

## PERSONNEL COMMITTEE MEETING MINUTES

Thursday, February 6, 2017 @ 6:02pm

Mayor's Office

**Present:** Alders: Pat O'Connor, Tom Majewski, Paul Lawrence, Sid Boersma, Director Gillingham

**Others in attendance:** Chief Leck, Director Kardasz, Pat Conlin. David Juve, John Udstuen, Chip Vike, Dale Teigen, Nathan Hartwig, Ryan Dalsoren, Dan Jenks, Andrew Johnson

**CALL TO ORDER:** O'Connor called the meeting to order at 6:02pm.

**Approval of the Minutes** of the January 5, 2017 Personnel Committee meeting minutes. **Motion by Boersma, second by Majewski, Approved 4-0**

### **Communications**

Director Gillingham gave a Human Resources update: All three openings at the Senior Center have been filled. Jean Truss and Joann Seymour gave their formal resignations. We have an offer extended for the IT/Media Services Information Technology Director position. A second interview for the Director of Finance and Economic Development on Thursday. Finance background is being done. We are shooting for the end of February to bring this before Council. Jamin Friedl was hired for Utilities Department Finance Manager and started on 1/23/17. Anthony Garcia was hired for the Mechanics position at Public Works and starts on February 23<sup>rd</sup>. The OSHA 300 report deadline has been met. It has been posted and communicated to everybody.

### **Review and action regarding On Call and Call Back at Public Works**

Director Gillingham referenced a memo dated February 2, 2017 to the committee requesting that the On Call & Call Back policy in place for the Utilities department be used for the Public Works department as well. The memo stated that in 2016 the Mayor approved changing the on call policy from 12 hours back to 14 hours because we were having trouble recruiting and maintaining staff. Director Gillingham also read the On Call policy from the City work rules. Majewski asked what the fiscal impact would be. **Majewski moved to table until the fiscal impact and where the funds will come from is brought before the committee, O'Connor second. Lawrence and Boersma voted no. Motion not passed.** Director Gillingham stated that the funds would come from "contingency". Lawrence stated he wasn't sure about the equity and the process that put us in this situation, he would like to see the Mayor here to answer some questions as to why she approved the policy for the Utilities department. Boersma agreed. **Boersma motion to approve with back pay beginning 1/1/17, Lawrence second. O'Connor and Majewski voted no. Motion not passed.** Pat O'Connor directed that the matter be brought back to Personnel with the fiscal cost and at the next meeting we will discuss with the Mayor about the approval of this for Utilities.

### **Review and possible action regarding Police Department Sergeant and Lieutenant Compensation**

Director Gillingham read a memo dated February 1, 2017 to the committee stating that Lt. Jenks had come forth questioning why his compensation plan, that was Council approved with resolution R-141-14, to move him to the same pay as Lt. Conlin by 1/1/2017 had not been put into effect and requesting that that it be done. She also referred to a letter from attorney Steven Zach dated 1/31/2017 that stated the document signed constitutes a contract and cannot be breached by the subsequent wage study. Majewski asked why this wasn't brought up earlier. Director Gillingham stated this came to light when each employee received a letter from Human Resources stating their wage and benefit elections for 2017. Director Gillingham recommended moving Lt. Jenks putting the plan in action to the same level as Conlin.

Included in this same memo was a request to move Sgt. Andy Johnson and Sgt. Nathan Hartwig up to the compensation that was agreed upon in their hiring packets when the Sgt's. were moved out of the Union, which was Council approved with resolution R-121-15 In 2015 which approved the positions. According to Attorney Zach, because the SSgts relied on Chief Leck's representation of their wage when they left the Union and took the new Sgts positions it becomes a potential implied contract. Leck stated that the Springsted study placed them at two steps below in their matrix and that is why there was an issue. Same as with Jenks and Conlin, it needs to be corrected so that they are at the same rate of pay as Frisch. Lawrence asked if there was action to be taken by the Personnel committee or if Director Gillingham was reporting this situation. Director Gillingham stated that because Council had already approved, she is reporting the situation as well as the cost to adhere to the pay plans presented at the time of hire for the SSgt's. and Lt. positions. The total fiscal cost would be \$7098.44 per year. O'Connor stated there is no further action required on the Lt.'s issue, but further action is required in the case of the Sgt.'s.

**Motion by Boersma to approve the compensation change requested for the Sgt.'s positions, second by Lawrence, Approved 4-0**

#### **Review and possible action regarding Police Department Sergeants back pay request**

Director Gillingham stated that because of the difference in Sgt's pay, Hartwig, and Johnson are asking for back pay for 2015 and 2016. Leck stated that when they were going to hire in the two new Sgt positions Frisch was given a \$1.00 increase, Hartwig a \$4.00+ increase, and Johnson a \$2.00+ increase. Leck stated that Act 10 had thrown all of the scales and steps into a flux. It threw structure out and left it difficult to determine. That's one of the reasons so many department heads pushed for the Springsted study, to give us some structure to follow. When the Sgt.'s took the positions they were put on a path to be at maximum in 2017. Lawrence stated that this needs to be made right. Majewski asked how this is coming to light now then and not 2 years ago. Sgt. Hartwig stated that it came to light because of the letter they received stating their benefits and wage rate for 2017. He also stated that it wasn't really two years back pay but from November 2015 – present. Majewski asked where the money will come from. Director Gillingham stated it would come from contingency funds or unexpended Police Department funds. Lawrence added that this should go before the Finance Committee before going to Council. Majewski gave approval to go before Finance and Council in same night.

**Motion by Boersma to approve and send to Finance then Council, second by Lawrence, Approved 4-0**

#### **Review and action regarding proposed update of Utilities Finance Manager position description**

Director Gillingham stated that she is concerned about the timing. The changes were made by Bob's department and the final product was sent to Human Resources after the new hire occurred. She stated she wanted to be sure all position descriptions were being written by Human Resources. This position description has been stripped of the supervisory duties and we hired for the position with those duties included. These changes could affect the pay grade of the position. It is going to have to go back to Springsted. Lawrence asked if there is some action that needs to be taken and if there is any reason it shouldn't be approved. Director Gillingham stated that there is nothing to be done now as the position was hired for and this position could be put into the highest paygrade with nowhere for growth. Director Gillingham stated that her recommendation is to leave the position description as is and let the person do their job as he was hired. Director Kardasz stated that he has been writing position descriptions for a long time but if the committee wants him to hand that off to Human Resources then he will. Director Gillingham stated that she wants the input of the department but the position descriptions should be

completed by Human Resources. Director Kardasz stated they are looking for someone to keep the books solid not supervise. Majewski stated since you've hired for the position with the existing description, that the position description should be left as is.

**Motion by Majewski to take no action and leave the description as is, second by O'Connor, Approved 4-0**

**Review and action regarding proposed updated position descriptions for Utilities Wastewater Operator, Utilities Basic Certified Wastewater Operator, Utilities Advanced Certified Wastewater Operator, Utilities Advanced Certified Wastewater Operator/Laboratory Technician, and Wastewater Systems Supervisor**

Director Gillingham stated she had a meeting with Director Kardasz to go through the position descriptions and that she is behind the changes 100%. They have been updated to reflect what the persons in the positions are doing at this time and what the new Department of Natural Resources has set up for qualifications.

**Motion by Lawrence, second by Majewski, Approved 4-0**

**Review and possible action regarding Hiring Policy - Department Head**

Director Gillingham stated that at the Council meeting there was discussion about how the Personnel Committee went about hiring in regards to the Finance Director and the economic portion of that. She also stated that this is an existing position not a newly created one. Majewski had explained to Council what had happened. Precedence had been set when Director Sullivan, Director Gillingham and Director Hebert were hired. The urgency and timing led to Director Gillingham being told to start the hiring process, which she did. Director Gillingham used the same process with this position as they did with Director Hebert's. There was no issue with his hiring. Director Gillingham followed Mayor Olson and the Personnel Committee's directive to start the hiring process. My question is: we are going through the same procedure in hiring for this position should we be looking to change the wording of the policy for hiring department heads or is this more about the Economic Development portion that's driving this discussion at Council? Majewski stated that Council thought this was their golden opportunity to get an economic development person and they were upset that that wasn't going to happen. Director Gillingham stated that while going through the interview candidates they were told that the Economic development portion may be taken away from the position in the future. The Finance Director is going to be involved with economic development anyway because it is closely entwined with Finance. O'Connor read the hiring policy aloud and said the wording made it a bit unclear whether it needs to go to council first or not. Lawrence stated he could see why this came up now. It used to be the department head would just be hired. He also asked that in the future should the position go to both Personnel and Council before any move is made. Majewski stated that then we are getting into micromanaging everything. And if the matter has to go to Council every time then what are we even doing here? Director Gillingham stated that as an existing position it should go to Personnel, also stating that the IT position is different in that it is a newly created position. Lawrence stated that if there is a problem with the process Council should have brought this up ahead of time, not after the fact. There was discussion regarding the fact that everyone on the Personnel Committee felt like they had followed policy and had done their jobs correctly during this process. Director Gillingham stated that she is personally and professionally offended by the way the Council spoke as if she and the Personnel Committee had not followed procedure but had tried to go behind Councils back in this process. She stated that she had followed the policy the way she interpreted it, the precedent for past leadership hires, and the direction that the Personnel Committee gave her

regarding the hiring of this position. She then read the policy aloud and asked if the wording needs to be changed to reflect what. Discussion regarding the wording. Lawrence stated that the wording should be "Human Resources Director shall inform the Personnel Committee and the Council. Council shall hold final approval on the candidate" so the Human Resources Director can go out and start the process. Leck stated that this is a process issue and should be spelled out in the wording that "The Personnel Committee will determine the hiring process". Lawrence stated that the policy should also say "Council shall hold final approval on recommendation of the Personnel Committee". Director Gillingham was instructed to work on the wording of the policy then bring it back to Personnel.

#### **Review and possible action regarding Hiring Policy – Other**

Director Gillingham stated that the Mayor asked her to add it to the agenda to be sure the wording is acceptable. The committee agreed the wording is good in this case.

#### **Discussion regarding retirement of full time vs part time employees with respect to accrued sick leave**

Director Gillingham stated that Joann Seymour retired and asked Director Gillingham why she hadn't been paid out for her sick time. Director Gillingham stated that she did some research and went to the Work Rules and it states there that "All Full Time employees who retire from the City and apply in a timely manner will receive annuity from WRS and then talks about the dollar amount" but the emphasis is on FULL TIME. Joann was with the City part time for over 10 years. Gini did some research and McFarland pays out 50% and the rest goes into a health savings account, the State of Wisconsin also allows part time employees to receive that payout. The reason I brought this to the committee is to see if we shouldn't be extending that to part time employees as well.

#### **Future Agenda Items**

Springsted phase III; pay for performance; contracted employees vs Work Rule changes

#### **ADJOURNMENT**

**Motion to adjourn by Lawrence, second by Majewski, All in Favor (4-0). Meeting adjourned at 6:50pm.**