would have to be done to actually implement the second grant. In addition, they would be working with volunteers to do projects all over the city, in the greenways and also in the right of ways. So the first phase is planning only. Second phase is implementation.

- Okay, and have we had any preliminary conversations with AmeriCorps to determine if phase two of this process is a strong candidate for a grant award?

- It is a strong candidate, but they will not obviously tell us whether or not we would be granted that second award.

- Understand that, that's why I indicated if it was a strong candidate, because a lot of times, obviously, those agencies will let you know, if, hey, this is a weak application, or if it is a strong contender. So good to know that it is a contender at least.

- Yeah. And in our application process, it was very clear that we were planning, that this position for the first year sole purpose is to do all of the planning so that we can apply for a second grant. And so if it wasn't a strong candidate, I would highly doubt that they would have awarded us the first grant.

- Sure. And then my last question relates to the position that was intentionally left vacant. I forget what the title was that you used on that. But if we were able to leave that position intentionally vacant for the hiring of this role, is that a position that is needed? And has it been filled since?

- It was a position that we created in 2020, it's a seasonal position that was year round for 20 hours a week. And that's what it was originally budgeted for in 2020. We did have somebody in that position in 2020, not the entire year, but the bulk of the year. And then in 2021, we opted just to hold it to see if we would get this grant. So we are going to evaluate that position in 2022 as part of our budget, whether or not it's necessary. But we may need some of that funding to, in 2022, also, because like I said, we can absorb the costs in 2021, but we're also going to have some costs in 2022. So some of that funding will probably likely come from that. We're working on our budget now, and I can give you more information at the budget meeting in regards to this position.

- Yeah, and that's perfect, Dan. And I think, that was just my initial concern, right? If we're not filling a position because we're holding it open with the intent to basically use those funds for another role, I just want to make sure that come budget season we're having that conversation about whether or not it's needed. And so it sounds like you're doing that. I appreciate that. That's all I've got, Alder Galvin.

- I guess, one thing in relation to that recreation specialist position too is, we didn't run as many programs as we normally would either, because of COVID. So, we're still getting caught up. We're still not having a normal year, like we would. So that was another reason that we held that position also. So just keep that in mind as we talk at budget time.

- Okay. And one other thing I would just say, one of the things that oftentimes, we see these positions, these programs, and I think government has a role to play with being a little bit entrepreneurial on some of these things. But what I personally prefer is when we can place that burden on granting agencies, state, or federal governments, with different grants or sources that they provide. So what I really do like about what you've done here is that it's grant driven, right, to determine if this program has long-term viability. So again, support the entrepreneurial spirit of this. And if we can find more programs like this, where we can apply for grants to determine whether or not those have viability, I like that. So kudos to you and your team.

- Director Ditscheit, I have just a few questions. If we do get the second grant, is it going to be like this one, where we have to have a percentage of money coming out of our coffers to cover not only this director position, but the other people that are going to be hired to do it?

- It likely will, but it's hard to say at this point, because one of the purposes or main duties of this position is to create that second application. So I don't know what that match would be and how that would look. This person would figure that out and apply on behalf of the city. So, unfortunately, I don't have those answers right now for you. But it comes down to, if we are awarded the second grant, it still has to go through the Park

Committee and City Council to accept that second grant. So it's not just getting the second grant, it's getting the funding for the second grant also, as part of the second phase.

- Well, exactly. And I guess with some of these projects, obviously there's going to be material costs and things like that. So as we're working towards our budget and we've been talking at the finance level of let's think long-term, let's not think just year to year, but let's think three, four, five years down the road. Are you going to be able to figure out a budget with worst case, best case scenarios, so that if we do get the grant, we're able to do something with it? Because I can see we get the second grant and the city says, oh, hell, this is going to cost us too much money, forget it, we're done with it. And then now we just spent a lot of time with not a lot to show for it. And this is very intriguing. I think it sounds like a good idea. I think it would really enhance our park system quite a bit if it comes to fruition. But I'm just wondering, is the grant, the grantors, are they willing to work with us to figure out some of these things in advance?

- Possibly? One of the other options for this position is to seek out other granting opportunities to be a match to this grant. So we're going to be looking at all issues. The purpose of accepting this first grant is with the hopes that we're going to be able to implement the program for three years. And so, we're going to do everything we can to make that transition as easy on the city budget as we can, because if we find that it's just not sustainable, you just spent a year and \$25,000 learning that it's not sustainable. So this individual will seek out other options and look at all funding sources that are out there, in addition to this second grant.

- Okay. And talking about the person, the part-time job, what did that person do, if pre-COVID?

- The recreation specialist?

- Yes.

- They helped run our programs. So, they were in essence, similar to our other recreation supervisor positions. They didn't really manage the staff, like our other recreation supervisors do. They just help to run the programs. So they helped with all of the planning for it, finding sponsorships for different activities, and just working on the actual planning for events and programs. So they didn't do any of the hiring of our seasonal staff or really management of the program itself. They just helped with the planning and the initial startup of a lot of our programs and activities. So like I said, it was a new position in 2020 that we created. It definitely helped us in 2020. Or, I'm sorry, yeah. But once COVID hit, because we had that person early on in the year before COVID hit, and then once COVID hit, we kind of stopped a lot of our programs. And so that really dwindled the need for that position.

- Alder Corpus-Dax, do you have any questions? Alder Dorff?

- Alder Steuer does, but--

- I know. I didn't know if he was exercising his fingers or--

- Oh no, I'll move my left hand, how 'bout that?

- Okay. All right. I just wanted to get through the committee members, and Alder Steuer, go ahead.

- Okay. Thank you, Chair. This position expires on August 14th of next year. So Director Ditscheit, were you saying this is a one-year position? So I guess the question I would have is, how long is it going to take to, in your mind's eye, to bring this person on board, and are we losing time with this grant, in a sense, if it takes a month or so to get somebody on board?

- Yeah. I mean, we just got word of the notification of the award a week or two ago. So we're moving as quickly as we can with getting the approval processes. And the sooner we hire somebody, the more work that they can accomplish in the year, because the ending date doesn't change.

- Right. Have we ever had a position like this before, in your estimation over time?

- The Parks Department has not. But I think other positions, possibly in the Planning Department have had other grant funded positions that were maybe on a limited term basis, but I don't know that offhand, I'm speculating.

- Well, it sounds like you're pretty confident that this person can probably bring us more grant monies and that. So this might be a sustainable beyond the one year. So I applaud you as well, and your department. Thank you.

- Anyone else? Any other questions? All right. Thank you very much, Dan. I appreciate this information. And again, I'll echo the other alders' comments. I like this, and hopefully it'll work out for us. I'll entertain a motion?

- I'd like to move to approve contingent on receiving the grant funding.

- Second.

- All right. All those in favor say aye?

- [All] Aye.

- That passes unanimously. Onto item number two. Consideration with possible action to repeal and replace Chapter 24, Social Media Policy. Staff?

- Attorney Chavez or Attorney Mather, do you want to start off with this one?

- Sure. Hang on a sec. There we go. Hi, guys. So, our social media policy hadn't been updated in a while. So we took a look at what we had as well as what other, some other cities were doing, what CVMIC, our insurer, recommended, and also what IMLA recommended, and this is kind of an amalgamation of all of that, to try to cover all the different areas with respect to social media that come into play, with respect to a government workplace. So it's obviously long, as you guys can tell. It covers what can be posted on city sponsored pages, so department pages and that kind of thing. It also covers what employees can post on their individual pages, their personal pages, with respect to comments on city business and that kind of thing. And then also there is some guidance on there for elected officials. So that's kind of a broad overview. I'm happy to answer specific questions if anybody has them, or if there's anything you'd like me to go into more detail about?

- Alder Johnson?

- Thank you, Chair. Attorney Mather, I just had, I think really two questions. One was related to a section about how employees were not allowed to interact on city social media sites when they were not at work. And I think about, and this is where I'm just looking for maybe a little bit of help understanding. I mean, in the world of social media, it's all about being on demand, immediate responses, that type of thing. Can you just help me understand maybe who it is that's managing our different social media profiles? Are they salaried? Are they hourly? How maybe, if you have a salaried employee, is there a reason that they can't do this off work? Sort of just an explanation of why that provision needs to exist?

- Sure. So I'll start with who's using the pages. That's really going to be just decided on a departmental basis. As far as this policy contemplates, that each department head or department director can designate authorized users for their department and only those who are designated as authorized users and have signed an

agreement on file with IT, they're the only ones that will be able to make any posts or comments on that department's, or whatever specific page's, social media. The other thing, with respect to, I believe the, I can't find it at this particular moment. I believe the restriction is that it needs to be, any post cannot be made outside of the normal duties of the employee. So if it's something that they, if an employee is salaried and is responding to something that comes up at an hour that they would not normally be in the office but they have to be working for whatever reason and it requires some kind of notification to the public, if it's required that they be working in that particular moment, that would not be considered outside of their normal working duties. And so that would not fall outside of this, or that would still be, I guess, in accordance with this policy.

- Okay. And the only thing that's just kind of going through my mind is whether or not there's merit in having certain exemptions for people who manage those city profiles to ensure that we can be, I mean, if the platform's going, if we're going to leverage it properly, I think preserving the ability to be responsive is important. So I guess that would be just my only comment. And I'm not saying necessarily that we need to change that particularly if there are legal reasons that they need to be in there, but I think it's maybe this acknowledgement that that is kind of the foundation of social media, is that engagement, and to be able to do it in a timely manner. The other question that I had was related to, well, actually two things, at one point, being that there was the, around the area related to elected officials, the mayor and city council are called out specifically, however, the municipal judge is also elected, and while they may not currently be maintaining an active profile, that may not indefinitely be the case, and I wonder if that should also be called out, given that they are an additional elected position here in our city government? And then, as it relates to that, we specifically state, and you kind of alluded to it before where you said it's like maybe guidance or recommendation for elected officials. But I was trying to wrap my brain around, it wasn't immediately clear to me as I was reading the text, are elected officials required to do that? Or was that simply just guidance? And the reason I'm asking, because, obviously, as elected officials, we're accountable to the people and not necessarily external policy. So I'm just trying to figure out where, how those two mesh?

- Sure. So yes, the municipal court judge is elected and I will include a reference to that position. Thank you for catching that. With respect to, the reason that it says guidance is because, like you alluded to, this is a personnel policy. So obviously with elected officials, the discipline mechanisms that exist for employees don't apply to elected officials in the same manner that they apply to employees. That's why it's guidance. But that being said, what's in here is consistent with what the law is on elected officials maintaining social media accounts. So even though it's not, this particular policy may not be binding, if you want to call it that, on the elected officials, it's still recites the law which is. And so, the things on there about not blocking people, not removing certain posts, those certain things, those apply, outside of whether they're in this policy or not. So we wanted to be sure to include that information. And this is the place where it makes the most sense to do that.

- And I appreciate that. I want to be clear, it's good guidance. I'm not questioning its placement in here. And I'm glad that it's in there. I just, I'm trying to predict, potential conflicts, of somebody saying, no, I'm doing my own thing, forget you and your policy, right? And just trying to understand how we can best position ourselves to respond to that? So again, fully support that it's there. And I just kind of wanted clarity that it is guidance and that, I mean, there's a certain amount of accountability and responsibility amongst elected officials to still follow, obviously, the law. And I think you've just laid it out that this, hey, this is the law. And I would presume that this guidance would also be available in our ethics code when that's rewritten, perhaps, maybe even it's the same language, just to be consistent. And maybe it's not, I don't know. But again, just wanting to maybe reaffirm that, I think it should be included in both places.

- Sure. That's certainly something we can consider. We do have outside counsel working on our ethics ordinance, so we can touch base on that.

- Okay. Thank you.

- Alder Dorff?

- Thanks. I would like to affirm what Alder Johnson said, because it was a point I was going to make, that this should really flow the same way that that ethics policy does, they should mirror each other. I think it's going to be very important. So that's one point I wanted to make. And the other was the part about our personal social media accounts, which, I feel that there might be pushback by some people, not me, so I'm a little concerned about that. But it says other social, on page 10 of 10, "Other social media pages maintained by elected officials, "such as campaign pages, or even personal pages, "may be considered city pages if the owner of the page "is determined to be a state actor." What does that mean?

- So if on the page you're identifiable as a representative of the city. So if on your personal page you still refer to yourself as Alder Dorff for the 1st District. And you've got a City of Green Bay logo and maybe one or two other things, it's the totality of the circumstance's examination, so I can't give you like a bright line rule. But in general, if you have allusions to your position and you discuss issues about city business on your personal page that can transform it, I guess, for lack of a better word, into basically, essentially a government page that is then subject to open records and the same restrictions on removing content and blocking people and all of those sorts of things. It's the same thing for employees who, if I had on a personal page, Assistant City Attorney for the City of Green Bay, that could also potentially lean toward my personal accounts being considered subject to this policy. Did that answer your questions?

- Yeah, I think it does. I think that this probably will result in some discussion. And I think it's a new area. And we're breaking new ground here. So it's bound to result in some discussion. But I'm pleased that we have a social media policy, and that it's been updated in this way. Thank you.

- All right. Alder Steuer?

- Thank you, Chair. I know a few of us alders do have alder pages. I had considered doing that, but maybe it's just me. I was a little bit nervous because how some things can get mixed once in a while. Even on my personal pages, when I've put something out there, people know that I'm an alder, and sometimes I get pulled into some things. I can't specifically quote some of these things now. But I guess maybe I'll throw it out to the committee, because I know a number of you already have alder pages. And I'm just wondering, trying to keep those two separate, it's kind of a mix between politics and public service. And I know it might be a simple thing to think about, but I think there are some things that we really going to mull over to make sure that you keep these things separate. And I've had a couple of bad experiences over time where my personal page, I get kind of pulled into something. And I know, even on your alder pages, it can get a little heated at times. And part of me is not asking for a solution. I'm just looking for maybe a little guidance, if you were going to have a page, how you conduct yourself. I know the ethics code, we'll talk about that quite a bit as well. But it's just observations that I've had, that I'm a little leery of doing an alder page because of, I would like to look at it as a public service type thing rather than a political. So that's just my comment, and you can speak to it or we can discuss more of that later. Thank you.

- Well, I guess one thing I would say, with every new city page that we create from this point on, we always have the option of not turning comments on or of creating what's known as a limited forum. So if you create a limited forum, you're essentially saying, we're going to talk about these certain topics on my page, and I can remove any other, any comments that do not relate directly to these topics. But you do have to watch the page consistently to make sure that you are regularly removing comments and posts that do not comply with the limited purpose of the page, because otherwise you risk it being converted into a more traditional open forum. But that is one way that it's possible to kind of limit the extent of what's discussed on a page for an elected official, or even for a city departmental page. The ones that are in existence now, it's a little bit trickier because most of them, if you have comments that have not been limited in any way, those are considered open forums, and it's harder to close them completely at this point. But I digress.

- Oh, I agree with you on that, Attorney Mather. But, I would like to, maybe it's something for council and other elected officials, that if there was even a little, I won't say tutorial, but something along those lines. I

know you have to call different people on council, and we might all think a little bit differently on that topic. So there might be a lack of consistency on that. Just throwing these things out, and I'm sure we'll discuss more of it later. But like I said, I'm a little leery of throwing things out there on Facebook because it can get dicey at times. So I look at it from a public service standpoint versus a political standpoint. And those are things that I'm leery about. So maybe, I'm not a chicken about it, I just, I've seen it all too often. And I think we really have to be careful. Those are my comments. Thank you.

- Alder Dorff?

- I agree with Alder Steuer. I have an account. I can't take it down, because by law I'm not allowed to. And I don't use it. I have tried to use it as public service. But if you say something like, well, the streets are going to be cleaned or the garbage pickup is changing, whatever, no matter what, it gets into a big discussion, that turns negative, that turns angry. And so I just don't post. I do not post on it. And it's there because by law I can't remove it until I'm not elected, right, Lindsay? Right? I can't remove it?

- I don't have an easy answer for you on that. Certainly you can't remove that page and create another page that's a limited forum. But whether you could shut it down altogether, I would have to know a little bit more about what exactly is on the page and what it actually looks like to give you, this area of the law is very nuanced, and so it's hard to give just yes or no answers to a lot of these questions, unfortunately.

- I think it's a public record, because you establish a public record when you do it. And so you cannot destroy the record, is my understanding.

- Oh, so--

- So my understanding is I cannot destroy this.

- I understand.

- Okay.

- So one of the important things, I'm glad you brought that up, the City is now using a program, it's called ArchiveSocial, which is specifically intended to archive social media pages in a number of different platforms. And so any government pages, and that includes official alder pages, can be archived through ArchiveSocial. And that will keep, that's the way that we can meet our records retention requirements, is to make sure that all of our pages are archived that way. So if your concerns are related to records retention, you and I can actually touch base on, not during the meeting.

- Okay.

- But we can figure that out. But just so all the alders know, that is an option that, anyone with an official alder page should get in touch with either the Law Department or IT to make sure that their official alder page is being backed up through ArchiveSocial, along with all of the other city pages.

- Well, Chair, could I ask Alder Dorff one question?

- Let me think on that for a second. Yeah, okay. Go ahead.

- Oh, thanks. Alder Dorff, I was just wondering, you said you have your own page, and I know some of the other alders have pages as well. So you obviously probably set that up at one time?

- I have no idea how to set up a page. My campaign manager set it up for me.

- Oh, okay. I'm just wondering, because like I said, there was a number of pages out there. So obviously either the candidate or person set it up or somebody else set it up for them, and I'm not saying it's good or bad, I'm just saying that it might not be consistent, whatever.

- Probably not.

- All right. Just another observation. Thank you.

- Thanks.

- Alder Johnson?

- Thank you, Chair. Just a couple of comments to Alder Steuer's point. I think Director Faulds, obviously when we're looking at that alder orientation program, that's a great place, I think, for maybe some pro tips to be included, maybe a little social media expert that's willing to write up a couple of page cheat sheet to do that. And I think to your point, Alder Steuer, about, these fights, they happen every place, right? That's just the toxic nature of social media. If you're looking for advice, I can tell you that I'd let most of it go, unless someone's looking for a point of clarification on something, I'll answer them. Sometimes people get into fights, and I've found myself a couple of times, just literally scolding people, all right, wrap it, like this doesn't need to occur here. Take it somewhere else. So I'm not above doing that. But I think 99% of the time, just ignore it. Now, the one instance, which to me creates a little bit of confusion, perhaps, is when we do get tagged, on a post in a group, maybe, that's about a city issue, and our personal pages get tagged, but we're not necessarily using our personal pages for that purpose. Does that now subject our personal page to public records, even though we didn't initiate it? And maybe is that the nuanced part that we just don't know yet?

- So it is partly, it can subject certainly certain posts. Whether it's subjects the entire page is not something that's actually been developed in case law super well yet. Surprisingly, even though social media has been around for a while, there's really not that much case law that's super helpful. A lot of it has to do with, especially lately in the last few years, has to do with when officials can block citizens or remove their posts on their personal pages and those kinds of things. As far as, records, the impact on open records and those kinds of things, those are going to vary from state to state. And there's just not a lot of information here in Wisconsin that's been super helpful so far. So I am, again, one of the most important clauses on this policy is the one under the elected officials part that says consult the Law Department. If you have any questions, we are certainly happy to work through them with you. And if I have a little bit more context and detail, I can certainly do more specific research. This was an attempt to include some kind of high level standards that would be generally applicable. But yes, there are a lot of nuanced situations that are going to come up. And that's why we're happy to be resources in our office to work with elected officials and city employees alike to address those questions as they come up.

- So Mark can be part of that first batch of case study that needs to happen. One final question, actually, I forgot to ask this before, and it's related to the disclaimers. When employees on their personal profiles are commenting, is this common language, right? And I'm trying to determine, I'm trying to imagine a scenario where social media oftentimes can be a back and forth conversation, if you've got city employees, right, like maybe who provide some facts, and then this doesn't represent the interests of the city. And then all of a sudden, like, LOL, this doesn't represent the interest of the city. I mean, like how exhaustive does that have to be? And is that customary and is it necessary?

- So, you always tack on a couple more questions at the end and I get confused. So if it is, so the disclaimer has to be readily visible, essentially. So if it's your post and it's in the body of your post, the disclaimer language, and there's not specific language in here, it can be just any general statement that says "The opinions are my own, not the city's." It can be as simple as that, it can be more complex, but as long as that's prominently stated, if it's in the main post and then you respond to a couple of comments on it, I would consider that being in the main post, as being prominently stated. And I wouldn't expect you to repeat it in the comments.

- Does it need to be in the comments, or can it be just on the person's profile, like on Twitter, for example, that you see with a lot of people?

- It would need to be in any, it's a good idea to have it on the profile as well. But if you're commenting on city business, it needs to be on each individual post or comment.

- So it's only if it's being commented on a city post, not necessarily someone else's post or in a group or something like that?

- Not necessarily a post that comes from the city, but something about city business. So if it's your friend's post about something that's on the council agenda next week, that's still city business, even though it doesn't involve a city page. So if you're going to post something that says, "I think this is a really good idea", then technically you should have the disclaimer.

- Okay.

- [Vanessa] And one thing to keep in mind is that the reason these standards are established is to protect both the city and the employee. So when employees are speaking on behalf of the city, anything they say is subject to discipline, anything that we don't agree with, anything, they're representatives of the city. I don't think they would unintentionally drop an F-bomb, but if somebody drops an F-bomb in there, we don't want that being representative on behalf of the city and they don't want to be getting in trouble for using an F-bomb on social media. So that is exactly why these standards are out there so that if somebody is speaking, it's clear, it's not the city's, it's personal, and they shouldn't, we should be taking action against them because it's not them speaking in their professional capacity, and the public shouldn't be assuming that it's anything that's attributable to the city itself.

- All right. Should we really be doing this advice column thing that we're doing here now? Or should we, like they said, have the individual alders get ahold of the legal staff at another date and time to go through these questions and maybe have them review their sites with them to give them advice?

- [Vanessa] I think it's a little bit of both. So as you're approving the policy, I don't think it's any issue for you all to ask questions about the purpose behind the specific provisions that have been proposed. But as far as how this will play out with respect to specific ones, then that's a different situation. That's probably really something that should be done one-on-one so we can address specific instances. But as far as the policy goes, there is no issue with talking about what the specific policies pertain to. And keep in mind, these are all just, these are all things that are established as things we need to be worried about from a legal perspective, which is why these policies are going into place. These are all standards that we're already being held to, it's just us codifying them to make it clear to everybody what the standards are.

- Alder Corpus-Dax?

- Thank you. I just have one question, hopefully it's quick. Does this apply to people who are running for elected offices? So if anyone who's, will this apply to them as well? Or is this just people who have been elected?

- So it would be, it would not apply to somebody who is running unless they are otherwise affiliated with the city.

- Okay.

- So at that point, they are not an elected official, so anything that they say can't reasonably be attributed to the city. But, once you're an alder, if you still have a campaign page and you're running for reelection, your

reelection campaign page is considered, this policy would apply to a reelection campaign page, because at that point you are visible as somebody who's an elected official for the city who could reasonably be interpreted as speaking on behalf of the city.

- Okay.

- All right. Attorney Mather, this policy, and you've been pretty clear, it's only guidance to elected officials. Would anybody be able to use this as a basis for an ethics or code of conduct complaint prior to the code of conduct or ethics being updated?

- Attorney Chavez, thoughts?

- [Vanessa] Yeah, I'm mulling that one over too. At this point, I would say no, only because the code of conduct is pretty clear as to what applies, like what standards are already in existence. And the ethics, obviously, wouldn't be implicated because that's more about finances. So it's really just the code of conduct and the code of conduct really establishes the basis for it. So in this instance, I would say no. But I can definitely look into that and confirm there's not something that refers just arbitrarily to policy violations.

- All right. Thank you. Are there any further questions for staff?

- I move to approve.

- Second.

- All those in favor say aye?

- [All] Aye.

- And that passes unanimously. Onto item number three. Consideration with possible action to create Chapter 32, Remote Work Policy. Staff?

- So you have in your packet the Remote Work Policy. And I'll just give a very high level, and then you can ask any questions and I can answer them. But really it's a case by case basis. It's not an entitlement to any employee. We've been having employees work remotely for a year and a half, so this is just formulating what we've been doing for the past year and a half. To be eligible for remote work, face-to-face communication cannot be a requirement of the job. An employee has to have a meets expectations or above. The employee must have a safe and ergonomically friendly work environment. And it's the tough part, Alder Dorff, but, I need to straighten up too.

- I thought that was a silly part, like are you going to come over and make sure my feet are on the floor?

- We might, we can inspect if we want to. And part of that is, we just want our employees to be safe. And we want to make sure that they are in a safe work environment, so that's part of it. But yeah, it can be a little silly with that.

- It doesn't seem silly.

- But there is a lot to the policy and there's a lot to cover and there's a lot to think about. So we also have things in there about all the records are public records and city records, and they can't store them at their remote workplace or at their house, they have to bring them into the city. We will provide equipment for the employees. But then typically the department will pay for it. The city employee agrees to hold us harmless, if someone else got injured or if they, any damage to property. Since it's not an entitlement to their work or to

their job, they also are not entitled for pay for utilities or internet costs or anything like that. So there's a lot to it, a lot in the policy, so if you have any questions, feel free to ask them, and I can answer them?

- You do know no no.

- What part?

- People who work from home, they're going to sit on their couch on their laptop, and I'm perfectly okay with it.

- Well, like, yeah, Alder Scannell, for example. I'm just looking at this, but yeah, it's where I thought it was a little silly. Sorry, Chair. Sorry. I'm speaking out of turn, Chair.

- That's fine. Does anyone have any other questions, or any questions at all, for Joe?

- Move to approve.

- Second.

- All those in favor say aye?

- [All] Aye.

- And that passes unanimously. Onto item number four. Update and discussion on Green Bay Professional Police Association labor negotiations. We may convene in closed session if we feel it's necessary.

- So should we make a motion or should we let the attorneys talk first? Or Joe talk first?

- I think we should move into closed session.

- Okay. I'll make that motion then, to move into closed session.

- Second.

- All those in favor say aye?

- I'll read the language.

- Oh, sorry, yeah. The committee may convene in closed session pursuant to 19.85 Wisconsin Statutes 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 Wisconsin Statutes to report the results of the closed session and consider the balance of the agenda.

- All right. All those in favor say aye?

- [All] Aye.

- All right. We are in closed session.

- [Barb] We're on the record?

- [Joe] Yep.

- I move that we go back into open session. Is anybody going to second that?
- Second.
- All right. All those in favor say aye?
- [All] Aye.
- All right. That passes unanimously.
- I move that staff proceed as directed in closed session.
- Second.
- All those in favor say aye?
- [All] Aye.
- And that passes unanimously. All right, on to informational. Report of routine personnel actions. Does anyone have any questions for staff on that? If not, I'll entertain a motion?
- Motion to receive and place on file.
- Second.
- All those in favor?
- [All] Aye.
- That passes at us unanimously. Our next meeting is September 14th, 2021. I'll entertain a motion for adjournment?
- Move to adjourn.
- Motion to adjourn.
- Second.
- Can we take a five minute break?
- Sure.
- Oh yes. I think we need to.
- I drank a lot of water today.
- How about right at 6:30? It's 6:23. We'll reconvene at 6:30.
- Good.
- All right, sounds good.
- Do you need to vote? Did we vote?

- Yeah, we need a vote.
- Oh.
- [All] Aye.
- All right, and that passes unanimously.