



MINUTES OF THE PERSONNEL COMMITTEE

TUESDAY, JANUARY 11, 2022, 4:30 PM
IMMEDIATELY FOLLOWING FINANCNE COMMITTEE
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains Zoom information, instructions, and a link to the Virtual Comment Form.

B. ROLL CALL.

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

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

Others Present: Ald. Lynn Gerlach, Ald. Mark Steuer, Transit Director Patty Kiewiz, Police Chief Chris Davis, Park, Recreation and Forestry Director Dan Ditscheit, Chief of Operations Joseph Faulds, Interim City Attorney Joanne Bungert, Utility Manager Matthew Heckenlaible, Deputy Public Works Director James Brunette, Human Resources Manager Melanie Falk and others.

C. APPROVAL OF THE AGENDA.

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to amend the agenda by moving Regular Business item #3 ahead of item #2.

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 approve the amended agenda.

Motion .

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

D. APPROVAL OF MINUTES.

I. Approval of the minutes from December 14, 2021.

Moved by Ald. Barbara Dorff, seconded by Ald. Brian Johnson 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 the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.

- a. Administrative Clerk - Public Works
- b. Civil Engineer - Public Works
- c. Operator II - Public Works
- d. Park Maintenance Worker - Park, Recreation & Forestry
- e. Parking Maintenance Technician - Public Works

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

Motion Passed.

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

2. Request by Ald. Corpus-Dax and Ald. Dorff for the City to research and conduct a study for the term lengths of appointed officials in comparable municipalities. Determine whether the term lengths of a City appointed official should be amended to longer than 2 years and to review City Official appointments/reappointments so they do not coincide with the swearing in of a new council.

Moved by Ald. Barbara Dorff, seconded by Ald. Brian Johnson to refer to staff to repeal and recreate Green Bay Municipal Code 2-79 and 2-81 to include indefinite terms for appointed officials and Common Council removal, for cause, by majority vote for the February 1, 2022 Common Council Meeting.

Motion Passed.

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

3. Consideration with possible action on request to approve the 2022 - 2024 labor agreement between the City of Green Bay and Amalgamated Transit Union, Local Division 857, Bus Operators.

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. 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.

F. INFORMATIONAL.

I. Police Chief's report on leaves of absence under Article 26 of the City and GBPPA Agreement.

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

Motion Passed.

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

2. Update on the GIS Analyst position that was approved in the 2022 budget

Moved by Ald. Brian Johnson, seconded by Ald. Barbara Dorff to receive and place on file.

Motion Passed.

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

3. Report of routine personnel actions for regular employees.

Moved by Ald. Brian Johnson, seconded by Ald. Barbara Dorff to receive and place on file.

Motion Passed.

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

4. Next meeting date: January 25, 2022.

Moved by Ald. Brian Johnson, seconded by Ald. Barbara Dorff to receive and place on file.

Motion Passed.

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

G. ADJOURNMENT.

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

Motion Passed.

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

VERBATIM MINUTES

- That's the start of the Personnel Committee meeting. We'll start with roll call. Alder Corpus-Dax
- Here.
- Alder Dorff.
- Here.
- Alder Johnson.
- Here.
- Also in attendance
- Alder Steuer, Alder Gerlach, Let me see, anyone else? Three pages of people for the... Only one for ours.
- It's because of who's chairing the meeting.
- All right.
- Ouch! All right, for the approval of the agenda, I'd like to make a change.
- Okay.

- I'd like to move item number two up to item one. Is that correct?
- Nope, sorry. I think it's item number three.
- Oh, I'm sorry.
- It's okay. Or two back to three.
- Yeah, item number three in front of... Instead of number two. I'm sorry.
- Excuse me. Uh oh! COVID! Uh oh! No, it's probably not.
- We're doing item number three first, but...
- I will make a motion to amend the agenda to move on item three before item two.
- All right. Thank you.
- Second.
- Second? All right. All those in favor.
- Aye.
- Aye.
- All right.
- I'm here to approve the amended agenda.
- Second.
- Yeah, all those in favor.
- Aye.
- Aye.
- Aye.
- All right. And I'll entertain a motion on the minutes.
- Wish approved.
- Wish approved. Alright. All those in favor?
- Aye.
- Aye.
- Aye? Okay. On the regular business item number one consideration with possible action on a request to fill the following the replacement positions on all subsequent vacancies resulting from internal transfers. Does anyone have any questions for staff on these internal transfers? All those in favor say aye.

- Aye.

- Aye.

- Aye. On to number three, which is actually number two, consideration with possible action and our request to approve the 2022-2024 labor agreement in the city of Green Bay and amalgamated transit union, local division 8 5 7 bus operators. And we can go into close session if anyone feels that's necessary.

- No, I don't think we have to.

- Okay.

- Okay.

- Do I have... Are there any questions or do I have a motion on this? If there are no questions.

- To approve.

- Second.

- All those in favor.

- Aye.

- Aye.

- Aye, and that passes unanimously on to item number three, request by Alder Corpus-Dax and Alder Dorff for the city and the research conduct a study with the term lengths of appointed officials and comparable municipalities. Determine whether the term lengths of a city appoint officials should be amended to longer than two years and to review city official appointments and re-appointments so they do not coincide with the swearing in of the new council. I don't know if we should have staff go first or if Alder Dorff or Corpus-Dax would like to lead in.

- I think we can have staff. This was a while ago, but it came up as a result of the concerns that we had about people being willing to look at Green Bay for employment. Candidates for jobs when their jobs, every two years were up for review by the council. And so we wanted to see what other people were doing in, you know, what are the missed pallidus were doing? What were the other options? So I'd really like to hear personally what director Faulds has found out and if other curb stacks has something else, then that's fine.

- Director Faulds?

- Sure. So you have a couple of documents in your packets. One of them is an ordinance on the draft ordinance. Another one is a memo from the law department is from assistant city attorney Mather. And these are based upon some of the questions that were brought up at the personnel committee about a year and a half ago in 2020. And some of the questions were about term length. You know, if it was, excuse me about the difference between like two years and indefinite. There's a lot of questions out of removals where let me bring this up here... So that the change of the ordinance is that the elected officers would have no change to removal, but with appointed officials right now, the state statutes states that the removal may occur either at the pleasure of the mayor or other appointed official or by the council for cause. So then what's outlined is a procedure for removal under the state's statutes and what the removal pleasure is, and also what removal for cause is. So I think there's a question from Alder Johnson was, you know, what is cause and how is it defined? You know, and I think the short answer is there's really nothing that really defines cause there's no single

definition, but it's, you know, it's legally sufficient reason. And you know, there's certain circumstances that may constitute cause for removal for an appointed official, such as like an ethical violation or something that's supposed to say to liability or just poor performance that may come up. So the memo goes through that and then what's included is also the ordinance in draft form. And then I think also the other acquaint officials that are in our ordinance currently right now. So if there's any questions or more discussion on that, either myself or city attorney Bungert could answer them.

- Does anyone have any questions for either director Faulds or city attorney Bungert? All right.

- It just means you guys did a good job explaining it.

- Yeah. Only call Brian, questionless.

- No, I get it. I mean, I think we had this discussion a while back. I mean, you know, when I look at what's laid out here, I guess maybe the question that I would ask, and I doubt that there's even an answer right now is have we ever had someone turn down an opportunity with Green Bay because of this policy? You know, but more importantly, I think it goes to the question of, is this a necessary policy? So that's why it's like, not even a question that I even want an answer to, because I think it's kind of irrelevant. So you know, I support making these indefinite terms. However, I think I would like to see a modification to the 3/4 requirement by council to remove someone for cause because boy, if you've got eight members of city council that thinks someone ought to be removed and that's not sufficient. I mean, to me, that just seems a little bit out of balance. So when we look at the memo that was provided, it sounded like, you know, municipalities were kind of scattered in that regard. Some were majority somewhere, 2/3, some were 3/4. So, you know, I'd be inclined to support an indefinite appointment. However, I would like to see that 3/4 number reduced.

- I agree. It's been an awkward every two years to suddenly take all these individuals and board at council, whether they, they have a job for another two years when there is almost no input or anything else that, I mean, if there was need to have input, it should've been a long time before that. It just, you know, I mean, you hate to think of everyone sitting out there thinking, am I going to go home with a job tonight or not? I mean, without any kind of inkling that their job may be on the line, but I agree with Brian, those were some necessary changes. I also wonder comptroller. I've never called our finance director a comptroller. I mean, there's any chance we could kind of change it, that a finance director, or do we have to leave it as comptroller?

- Yeah. We've had some discussion on this. The statute declares that comptroller and, you know, that's kind of where we stuck with it as comptroller, but We call it the finance director.

- Bill doesn't like big words.

- Well, finance director was two words, so comptroller was actually just one. All right, then I'll entertain a motion with...

- Who would it be?

- I'll make a motion and I'll let it fall where it falls. I would move to approve the, the proposal as it's presented with an amendment. Because, I mean, really what you've put in front of us director Faulds, you can correct me if I'm wrong, but you've actually put the modified language in front of us. Right?

- That's correct.

- Yeah. So I think maybe the appropriate action would be to put a main motion on the floor and then I would offer up an amendment. So I would move that we approve as presented by staff.

- Can I have a second?

- Well, yes, I second it, I just didn't read it as an action item, but it probably is an action item.
- Right.
- Is it?
- Yep.
- Okay.
- And then, and then if I could, I would offer up an amendment and then I think we just vote on the amendment and the amendment would be to let me see where, where we have provisions that indicate votes removing official for cause must be affirmative vote of 3/4 of council members. I would like to amend that to state majority.
- Okay.
- Majority?
- Mean, that's what we've seen in other communities. It's in the memo.
- I'm going to argue on Brian's side. If you have someone that's so bad, you have eight members of council out of 12, both to remove them, but you can't remove them.
- Well that's 2/3, right?
- Right. And what he's asking for is a simple majority of 7/12
- Or 6/6 when mayor breaks the tie.
- Or 6/6 where mayor breaks the tie.
- But the mayor has the ability to remove someone. So the mayor wouldn't even need to act in that case, if the mayor supports removal, well then they just remove them.
- Right. This would only be if the council had reasons to move forward with removal.
- Out of votes.
- Okay. So we still could remove someone for cause we're just not going to be voting on it every two years.
- Right. Right. And so if someone was going to have to be removed for cause I would imagine HR would be involved in, it would probably turn into more of a quasi judicial hearing at the council level where that person would be, at least had the ability to defend themselves with the fore knowledge that his job may be in jeopardy.
- Okay because you have to do due process. Right? You can't just capriciously and arbitrarily...
- It wouldn't be like, we do it now, or technically any of these people could be blindsided.
- Right?

- At a meeting and I think that's unfair. I mean just...

- So the court of cause part. Okay. It's not just like someone decides, I make a motion to eliminate Joe Faulds and...

- Right! Right! because you want to stay away from political issues arising. So I think if it's for cause that means that person is afforded the ability to defend themselves.

- Okay.

- Yeah. I mean, right now it's, I mean, what you're doing is with that modification, right? I mean, technically every two years, the majority of council could vote not to reappoint someone.

- Exactly.

- Right. So, so we're just shifting this in a way that says, okay, we're not going to take this vote every two years. We're going to take it only as brought forward. And if they meet the cause, just cause, and then they have that process afforded to them.

- Okay.

- Which right now they don't even have a process that's afforded to them. Right?

- Right. Are you comfortable with this simple majority?

- Well, it's really up to the council. You know, it's kind of weird cause I mean, I'll be appointed. So it's weird for me to answer that question, but I think the points that you made are valid, you really decided between seven and nine members if the council feels more comfortable with seven members, then that's the council's decision. That's probably, and I think like you just laid out, it makes more sense for 7/12 to bring charges and have due process versus, you know, maybe seven every two years, because that just feels like it can be kind of arbitrary just based on if you're pointing someone or not really not based on performance, whereas for cause removal is more based on performance.

- Right.

- And then I also want to add. you do have the opportunity to confirm whoever is recruited and appointed by the mayor as well. So that's kind of your first kick at the can, you could always decide not to appoint someone off the bat if you did not agree with how is being appointed.

- Okay. Thank you.

- I guess I have a question for the city attorney Bungert, looking at our agenda, I do think that it's under regular business, but we did not put consideration of possible action-

- I know, I know.

- Oh, you did. Okay.

- I am looking at the same thing...

- I think it wasn't put, I think we meant for it to be an action item, but I wasn't seeing it being an action item, but if it could be I'd want it to be.

- Well, let me just delay it till January 25th and then move forward. And we'll certainly be in place before the election in April.

- Right, correct. So the current item is more of a request by Alders to present information. And it just so happened that staff was able to prepare a draft ordinance or the order for the Alders to consider. So I think at this point, I think you can still approve the request and forward on the approval and the recommendations of staff unless, because receiving and placing on file again, it's just at that point, it's kind of more informational thing. I think we can probably board on the approval of the request and then have an action item specifically on the ordinance on back.

- You said an action item at the next council meeting or at personnel?

- At personnel.

- Okay. On the 25th.

- Mhhh-hmm!

- Okay.

- All right.

- Wasn't the request already approved? Because you guys did it. I mean, I'm not trying to be..

- And I apologize, I don't know where, how I know this originated quite some time ago, so I don't remember how it originated and when it was referred and whether it was essentially scribner's error that didn't contain for consideration and possible action, it is listed in the regular business section. Like somebody did point out versus for informational purposes only. So some sort of action has to take place. I think either way, I don't think there's a specified way of, or a specific way of it being handled. The request can either be approved or the recommendations can be approved with referral to staff to bring forth an ordinance or to ordinance as presented by staff.

- What if we approve the amendment and send it back to staff to get that done?

- Which may actually be beneficial as I'm reading over the ordinance language, the ordinance itself doesn't provide for the 3/4 votes. It's described in the memo as an explanation as to what the process is under the statutory sections for removal for cause. Though I think the language of the ordinance is going to need to be reworked a little bit if we're going to be stepping aside from referring to directly to what the process is in the statute.

- So how about just refer to staff? How about staff?

- Yap, referred to them, yap.

- Well, I guess I'm just wondering, I think there's times though where we go to committees and we have an item like this and there needs to be a change to the ordinance or a resolution prepared and we're able to prepare it for the council meeting coming up. So I think that what I'm saying city attorney Bungert, is that the referral would be to amend the ordinance-

- Put a staff. Correct. To amend the ordinance, right. In line with what the amendment is that was stated by the committee. And then that would be the recommendation that's moving forward to council.

- We don't have to wait until May 25th? We don't have to wait till the next personnel meeting?

- No, you don't have to, unless you want it to bring it back with. No, you don't have to.
- I'm okay with doing it, This meeting. Alder Johnson, what do you think? Galvin, what do you guys think?
- If we can cut to the chase today, let's cut to the chase today. I just don't want to have it come back at us, but a attorney Bungert says we can do this, so let's do it.
- Yup. So would the motion be to, for staff to amend the ordinance, to allow for majority of removal and to bring forward the ordinance as amended at the council meeting?
- I move that.
- I'll reword that may a little bit better in a few minutes.
- All right. I'll move that. Unless Alder Johnson wants to move it.
- I think that's kind of the motion on the table, right?
- Well, is there one on the table?
- Yeah-
- Yeah.
- But inappropriate one. Well, all right, but I'm right. You guys, this is an inaction item, but we're making it, we're pretending it's an action.
- I think that the safer, because the item didn't contain anything with respect to the drafting an ordinance, I think that's where we are on shaky ground as far as approving an ordinance. So that's why I feel like it should be referred to staff, that create the draft ordinance and amend. We did present a draft to the committee, which the committee isn't accepting with certain changes. So I think to be in compliance with open meetings, as far as what we have noticed, we didn't notice the public, that there was going to be an ordinance discussed and approved. The request was being an obviously in order for the request to proceed, an ordinance amendment has to happen. So I don't want to step too far out of what was actually noticed. So I think referring to staff to amend the ordinance and that can be presented to council. However, the ordinance itself won't be up for first reading at the council. I think it would probably go to the next council meeting.
- Okay. So basically I'll just withdraw my motion and Alder Dorff if you can submit, I mean, I'd rather, I mean, I don't see any fire around this. Right? It's been sitting out there for a year, so let's just do it the proper way and...
- Potentially it would come back. Right. And it won't come back to personnel. It will just go, it'll be approved as an item with the draft at council next week. And then it will come back on the agenda for council, for first reading under ordinances, under the ordinance section, versus it, it wouldn't be in the personnel report.
- Yeah, yeah, great.
- So, I will move to refer it to staff with the changes that were discussed to the ordinance to be amended and then presented.
- All those in favor.

- Aye.
- Aye.
- Aye? Okay. That passes unanimously.
- The chair, just to be clear. I think that the change was really just the one which is to modify the three course 3/4 to majority.
- Okay.
- Even put it in there. I mean, it's...
- Yeah, right. That's what I mean. That was the only change it, but I just wanted to clarify that. Yep.
- Yeah. So the reason why it's not in there is because the removal is based upon the state statute, which is 3/4. So that's why the state statute is name. But when we amend it, we'll have to put simple majority. So they that's what they know the removal processes.
- All right. Sounds good. All right. On the informational, the first one, if you remember everyone, the police department was supposed to be coming to us every time they had a training that fell under article 26 of their contractual agreement. We had a change where they would come to us. What is it? Every 1/4 or something like that, or every six months with what they've had going on. And if we had any questions, we were supposed to address them at that time. So I don't know if everyone's had a chance to look at this. There's been a little bit of training going on and it gives the dates and the locations. Does anyone have any questions for the chief on this? I do have one question for the chief. It concerns the training on an October in Las Vegas. Where we had two officers go to Las Vegas, one-on-one for the 27th through the 29th, just for the 29th, How was this funded? This training.
- In that case my understanding is that the officers paid for that and we just gave them special duty time while they were there.
- Okay. All right. In fact, does that cover all this training here? This was officers going to training on their own and just asking questions-
- Yeah, this is how it because- Oh, go ahead. Sorry.
- No that's, so all basically is happening here is the city was giving officers the time off or counting it as a duty day so that they didn't have to burn their own vacation or anything else.
- Right. This is training that we paid the officer's salary while they were there. Some of this stuff though I do believe is or classes that we also paid for the training class itself, that echelon front one, I recall specifically though, that was one of that the officers just went on their own, their own dime, and we just gave them special duty while they were there, because you will always seemed to be a little bit, apply just a little extra scrutiny to training that people want to go to in Las Vegas.
- Well in Las Vegas, but all this training is police oriented and it all benefits the department. Correct? Okay.
- It does, in particular, a ride, for example, that has to do with impaired driving detection, which is part of our larger traffic safety plan to expand the number of people who have that kind of training.
- Okay. Does anyone have any Alder Gerlach, you're on? Okay.

- And for you Alder Galvin, what is the purpose of getting this report? Why do we ask for this?
- It's actually part of the contract agreement between the bargaining unit and the city of Green Bay. And I'm not, I'm trying to remember the specifics of why it was there, but I think it was, I think the bargaining unit wanted to make sure there were checks and balances on all training was being allocated or people were being compensated or allowed the, not the burn vacation time say to go to some of these schools and the department and the city has always had an attitude that, "Hey, if you're willing to pay the freight or, you know, go to this training and you're going to get, make yourself a better officer, which is going to benefit the city of Green Bay, we're pretty much all for that.
- Okay. Thank you.
- All right. All right. Does anyone else have any questions for the chief? If not, I believe we can. Should we take each as an individual item and work our way down through it or do they want to take these items? All right. So do I have a motion on item number one?
- Okay.
- All in favor?
- Aye. _ Aye.
- This is just informational, but do we actually have to take an action on these?
- You don't have to, but if you already save and place on file.
- That's fine.
- All right. Any questions on the GIS analyst position that was approved in 2022?
- Yeah, question received and placed on file..
- Second.
- All in favor?
- Aye.
- Aye.
- Okay. And any questions on routine personal actions for regular employees?
- And the replacements placed on file.
- Second.
- All in favor?
- Aye.
- Aye.
- Okay.

- I didn't say it properly. I just mumbled.
- I understood you.
- What happens at the end of a long meeting.
- Yeah, it's long. But it really isn't. It's only 6:45, feels like mid-night.
- You guys, if we want and we got to have the Packers come back and talk about police work and DPW work and firework at backer games and that kind of stuff?
- Could you do that? That'd be great.
- Yeah, well it is. All right. I'll entertain a motion to adjourn.
- We got to move on our plate, receive and place on file the next meeting date.
- Alright. Next meeting date, January 25th, 2022. Can I get a motion on that?
- Why would you be receiving and place on file?
- Oh second it.
- All in favor?
- Meeting adjourned.
- Aye.
- All in favor.
- Aye.
- Aye.
- Aye.
- We'll see you next Tuesday.
- Tomorrow? Tomorrow? See you guys tomorrow?
- Oh yeah. I forgot.
- I don't think I'm going to make it.