



MINUTES OF THE PERSONNEL COMMITTEE

TUESDAY, JANUARY 25, 2022, 4:30 PM

AMENDED

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

Others Present: Ald. Mark Steuer, Ald. Lynn Gerlach, Interim City Attorney Joanne Bungert, Police Chief Chris Davis, Development Director Neil Stechschulte, Finance Director Diana Ellenbecker, Information Technology Director Mike Hronek, Public Works Director Steve Grenier, Park, Recreation and Forestry Director Dan Ditscheit, Fire Chief David Litton, Chief of Operations Joseph Faulds, Deputy Development Director Cheryl Renier-Wigg, Assistant City Attorney Lindsey Mather, Human Resources 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 Passed.

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

D. APPROVAL OF MINUTES.

I. Approval of the minutes from January 11, 2022.

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

Motion Passed.

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

E. REGULAR BUSINESS.

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

a. Captain - Police

b. Electrical Inspector - Community & Economic Development

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to approve the request to fill the Police Captain position and all subsequent vacancies resulting from internal transfers.

Motion Passed.

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

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Barbara Dorff to approve the request to fill the Electrical Inspector position and all subsequent vacancies resulting from internal transfers.

Motion Passed.

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

2. Consideration with possible action 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 in accordance with Wis. Stats. §§ 17.12 and 17.16.

Moved by Ald. Barbara Dorff, seconded by Ald. Bill Galvin to approve.

Motion Passed.

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

F. INFORMATIONAL.

1. Due to the impact of COVID-19 and the Omicron variant, the City is exploring the option of providing paid sick leave for employees retroactive to January 1, 2022. A proposal will be brought forth at the next Personnel meeting on February 8, 2022.

2. Report of routine personnel actions for regular employees.

3. Next meeting date: February 8, 2022.

G. ADJOURNMENT.

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

Motion Passed.

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

VERBATIM MINUTES

- Committee going, yeah?

- I was going to say the same thing.

- We're all thinking it. Okay.
- All right. So roll call Alder Dorff?
- Here.
- Alder Corpus-Dax.
- Here
- Are you going to turn up the heat in your house?
- I just did.
- Well, I'm just looking at you all bundled up.
- I'm in the basement.
- I'm upstairs, I had to turn the heat on up here.
- And I just turned my heat on.
- Wow.
- All right, so I'll look for an approval of the agenda.
- Move to approve.
- Second.
- All in favor, say aye.
- Aye.
- Aye.
- And I'll entertain a motion on the minutes.
- Moved.
- Second.
- All in favor, say aye.
- Aye.
- Aye and that passes unanimously. I knew a regular business, consideration with possible action on the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers. We'll take A first, captain for the Green Bay police department. Does anyone have any questions for staff?
- I do not.
- If not I'll entertain a motion.

- I move to approve.
- Second.
- All those in favor, say aye.
- Aye.
- Aye.
- Aye, and item one A has been passed unanimously, and then item one B electrical inspector. Does anyone have any questions? And if not, I'll entertain a motion.
- Your turn, Alder Corpus-Dax.
- Oh, a motion to approve.
- Second.
- All those in favor. Say aye.
- Aye.
- Aye.
- Aye, and that passes unanimously for one B.
- Thank you Alders.
- All right.
- A consideration with possible action to repeal and recreate the Green Bay municipal code 2-79 and 2-81 to include indefinite terms for appointed officials and common council removal for cause in accordance with Wisconsin statutes. Staff?
- I'm not sure if we want to have a discussion tonight on this. I know there were some questions last week at common council. To move this forward for the ordinance to be put on the common council agenda. I think we'd have a motion to approve, but if you have any questions about removal for cause based on a three-fourths vote or majority vote, we can answer that tonight. Or it could answer that next week.
- Well, as I understand it, Joel, three-fourths is set by the state. There's not much we can do about that. Or is there anything we can do about it?
- Attorney Mather? Do you want to jump in?
- Sure. So because of the way that our system is set up with a mayor as the appointing entity and council is approving, the only way for council to remove is for cause and the statute mandates that when council is removing for cause it has to be the three-fourths vote. So there isn't anything that council can do to lower that threshold. Theoretically, you may be able to make it a higher threshold, like five, six, or something if you really wanted to, but I don't know that we would recommend doing that.

- Okay. Just a couple of quick questions and I'm not trying to stir the pot here, but I have been seeing some comments on social media and it just kind of stirs the thought process. If we wanted to get away from the three-quarters vote, then, if I'm understanding you correctly, we would have to change the way these people are hired, in that the mayor appoints them. We'd have to change it so that the mayor does not appoint them anymore, that they're hired in some other way, and then we can get away from the three-quarters.

- So if council were the appointing body, then you could set your own threshold for what type of percentage vote would be needed to remove somebody. Because if council is appointing, then council can remove the official at will. But currently all of our ordinances, everything is set up so that the mayor, or in some cases, different directors, for example, community and economic development director appoints like the zoning, I can't think of, it's right in front of me, hold on, zoning administrator and the chief building official. So it's not always the mayor, occasionally it is other individuals that are doing the appointing. But yes, the short answer is you would have to completely rework the entire way that appointments happen within the city, and I haven't really looked into whether we can even do that, let alone what it would take to do that.

- Okay, and then.

- But I can, if that's something that.

- No, no, no, no. I'm just, I just want to make sure I understand this thing. I mean, it seemed pretty simple when we started out, it kind of got a little convoluted and complicated and again, it's good people like you keeping us on a straight and narrow and not just ad-libbing as we go. So, but the mayor can remove without due process.

- Yes. The state statutes allow for removal at pleasure of the person or entity that appoints the official. So if it's the mayor that's doing the appointing, the mayor can remove an individual at will or at his or her pleasure without having to give a reason.

- Okay. And, not just once every two years, but tomorrow, a week later.

- Yup, tomorrow, and then the next person the day after, and any, I mean there's no minimum requirement or anything like that.

- Alright, thank you very much. Alder Dorff?

- First, he had his hand up first.

- Oh.

- That's fine. Thank you. Just a couple of questions. It's for Attorney Mather. Did you do any research on other communities that have this ordinance in place, is this kind of a standard operating procedure for a lot of other municipalities on ordinance to this point?

- Sure. So municipalities that have the setup with a mayor and a council, they all do appointments this way, where the mayor's the appointing entity and council approves. And in those situations, council can only in those other communities, council can only be removed for cause. In some of the communities where they may have like a village administrator or a city administrator or some other type of setup that's not with a mayor. They may have the council actually be the entity that's doing the appointing. In which case they do have different looking ordinances simply because they have a different appointment mechanism. But that's because again, it's a different form of government.

- I'm having trouble with my video here. Okay, I think one of the things that happened at console, there was some pushback, it seemed because it seems like every two years, you know, we have the opportunity to

approve department heads and such, I think Alder Galvin brought up a good point saying that, you know, if you got to go through this every two years, that's kind of an issue. It could be a problem. So I don't know, I don't know how much we really need to delve into this, but I think there was some pushback for that. You know, that every two years these folks have to go through the process, so to speak. And I don't know if this ordinance addresses that or if there's another way to look at it, anybody can answer that one.

- Director Faulds.

- Yeah. There was a memo that wasn't included in the last personnel packet and I'll include it for the common council agenda that with all the municipalities that we were compared to when we looked at wages or things like that, around the similar size municipality we were the only municipality that did not have an indefinite term for directors. So, and we also have a two year term and I cannot really find another municipality that has a two year term limit for directors. For the most part, the practice in general trend has been moving towards an indefinite term limit because there's a removal at will or at pleasure for the mayor.

- Okay. Now I mean, that's sort of makes sense, but you know, we do this process every two years and you know, generally speaking, it's worked pretty well, but there are times where we kind of get bogged down with it and I'm just trying to see how much easier we can make this. So that's something we need to look at. That's all I have right now. Thank you.

- Alder Dorff.

- I'm sure we'll talk about this at counsel, but I am definitely opposed to blindsiding department heads every two years. And that actually happened at the last time. There was one person we talked about in closed session and then when we came out of closed session an Alder proposed eliminating another person that we never even discussed. I also agree with what Alder Steuer said. It's really going to be hard to find people. It is hard to find people who want to have their job to be at risk every two years, because perhaps a couple of Alders don't like them or don't like a decision that they might've made. And then they convince other people to just eliminate them for no reason, it's not fair. It's not American, due process is the way we need to be doing these things. So at this point, I'd like to make a motion to approve this and to move it forward to council.

- I'll second it. All those in favor?

- Aye.

- Aye, any opposed? And that passes unanimously. Let me see. Now we're down to informational, due to the impact of COVID-19 and the Omicron variant, the city is exploring the option of providing paid sick leave for employees retroactive to January 1 of 2022, a proposal would be brought forth at the next personnel meeting on February 20, 22. Director Faulds, I just have a few questions.

- Yeah sure.

- So, you know kind of how I feel about this. One, where is the city looking at getting the money from.

- So at this point, oh, go ahead.

- No, go ahead.

- Okay. So where the funding would come from, essentially it's unfunded in the sense of it's more of loss of productivity for sick leave. There really, and I think Director Ellenbecker could answer this a little bit better than I could. So there's really no funding for this sick leave. But then again, the cost usually occurs either, I think, I'm trying to think, for like budgeting purposes, it might affect the budget that way. If Diana could explain

that much better, but usually the cost comes from down the line. If someone doesn't use their sick leave and then is able to put it in their escrow account. So I don't know, director Ellenbecker, do you want to answer that question or clarify anymore?

- Right. No, you were definitely getting to it. It was just, it is not a physical, we don't have to come up with extra money in 2022 here to pay this additional five days. What it does is it does. If somebody is using it, they don't have to use their sick time, which means it's not draining their sick leave balance. And then again, if and when they were to leave and if they were able to convert their sick leave those extra five days that now they didn't have to use. That could turn into dollars for them to let's say, you know, to be able to put toward a sick escrow or, you know, maybe next year or a year after, you know, they have more days to take for sick leave. So as Joe said, it's really immediately it's lack of production. All of a sudden you have so many not in the office for five days because of this. And then they're not using, they're not forced to use their sick leave. It could be a financial cost if and when they were to retire fully with the City of Green Bay. And we would have to pay that out in an escrow account.

- Alder Dorff.

- If employees have COVID, are they allowed to come to work?

- Sorry, what was that?

- If an employee tests positive for COVID, is he or she allowed to come to work?

- They should not be coming to work. No.

- Right.

- They could be working from home.

- Right.

- Yeah they could be working from home.

- But that's my point. They could be working from home, the Green Bay Area Public School District has a very strict protocol. So if you test positive for COVID, you have to prove that, you know, get that in, certain places that they can take the test to prove that you tested positive and then you are required to not come in. Of course it's with you're in front of children and other staff, but we shouldn't be infecting other employees, like police officers should not be infecting other police officers at work. So they're required to not come in and therefore they have extended additional sick leave to the employees, the staff, the faculty, the administration, the custodians to, for, to cover COVID. And we maybe as part of this, would we require proof? Now here's the problem with proof. I just, my husband just got over COVID, we tried to get in for tests. We could not. We got the home test, which I was negative, he was positive, but Green Bay schools doesn't accept the home test. You have to go through a clinic. Well, the earliest, he was eight days into COVID before he could get into a clinic, you know, and that's what's happening to a lot of us. So you can't necessarily require that proof unless we have a way to test, right. Like the Green Bay schools have a way to test right in their schools and that's how they get their proof. So are there strings attached or can someone just say, I have COVID I'm out for, you need to pay me for these five days. What's, where's the balance there?

- Yeah, absolutely you brought up a lot of good points. So we do have COVID guidelines that were updated when the CDC updated their guidelines and I can send it to the common council. It might've been sent in a group, everyone email, but when it comes to this policy that we'll be bringing forward at the next personnel meeting, there will be some approvals and I guess, guidelines to approve someone for the sick leave. So we're

going to be pretty liberal with proving the positive test because of what you said, because either you can't get into the hospitals.

- Right.

- You might have to use an at-home test or when you test positive, most time hospitals won't even retest you for a negative cause you might be positive after that. So once we get a positive result, either at home or through the hospital or rapid tests, something like that, we'll accept that as a positive test. And then they would be qualified for the five days of sick leave, but like what director Ellenbecker was getting at with when you worked from home, the five days of sick leave would only apply to someone who is maybe asymptomatic is able to work and able to work remotely. So for employees who maybe cannot work remotely, the sick leave would be beneficial to them. There's also been some virtual learning and daycare closing for individuals with kids. So it's, we don't have any type of leave other than personal or vacation that they have to use for those situations. So if someone has to be at home and you know, help their kid learn or virtual learn, we would allow sick leave in this situation to be used for those circumstances.

- Hm. I'm not sure what Green Bay school teachers do. Cause they can't be there teaching from class. I'm just, I'm using that as an analogy. I know, but if their child had to stay home, I mean, they wouldn't be covered. That's very generous. That would be very generous of us. We did that earlier in COVID I'm definitely agreeing with the five days of the sick leave and boy, yeah. Because they couldn't even speak, people have vacation, but I would be open to that. So I'll just stop talking now.

- Yeah. And I think Alder Galvin had more questions, or maybe Alder Gerlach, but that's why we wanted to put it on your radar to think about it, and the proposal will be broad in two weeks.

- Okay. Alder Gerlach.

- I just don't understand this. And I thought maybe Alder Galvin you could explain it to me, very simply. What is the change that is being proposed here? It sounds like you're telling me that if you are, if you have a positive COVID test, you don't get paid sick leave?

- No no no, what happens now, or what happened when it first started were if, when this whole COVID thing started, we had federal monies to cover the cost of employees being off sick for COVID.

- Okay.

- Those monies went away and the city pick up the tab for awhile and then it stopped picking up the tab and they said, "Hey, if you've got COVID, you've got sick time, vacation time, you've got personal time. Use that." Now we're seeing, going back, and I guess we're going to retroactively from when we stopped doing that up until January 1st of this year, Joe, if I'm understanding this correctly, we're going to kind of reimburse those people, their sick time or vacation time or whatever they use. Is that correct?

- I'll try and clarify it. So what we're looking to do is yeah, at one point he explained it exactly correctly. At one point we stopped providing the sick leave or the paid sick leave for the employees. And the reason for that was based upon the vaccines are available. And people are able to get vaccinated. At this time, in the past month, we've had plenty of people, whether they're vaccinated or not. And we've had some kind of different, you know, science, wherever you want to call it about if you're vaccinated, if you can still get Omicron. And a lot of it is, even though you're vaccinated, people are still testing positive and they still have to be out. So kind of the reason for the additional sick leave is based upon the vaccines. People are still being sick and have to stay at home. Our schools are still closing and you have to be at home for that. So that's part of the reason why we're maybe going back to offering five paid sick leaves. So Alder Gerlach, if I can make this a little bit more clear, we're looking for starting January 1st, 2022, going forward, five paid sick leave days for individuals who test positive. Between last year, and maybe up until now, you had to use your own sick leave. Whereas

this going from January 1st, going forward would be an additional bank of five days of sick leave for COVID purposes only. So we won't be reimbursing, Alder Galvin, back to last year, it'll start January 1 and go forward.

- Okay. Now I understand it. Now I'd like to hear what Alder Galvin thinks about it.

- I guess my concern Joe is, and we know that there were people that took advantage of the federal sick leave monies, who were not infected on the job. They were infected off the job. And I guess I'm you know, maybe it's the cop in me, but I'm thinking how many employees do we have? How many times have they been sick with COVID? I mean, I've got a family member that's had it twice now, but you know, I just, I want to make sure we're not being taken advantage of. I mean, the city has very good benefits, very good benefits, sick, vacation, personal time. And I just want to make sure we're not being taken advantage of within this, you know, because of what's going on. But I do understand, even if you're vaccinated, you can still get sick. And as Alder Dorff is saying, it seems like it's very difficult to get in and get testing to verify that, and again, with daycare or schools closing, we've been seeing that in the news that happens, and that is going where they may have to be home to make sure their kids aren't burning the house down while they're gone. So I guess I'm looking at, if you could have some data, when you bring forward this proposal. You got out of the, roughly, what do we have roughly 800, 800 and some employees in the city.

- Yup.

- And what are we looking at statistically? You know, even from the beginning of this whole COVID nightmare.

- Yeah. So what we're going to try to bring is the type of people that have been out on COVID for the past like month or so to kind of give us some data, because that's where the couple of leave is going to go back, but we can try and run numbers also of last year. But I know last year was kind of difficult because when we stopped providing the federal leave or the funds to pay for the sick leave, we kind of stopped tracking because, you know, we didn't have to get reimbursed for the funds for it. So we'll try and look at what we have for 2020 and 2021 to get maybe a yearly data of it. And then also how we've been impacted in the past month and a half by.

- All right. Thank you. Does anyone else have any other questions or concerns moving forward so that when we have this meeting in two weeks, you know if you have a concern right now or something you'd like HR to look into when they bring that proposal forward so that we can move on this thing, you know, so it doesn't get bogged down, so to speak.

- Yeah. When is the next council meeting? Isn't it?

- Next week.

- February first.

- Yeah.

- Oh, I see. Yes. And then it's the 16th. Okay. Thanks. Thank you Alder Steuer.

- And I think one other thing to point out is, I don't know off the top of my head, but I think we've had quite a few new hires in the past year or so that they don't have the sick leave banks built up that many of our veteran employees have or longer tenure in place. And I think we also have quite a few employees that are in the field that cannot work remotely. So we're trying to help those employees who that cannot work remotely if they do test positive and have to stay at home.

- Okay. Thank you very.

- We'll discuss more and bring more data.
- Okay. I'll entertain a motion.
- Is this informational or .
- I'm sorry. It's informational. All right. I won't entertain a motion. Does anyone have any questions about the report of routine personal actions for regular employees? All right. Our next meeting date is February 8th. I'll entertain a motion to adjourn.
- Moved.
- All those in favor, say aye.
- Aye.
- Anyone that wants to stick around longer say nay, all right. That passes unanimously. We'll see you again in what about.
- Four minutes. Like five o'clock, how about five o'clock.
- Right very good.
- See ya.