

PERSONNEL COMMITTEE

AUGUST 15, 2011

The meeting was called to order at 5:42 p.m. by Ald. Pasbrig with the following Roll Call:

Members Present: Ald. Pasbrig, Ald. Toellner, Ald. Redeker

Members Absent:

Others Present: Mayor Moede, Deanna Boldrey, Kathie Wild, Ald. Sertich, Ald. Schmidt, Ald. Schaefer, Mike Kurutz, Chris MacNeill, Roger Williams, Ron Wellner, Ben Brown, Marge Nitschke, Megan Sheridan, Kyle Gulya (speaker phone)

Item #2 Approve the Minutes of July 18, 2011, meeting.

Motion by Ald. Redeker, second by Ald. Toellner to approve minutes of the July 18, 2011, meeting. Motion carried unanimously.

Item # 3 Citizens Comments.

None.

Item # 4 Clerk's Report.

A. No Report.

Item # 5 Convene into Committee of the Whole to discuss Required Grievance Procedure.

Motion by Ald. Redeker, second by Ald. Toellner to convene into committee of the whole to discuss the required grievance procedure. Motion carried unanimously.

Item # 6 Discuss/Recommend Required Grievance Procedure.

Ald. Pasbrig introduced the item. He noted that the Grievance Procedure is required by law by Act 10. Ald. Pasbrig also noted that there is a deadline of October 1, 2011.

Discussion of the procedure ensued with questions. Ald. Redeker questioned who is the administrative person and who appoints the impartial hearing officer. Discussion of the process and the immediate supervisor's involvement with the initial grievance ensued. Ald. Sertich questioned if there were a problem with the department head that reports to the Mayor, should the grievance go to the Mayor.

Mayor Moede dialed Labor attorney Kyle Gulya on his cell phone and put him on speaker for all to hear and ask questions.

Mayor Moede questioned why the grievance goes to the Supervisor / Department Head or administrative person rather than the Mayor, if the grievance could be against the Department Head. The labor attorney advised that the supervisor / management team would need to be involved because they would have a lot of the information that is needed.

Ald. Redeker questioned the administrative person item and questioned who it is and who appoints the administrative person. Attorney Gulya stated that it could not be a member of the council because they will be involved at a later date but should be the clerk and treasurer and possibly the chief of police. Also, should be someone in tune with the Human Resources area.

Ald. Redeker questioned who the impartial hearing officer should be. The attorney replied that the impartial hearing officer is not defined in the procedure or statutes. It might be someone in the City that could serve as the impartial hearing officer or an external person from another community nearby that can share impartial hearing officers. Kyle continued that it could be a retired judge or retired attorney. He noted to encourage someone with credibility and human resources experience that can analyze facts. Kyle stated that the impartial hearing officer did not need to be decided today.

Ald. Sertich noted that harassment and bullying are not in the workplace safety area. Kyle noted that these items are usually not treated as workplace safety, especially sexual harassment. He commented that this is a separate process and policy.

Ald. Sertich also questioned the termination area. She questioned the separation due to a disability language, and if it were a work comp. issue; it would not fall under this area. Kyle agreed. Kyle gave the example as termination separation as a result of an employee with a current medical condition, and the City could no longer accommodate the medical condition.

Ald. Sertich questioned the at-will statement under the statement of purpose, and questioned if there was a need for that statement. She noted that she could see this for a larger City and found the statement offensive and unnecessary. Kyle Gulya noted that the statement of at-will is the intention not to add any job security for the individuals and to keep lines clear. Kyle advised that this language is very common in private sector personnel manuals. It was noted that at the end of the day it is up to the Council.

Kathie Wild questioned if this replaces what is in the non-union manual for supervisors. Kyle continued that the grievance procedure is for work place safety issues, termination, or discipline and could co-exist with this process. Kyle advised that as the personnel policies are refined the current grievance procedure in the handbook will most likely be modified.

Mike noted that this will replace the DPW union grievance procedure. Kyle confirmed that it would.

Ald. Pasbrig noted that there may be concerns with the statement of purpose. Ald. Redeker noted that there should be some clarity and that the Mayor should make that call and that every circumstance might be different. Ald. Sertich noted the problem if there is a problem with a department head. Ald. Sertich questioned if the Police and Fire Commission can be part of the first part of the process before going to the impartial hearing officer.

Ald. Schmidt commented he could see having the statement when hiring an employee but not in the grievance procedure.

Ald. Sertich commented to eliminate the at-will sentence in its entirety. These are good employees. Ald. Pasbrig commented that it would not pass in its current form and to keep the first sentence. Ald. Pasbrig stated to remove the rest of the phrase with the reservation that Deanna contacts the attorney for anything additional that we have to have, and to have an open mind to it.

Ald. Redeker commented the impartial hearing officer, needs to have the person in place. Ald. Pasbrig commented that you may end up with a group. Ald. Redeker commented to work from list of names.

Motion by Ald. Pasbrig, second by Ald. Toellner to Recommend the Required Grievance Procedure with the last two sentences of the third paragraph removed and to add “as appointed by the Mayor” after the Representatives of the City’s Administration after Administrative Response. Motion carried 6-0.

Item # 7 Reconvene into Personnel Committee.

Motion by Ald. Pasbrig, second by Ald. Redeker to reconvene into the Personnel Committee. Motion carried 6-0.

Item # 8 Receive, Consider, and Approve Committee of the Whole Report.

Deanna Boldrey read the Committee of the Whole Report. Motion by Ald. Pasbrig, second by Ald. Toellner to Recommend the Required Grievance Procedure with the last two sentences of the third paragraph removed and to add “as appointed by the Mayor” after the Representatives of the City’s Administration after Administrative Response. Motion carried 6-0. Motion by Ald. Redeker, second by Ald. Pasbrig to approve the committee of the whole report. Motion carried unanimously.

Item # 9 Adjournment.

Motion by Ald. Redeker, second by Ald. Toellner to adjourn at 6:26 p.m. Motion carried unanimously.

Deanna Boldrey, City Clerk