

PERSONNEL COMMITTEE MINUTES

Monday, September 10, 2012

The Personnel Committee of the City of Manitowoc met in the Second Floor Conference Room, 900 Quay Street, Manitowoc, Wisconsin on September 10, 2012 at 5:15 p.m. Members present were Chair Chris Able, Alderpersons Hennessey and Schema. Others present were Mayor Justin Nickels, Alderpersons Jason Sladky and Dave Soeldner, City Attorney Straun Boston, Dave Less, Debbie Kumbalek, Steve Corbeille, Bill Manis, Todd Blaser, Tim Herzog, Greg Minikel, Kevin Glaeser, Randy Junk, Tony Dick, Rick Schwarz, Kathleen McDaniel, HTR Reporter Charlie Mathews and Jane Rhode, Confidential Legal Secretary. Alderperson Sitkiewitz was absent.

1. The meeting was called to order at 5:17 p.m. by Chair Chris Able.

Alder Able announced that an audio tape of this meeting will be available to the public on the City's website.

2. Public Input. Tim Herzog, Battalion Chief with the Manitowoc Fire Department reported he had asked for an opportunity to address the Committee in a closed setting for an update on their status. Alder Able advised that this setting is only for addressing the Committee in public and will welcome any discussion while taking up the Addendum E item.

Alder McMeans arrived during the above dialogue at 5:18 p.m.

3. Discussion and possible approval of minutes of previous Personnel Committee meeting. (August 13, 15, 17, 20 and 21, 2012). Moved by Alder Schema and seconded by Alder Hennessey to approve the minutes. That vote being 4-0.
4. Update on legal expenses billed through Human Resources. Alder Able reported and advised that the Police Department expenses for a grievance will be billed back to the Police Department.
5. Update on health plan funding. Steve Corbeille presented information through July 31, 2012.

Alder Able announced that after the next agenda item the Committee will take up Agenda Item #11 regarding City staffing levels because of the Streets Committee members present needing to leave for their Committee meeting.

6. Discussion and possible action regarding the September 30, 2012 deadline for PTO bank balances. Debbie Kumbalek reported to the Committee that all employees over the 115% balance limit have been reminded of their balances, and that employees from Finance and Planning departments are over the limit but do have time off scheduled in the near future. Most employees had less than 8 hours to use up. Bill Manis reported that he has an employee who is about 80 hours over the 115% balance because of departmental seniority reasons, and will need an extension. Moved by Alder Hennessey and seconded by Alder McMeans to grant an extension for purposes of discussion. After discussion Alder Hennessey moved to amend her motion to grant this employee an extension until

December 31, 2012 at the latest, to use up their 80 hours of PTO. Alder McMeans seconded the motion. That vote being 4-0. Committee members were pleased with employees having managed their 115% balances on time.

7. Discussion and possible action by the Personnel Committee of recommended staffing levels for City departments. Dave Less explained his request for an additional Building Inspector and increasing the Plumbing Inspector to full-time status. Alder McMeans questioned the process of such requests and encouraged departments to come up with more efficiencies. Alder Able reiterated that it is the Personnel Committee's goal to recommend levels of staffing based on feedback from the managers running the departments. Alder Hennessey encouraged members to adequately take a second look at the back fall of staffing cuts from last year and to streamline the process by having just one body hear the need from departments. Moved by Alder Schema to recommend the department's request for consideration to the Oversight Committee of Public Utilities and Licensing for an additional one and one-half positions. Alder Able seconded the motion for purposes of discussion. Mayor Nickels advised that he intends to finalize the budget by next week and that this is the only additional staffing request for an FTE that he's received. Further discussion followed on the guidelines that departments should follow for staffing requests. Alder Schema's motion failed. That vote being 1-3.

Discussion continued on concerns of the request for an additional Building Inspector and the Plumbing Inspector position increase to full-time status, including the workload trends of the department, prior policing of field inspections, inspections that are not being performed, public safety and customer service issues, potential loss of permit fees with permits not being taken out and projects not being inspected. It was brought of the possibility of the Plumbing Inspector having flex hours, contracting out plumbing inspections and alternative ways to ease the workload of inspection. Alder Hennessey was in support of hiring an additional part-time person or contracting out services, but not to make the Plumbing Inspector full-time due to associated costs with additional benefits. Alder Able reminded that the City would need to charge adequate fees to justify contracting out services.

Past, present and future customer service issues, along with having a more punitive fine system were discussed, and it was mentioned that a Customer Service Window could alleviate workloads of departments and that some cities issue building inspection permits only one day per week. Rick Schwarz advised he is the only one knowledgeable with Chapter 16 of the Municipal Code, but is attempting to train the Electrical and Plumbing Inspectors on residential and commercial inspections. Kathleen McDaniel advised that it is not possible to effectively prosecute violations without inspectors out in the field witnessing violations.

The importance of Building Inspectors being certified in plumbing, electrical and housing areas was discussed. Moved by Alder Able to recommend to the oversight committee a three-fourths FTE to be parceled out as needed within the department. After a brief discussion Alder Able amended his motion to recommend hiring a half-time position (20 hours). Motion was seconded by Alder Hennessey. That vote being 4-0. Alder McMeans would like to see inspections be categorized which would be helpful for the Committee to consider policy changes. Rick Schwarz advised that information is available.

Dave Less and Rick Schwarz left at this time.

Randy Junk addressed his previous request to fill a vacant DPW laborer position due to a retirement to maintain the 17 employee minimum staffing level, and that the Streets and

Sanitation oversight committee, for budgetary reasons, has not approved filling. He wanted the Committee to be aware of DPW operations today compared to back in 2010, and advised that this one position will not make or break his department. Alder Able had recommended to Val Mellon to contact any Alder to address this staffing concern. Moved by Alder Hennessey and seconded by Alder Able to recommend to the Streets and Sanitation oversight committee, Mayor and Common Council to maintain the DPW labor crew at 17 per the budget, and that this position could be looked at if through the budget process cuts would be needed. That vote being 4-0. It was the intent of the reorganization to maintain the current staffing level of 17 at DPW.

8. Discussion and possible action regarding request of the Director of Public Works/City Engineer/Parks and Recreation to fill a DPW Mechanic position due to a retirement in November. Kevin Glaeser reported that he looking for permission to hire from the outside and replace a mechanic who is retiring November 1st. Moved by Alder McMeans and seconded by Alder Schema to approve the hiring of a mechanic. That vote being 4-0.

Kevin Glaeser left at this time.

9. Discussion and possible action regarding updates to the Employee Policy Manual to include Fire Battalion Chiefs who work 24 hour shifts (Addendum "E") and the conversion of referenced PTO days to hours. Moved by Alder Hennessey and seconded by Alder McMeans to make the changes to the Employee Policy Manual to change all PTO from days to hours. That vote being 4-0. This will develop a uniform measure for all employees, and recommendation will be presented to the full Common Council for approval.

Alder Able announced to those present that Committee will now discuss, in an open setting, the fundamental parts of Addendum E pertaining to Battalion Chiefs, and that all items should mimic those of other exempt employees. The current policy for City employees is if they work a holiday they get their time worked plus the holiday pay. Call-in time is time and one-half for non-exempt employees. There is no call-in pay for exempt employees.

Tim Herzog addressed his concerns and encouraged to have a closed meeting to discuss issues. Alder Able stated that the City's perspective, going forward, is that the Battalion Chiefs are exempt, salaried employees, under the terms and conditions determined by the Council. Moved by Alder Hennessey and seconded by Alder Able to make Article IX, Section 1, PTO of the Employee Policy Manual to be the same as for all exempt employees as listed in Section B, to make it equitable for all employees. That vote being 4-0. This will be recommended to the Common Council.

Alder Hennessey addressed Section 3, Holiday Pay of the draft Addendum E and discussion followed. Moved by Alder Hennessey and seconded by Alder McMeans to make holiday pay call-in pay policy consistent with the remainder of exempt management staff per the Employee Policy Manual. Committee discussed and it was clarified that there is no call-in pay policy for exempt employees for holiday pay. Alder Hennessey amended her motion for call-ins to make the holiday pay policy consistent with non-exempt City employees as per the Employee Policy Manual. Alder McMeans seconded the motion. Discussion followed. It was moved by Alder Hennessey and seconded by Alder Schema to recommend Battalion Chiefs working on a holiday will get paid 24 hours for hours worked on the holiday, plus 8 hours of Holiday Pay to be consistent with other exempt employees. After discussion, Alder Able was in support of 12 hours of Holiday Pay and 24 hours pay for time worked to balance out other changes affecting the Battalion Chiefs

thus far. Alder Able moved to amend that Battalion Chiefs receive 24 hours straight time for time worked on a holiday, plus 12 hours of Holiday Pay. Alder Schema seconded the motion. That vote being 4-0.

Section 7, Health Insurance. Committee discussed and it was moved by Alder Able and seconded by Alder McMeans that the Battalion Chief's employee contribution of 12.5% will be effective upon passage of Addendum E. That vote being 4-0.

Section 9, Pension. Committee discussed and it was moved by Alder Able and seconded by Alder McMeans that the Battalion Chiefs' employee WRS contribution schedule be consistent with that of the Fire Chief and Deputy Chiefs, to be effective upon passage of Addendum E. That vote being 4-0.

Section 5 (B), Sick Leave. Committee discussed at length with Tim Herzog whether their annual sick leave amount should be 112 hours or 240 hours. The Employee Policy Manual allows for 10 sick days (2 weeks) per year, which equates to 80 hours for most employees. The Battalion Chiefs' work 56 hours in 2 weeks which would equate to 112 hours. Debbie Kumbalek explained formulas. It was moved by Alder Hennessey and seconded by Alder Schema to modify this Section 5, Sick Leave in Addendum E that Battalion Chiefs will receive 112 hours of Sick Leave per year, up to a maximum bank accrual of 1,120 hours. That vote being 4-0.

Section 5 C & D, Sick Leave. Committee discussed the sick leave retirement payout multiplier. Debbie Kumbalek answered questions raised about the calculations of this payout upon retirement. It was moved by Alder Hennessey and seconded by Alder Able to keep the three current Battalion Chiefs' multiplier at 203.33 days, and for any future Battalion Chiefs hired going forward they would revert to the 255 day multiplier. That vote being 4-0. Further discussion followed and Alder Hennessey reiterated the reason was to create equality with the Battalion Chiefs and other management City positions. Alder Able announced that this Addendum E will be referred to the Common Council.

Fire Department personnel left at 7:33 p.m.

10. Discussion and possible recommendation regarding filling of the Human Resources/Risk Manager position. Alder Hennessey reported that in the interim HR responsibilities such as WRS, FMLA, Workers' Compensation and new employee orientations have been moved to the Finance Department where Debbie Kumbalek, Payroll Administrator is handling. The HR Director/Risk Manager position description can easily be modified to a HR Specialist/Generalist with the addition of City Attorney Straun Boston and his strong HR legal background. This specialist/generalist would handle tactical and transactional HR duties and would work closely with and report directly to the City Attorney with daily HR functions, similar to that of the former HR & Safety Coordinator position. City Attorney Boston questioned the creation of the HR Director position and Alder Able explained the massive police investigation was the driving force. Discussion followed regarding the impact of Act 10 on the amount of existing labor union contracts. Alder Hennessey was in favor to approve the HR Generalist position and was willing to amend the position description and forward same to the City Attorney for his review. It was moved by Alder Able and seconded by Alder McMeans to approve filling the HR Generalist position who will report directly to the City Attorney, require at least 5-7 years' HR experience, with Alder Hennessey to amend and forward the position description to the City Attorney for review and then bring the position description back to Committee for review. That vote being 4-0. Steve Corbeille recommended that the HR functions such as WRS, FMLA, Workers' Compensation and new employee orientations be returned back to

this HR position. He further stated that he is comfortable with handling the health and dental insurance matters in cooperation with the City Attorney. Committee was in agreement with Steve Corbeille's recommendation and felt it was important to move quickly in filling this vital position.

11. Discussion and possible recommendation regarding the seasonal hiring of a laid off DPW laborer. Debbie Kumbalek explained the background of this request to hire this laid off laborer who is currently receiving a WRS annuity. She contacted CVMIC, the WRS and Central States Insurance with questions and has received answers to any concerns raised. It was moved by Alder Hennessey and seconded by Alder Schema to approve the hiring of this particular laid off DPW laborer for seasonal employment, with the provision that he/she sign the WRS waiver. That vote being 4-0.
12. Discussion and possible action of request from Police Chief to hire up to 3 sworn police officers up to the 2012 budget amount, as approved by the Public Property and Safety oversight committee. It was moved by Alder Hennessey and seconded by Alder Schema to approve the hiring of up to 3 sworn police officers up to the 2012 budget amount, as approved by the Public Property and Safety oversight committee. That vote being 4-0.

CONVENE IN CLOSED SESSION

13. Discussion and possible recommendation on the return to work of an employee on FMLA.

A motion was made by Alder Schema and seconded by Alder McMeans to convene in closed session. All members present voted by roll call vote in favor to convene in closed session. That vote being 4-0. The Committee convened in closed session at 7:56 p.m.

***** *Redacted ~ Closed Session* *****

RECONVENE IN OPEN SESSION

A motion was made by Alder Schema and seconded by Alder Hennessey to convene in closed session. All members present voted by roll call vote in favor to convene in closed session. That vote being 4-0. The Committee reconvened in open session at 8:04 p.m.

14. Discussion and possible action regarding Mayor's availability and actions during the weeks of August 12th- 25th, 2012.

Alder Able explained that while attempting to schedule interviews for the City Attorney position he became aware of the Mayor's schedule during the weeks in question. Alders Able, Hennessey and McMeans addressed their concerns and those of their constituents for complaints received of Mayor Nickels' campaigning on City time with his presence at the Manitowoc County Fair at an election booth wearing a campaign button on City time, the portrayal of actions on a social media network, along with the lack of PTO time accounted for on his timecard. Concerns were brought to the Mayor's attention as this is a violation of Article XXIV of the City's Employee Policy Manual, which prohibits municipal employees from wearing anything political while on duty as a City employee. Committee

members encouraged the Mayor to be held accountable to constituents.

Mayor Nickels advised he had contacted the League of Wisconsin Municipalities and was advised he is not an employee of the City of Manitowoc, but rather an officer of the City, making him exempt from the requirements of the ordinance prohibiting political activity. It was brought out that this ordinance does provide for the Mayor's salary and benefits. Mayor produced his calendar for the weeks in question along with emails while either in the booth or in his office. Discussion followed.

Alder Able advised that the resolution and ordinance setting his pay and compensation package makes him subject to all related provisions of the City documents. Discussion followed relative to the Mayor's perception of when he is the Mayor and when he is a candidate, and Committee members urged going forward that the Mayor, as a steward of taxpayers' money, be aware of the perception given to the public with time spent as the Mayor and that of being a candidate.

15. Schedule next meeting. The next regularly scheduled Personnel Committee meeting will be Monday, October 8, 2012 at 5:15 p.m.

16. Adjourn. The meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Jane Rhode
Confidential Legal Secretary

H:\wpdocs2\pc minutes\9-10-12PCMinClsdSsnRedacted.docx