

PERSONNEL COMMITTEE
TUESDAY, APRIL 26, 2011, 4:00PM
CITY HALL, CONFERENCE ROOM 2A

The meeting was called to order by Chairman Hartz at 4:01 pm.

Roll Call. Present: Aldermen Hartz, Krohn, and Mott. Absent: Aldermen Krause and Kupsik. Also present: Administrator Jordan, Street Superintendent Carstensen, Alderman Marsala, Mayor Connors, and City Clerk Reale.

Welcome from Chairman Hartz

Chairman Hartz welcomed the new and returning members to the Committee and took the opportunity to address some procedural matters regarding the conduct of Committee business. He noted that motions made at the committee level should be articulated as motions to forward to Council with recommendation rather than as motions of approval, as committees were merely advisory bodies to the Council. He also reiterated the importance of maintaining confidentiality with respect to any discussions that occur in closed session. Finally, he briefly reviewed the ordinance delineating the tasks and responsibilities of the Committee.

Approval of Minutes of March 22, 2011 committee meeting

Mott/Krohn motion to approve minutes from the March 22, 2011 committee meeting, as prepared. Unanimously carried.

Comments from the Public limited to 5 minutes None.

Discussion of Personnel Policies (Chapter 7, City Policy Manual)

Alderman Mott noted that two members of the Committee were absent and therefore moved to continue this item to the next regular meeting for review and discussion by the full Committee, but to proceed with discussing his questions at the current meeting. Motion failed for lack of second.

Krohn/Mott motion to table until the next meeting at which the full Committee is present. Unanimously carried.

Discussion/Recommendation on removing Street Superintendent position as an Officer of the City under Chapter 2, Article I, Section 2-3 of the Municipal Code

Chairman Hartz stated that he had brought this item forward for discussion because he was not certain that the Street Superintendent position needed to be identified as an "officer" of the City and therefore subject to appointment by the mayor, per ordinance. He stressed that he was not recommending any change in duties or responsibilities for the position; however, he did not view the position as falling into the same category as the other appointed officials in light of its positioning in the City organizational chart. Chairman Hartz stated that he was uncertain as to why the street superintendent would be appointed by the mayor when the position was supervised by the Director of Public Works. Alderman Krohn questioned whether the street superintendent was actually under the Director of Public Works.

Street Superintendent Carstensen noted that he had been appointed by the mayor and approved by the Council, adding that he consulted with DPW Winkler in the course of his work but did not

necessarily answer to him. He further questioned the fact that his position was being singled out for reclassification from among the current listing of appointed officials. Alderman Mott suggested that the Committee should consider whether an ordinance amendment was necessary to reflect the actual practice employed by the City of having the Council hire these officials rather than being appointed by the mayor. Concerns were raised by some of the members of the Committee as to what might happen in a situation in which the mayor refused to appoint an individual recommended for hire by the Personnel Committee. Following a lengthy discussion on the subject, the consensus was that the ordinance should be revised to reflect the involvement of the Personnel Committee in the hiring process for appointed officials. The Committee further directed that the City Attorney should investigate the following issues:

- 1) What would happen in the event the mayor refused to accept a hiring recommendation from the Personnel Committee?
- 2) How can the provisions of the ordinance vis-à-vis the roles of the Personnel Committee, mayor, and Common Council be aligned in a legal manner?
- 3) Which positions would be appropriately classified as “officers” of the City in accordance with statutes?
- 4) How would the Personnel Committee appropriately address a situation in which a split vote occurs on a hiring recommendation?

Discussion on City Organizational Chart and the Director of Public Works position

Chairman Hartz noted that the Director of Public Works position did not directly report to the City Administrator and was not subject to evaluation by the Personnel Committee; however, the position supervised individuals who were employees of the City. He suggested the possibility of developing some type of contract arrangement with the Director of Public Works to ensure that the individual in that position would have some degree of accountability to the City.

This subject was discussed at considerable length by the Committee. Chairman Hartz sought some clarity as to how the position would be handled after the incumbent was no longer in the position, adding that he had additional concerns about possible liability related to any engineering work that Mr. Winkler performed on behalf of the City. Alderman Mott expressed a preference for leaving the position unchanged with respect to the organizational hierarchy of the City. Alderman Krohn suggested that the City Attorney should be consulted to provide advice on possible options for addressing any of these issues. Administrator Jordan stated that he believed the Utility Commission would likely be willing to discuss the DPW arrangement with City officials, adding that he felt the Commission would be conscientious of any concerns raised by the City.

Krohn/Hartz motion to direct the City Attorney to provide an opinion on the matter and report back at the next regular meeting. Motion carried by vote of 2 to 1, with Alderman Mott opposed.

Review/Discussion of Drug Testing Policy

The Committee briefly discussed the City’s current policy for drug and alcohol testing for employees. It was recommended that Street Superintendent Carstensen review the document to ensure that it was aligned with the State guidelines for testing of CDL operators and the terms specified in the Association contract.

Mott/Krohn motion to continue this item to the next regular meeting. Unanimously carried.

Closed Session

Mott/Krohn motion to go into closed session pursuant to Wisconsin Statutes 19.85 (1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee which the governmental body has jurisdiction or exercises responsibility for performance evaluation of City Department Head (Street Superintendent) and consideration of FMLA leave request (Assistant Municipal Court Clerk). Unanimously carried.

The Committee entered into closed session at 5:21 pm. Also present were: Administrator Jordan, Street Superintendent Carstensen, and Assistant Municipal Court Clerk Waswo.

Mott/Krohn motion to return to open session pursuant to Wisconsin Statutes 19.85 (2) and take action on any items discussed in closed session. Unanimously carried.

The Committee reconvened in open session at 6:48pm. City Clerk Reale returned to the meeting upon the Committee reconvening in open session.

Krohn/Mott motion to approve FMLA leave for Sabrina Waswo and to deny request to continue working for second employer during such leave. Unanimously carried.

Mott/Krohn motion to adjourn at 6:50pm. Unanimously carried.

/s/ Jeremy A. Reale, City Clerk

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED
BY THE PERSONNEL COMMITTEE**