

PERSONNEL COMMITTEE AGENDA
Monday, March 9, 2015 – 7:00 p.m.
(or immediately following previously scheduled meeting)
Lincoln Center – 1519 Water Street
[A quorum of the City Council may attend this meeting]

Discussion and possible action on:

1. Request to fill vacancy in the Water Department.
2. Request to fill vacancy in the Streets Department.
3. Amendment to Ordinance 3.08 Term of Office – Appointive Officials.
4. Amendments to City Administrative Policy, 2.10 Grievance Procedure and 2.11 Discipline Procedures.
5. Enter closed session (approximately 7:05 p.m.) pursuant to Wisconsin State Statute 19.85(1)(e) [conducting other specified public business, whenever competitive or bargaining reasons require a closed session] for:
 - a. Vacation Carryover Grievance ~ AFSCME Local 309 Transit (Grievance 1-15-3)
6. Reconvene into open session (approximately 10 minutes after adjourning into closed session) for action on Vacation Carryover Grievance ~ AFSCME Local 309 Transit (Grievance 1-15-3).
7. Adjournment.

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure a reasonable accommodation can be made. The City Clerk can be reached by telephone at (715) 346-1569, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 a.m. to 4:00 p.m.

City of Stevens Point
Department of
Public Utilities



Joel C Lemke
Director
Phone: 715-345-5266
jlemke@stevenspoint.com

March 3, 2015

MEMO

TO: Mayor Wescott and Personnel Committee

RE: Request to fill vacancy

The Department of Public Utilities is seeking permission to fill one (1) vacancy in the Water Department following a recent resignation. The position is that of a Water Operator. This request includes the ability to fill whatever vacancy may form as a result of internal movement of qualified employees.

Thank you for your consideration.

Sincerely,

Joel Lemke
Director of Public Utilities and Transportation

Approved:

Gary Wescott, Mayor

cc: Water and Sewerage Commission

City of Stevens Point
1515 Strong's Avenue
Stevens Point, WI 54481-3594



Scott A. Schatschneider
Director of Public Works
Phone: 715-346-1561
Fax: 715-346-1650

February 26, 2015

TO: Mayor Wescott and Personnel Committee
FROM: Scott Schatschneider, Director of Public Works
RE: Request to fill vacant position

Dear Mayor and Personnel Committee;

I am requesting approval to fill a Street's Maintenance Worker vacancy in the Streets Division of the Public Works Department. The vacancy is a result of a recent retirement.

Sincerely,

A handwritten signature in black ink that reads "Scott Schatschneider".

Scott Schatschneider
Director of Public Works

Cc: Lisa Jakusz-City Personnel Manager

Approved:

A handwritten signature in black ink that reads "Gary Wescott".
Mayor Gary Wescott

**ORDINANCE AMENDING THE REVISED MUNICIPAL CODE
OF THE CITY OF STEVENS POINT, WISCONSIN**

The Common Council of the City of Stevens Point do ordain as follows:

SECTION I: That Section 3.08 of the Revised Municipal Code of the City of Stevens Point, Term of Office – Appointive Officials, is hereby amended to read as follows:

3.08 TERM OF OFFICE – APPOINTIVE OFFICIALS

The following officials shall be appointed by the mayor and confirmed by the common council for two year terms commencing January 1, 1975 and ending December 31, 1976, and every two years thereafter: until December 31, 2016.

Director of Community Development
Director of Parks & Recreational Services
Director of Public Works

Commencing on January 1, 2017, vacancies in the following positions shall be filled via appointment by the mayor and confirmation by the common council. The term of such appointments shall be indefinite, as shall be the appointments of persons serving in such capacity as of January 1, 2015. Such officials shall be subject to probationary periods, discipline, and termination according to the applicable portions of the City of Stevens Point Administrative Policies.

Director of Community Development
Director of Parks & Recreational Services
Director of Public Works
Public Utilities Director

SECTION II: This ordinance shall take effect upon passage and publication, as provided by law.

APPROVED: _____
Gary Wescott, Mayor

Dated: February 25, 2015
Adopted: March 16, 2015
Published: March 20, 2015

ATTEST: _____
John Moe, City Clerk

**** CITY OF STEVENS POINT ****
ADMINISTRATIVE POLICY

Policy Title: Grievance Procedures

Policy No. 2.10

Date of Issuance: December 18, 1989

Revision Date: September 19, 2011, January 21, 2013, May 19, 2014

1. Purpose

The purpose of this Policy is to set forth the procedure to be followed with respect to grievances by employees, union, and non-union, including department heads. The terms of this Policy shall control unless another valid and enforceable grievance procedure exists in a collective bargaining agreement that applies to the matter.

This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure. Nothing in this policy is intended to create a legally binding contract. The City of Stevens Point reserves its management rights to exclusively manage its operations in the best interest of the taxpayers of the City.

2. Definitions

A grievance is defined as a dispute or misunderstanding regarding the actions of City officials with regard to the following:

- Employee termination

“Termination” includes an involuntary end to employment but excludes a voluntary quit; a layoff or failure to be recalled from layoff at the expiration of any recall period; retirement; job abandonment such as “no-call, no-show,” or failure to report to work; any workforce reduction activities; job transfer; death; or the end of the employment of a temporary, contract or part-time employee.

- Employee discipline

“Discipline” includes verbal reprimands; written reprimands; and suspensions without pay.

Discipline does not include action taken because of poor job performance, performance evaluations, performance improvement plans, or counseling (verbal or written) regarding job performance.

- Workplace safety

“Workplace safety” includes conditions of employment affecting an employee’s physical health or safety, the safe operation of workplace equipment and tools, environmental hazards, safety of physical work environment, personal protective equipment, and workplace violence.

3. Preliminary Procedures

A. Preliminary Grievance Steps

Step 1: Prior to filing a written grievance, employees should discuss any problem or complaint with his/her Immediate Supervisor to determine if the grievance can be resolved. For department heads as appointed under Revised Municipal Code 3.08, the Immediate Supervisor for Step 1 grievances is the Mayor.

Step 2: If the grievance cannot be resolved at Step 1, the employee must file a written grievance with the City Human Resource Manager no later than ten (10) calendar days from the date the employee first becomes aware of the termination, discipline, or workplace safety condition causing the grievance. The written grievance shall include: (1) a summary of the facts pertaining to the grievance and issue involved; (2) the date(s) the event(s) giving rise to when the grievance occurred; (3) a listing of all parties involved; (4) the remedy sought by the employee; and (5) the employee’s signature and date. The City Human Resource Manager shall respond to the grievance in writing within ten (10) calendar days of receipt of the written grievance.

B. Appeal to Personnel Committee

Step 3: If the grievance is not resolved at Step 2, the employee may appeal a denial by filing a written appeal of the grievance with the Personnel Committee within ten (10) calendar days from receipt of the City Human Resource Manager’s decision. The Personnel Committee shall meet with the parties to discuss the matter. Within ten (10) calendar days of the meeting, the Personnel Committee shall issue a written decision sustaining or denying the grievance.

4. Hearing Officer Proceedings

A. Appeal to Hearing Officer

Step 4: If the grievance is not resolved at Step 3, the employee may appeal a denial

by filing a written request for a hearing before a Hearing Officer. This request must be received by the Personnel Committee no later than ten (10) calendar days after the employee receives the Personnel Committee's written response.

On appeal, the Personnel Committee shall transmit the grievance, all grievance responses, and this Grievance Procedure to the Hearing Officer. As soon as is practicable thereafter, the Hearing Officer shall schedule a date for a hearing. The hearing shall be held at a mutually agreeable time in a public building and shall be open to the public unless the Hearing Officer otherwise directs.

B. Hearing Procedure

The Hearing Officer shall have the authority to administer oaths and issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. The hearing shall be conducted in accord with the hearing procedures of the American Arbitration Association. Any party requesting a subpoena from the Hearing Officer is responsible for the fees associated with the subpoena. All testimony shall be taken under oath and shall be recorded by a court reporter under the supervision and control of the Hearing Officer, unless another method of recording is mutually agreed to by the parties and approved by the Hearing Officer. All costs associated with the court reporter and preparation of a transcript of the hearing shall be evenly split between the parties. In all cases, the grievant shall have the burden of proof to support the grievance. The Hearing Officer may only overrule a disciplinary action if the action taken was arbitrary or capricious.

C. Hearing Officer Decision

The Hearing Officer shall submit his or her decision affirming or reversing the action with the reasons therefore in writing to the Personnel Committee and the employee within thirty (30) calendar days of the close of the hearing or the submission of the parties' written briefs, if any, whichever is later, or on a later date mutually agreed upon by the parties.

5. City Council Review

A. Appeal to City Council

Step 5: Within fourteen (14) calendar days of the date that the Hearing Officer's decision is mailed, either party may file with the City Council a written notice of appeal of the Hearing Officer's determination to the City Council. Any such appeal shall be on the written record, the preparation of which shall be the responsibility and at the cost of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the City Council within twenty (20) calendar days

of the notice of appeal. No formal hearing shall be held before the City Council. The Council shall receive no further evidence on the matter but may request additional written submittals of the parties on matters which were raised before the Hearing Officer or, at its discretion, meet with the parties to review the matter. The City Council may retain outside counsel if necessary during the process.

B. City Council Decision

Step 6: Within forty (40) calendar days of the receipt of the written record, the City Council shall make and file its written decision with the Clerk's office. The Clerk or designee shall, within five (5) calendar days, mail a copy of the decision to the last known address of the employee or the employee's representative and provide a copy of the decision to the Personnel Committee. The Hearing Officer's determination may be affirmed, modified, or reversed by a majority vote of the City Council. The City Council's decision shall be final and binding on the parties. There shall be no subsequent right of appeal.

6. Hearing Officer Selection

A. Qualifications/Selection

The City may contract with a Hearing Officer to hear and determine appeals at Step 4. Any Hearing Officer so engaged shall not be a City employee or receiving any compensation or benefits from the City other than those described below.

The City Clerk or designee shall create a panel of at least three (3) individuals when needed who have indicated a willingness to serve in the capacity of Hearing Officer and who are experienced in personnel matters and/or who are active or retired attorneys, retired members of the judiciary, retired administrative staff, or currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission. The City Clerk shall draw three (3) names and list them in order of drawing with the first drawn name being appointed as the Hearing Officer. In the event a Hearing Officer is unable to accept the designation as Hearing Officer, the next numeric selection by the Clerk shall be appointed.

B. Compensation

The Hearing Officer shall be compensated at the Hearing Officer's regular rate for the hearing, travel time, and time spent preparing a written decision. The compensation for the Hearing Officer will be split evenly between the parties.

C. Conduct of Hearing

1) Generally. The Hearing Officer is not bound by the strict rules of

procedure and the customary practices of courts of law.

- 2) Opening Statements. Opening statements are optional and shall be confined to a brief summary of the nature of the case, the evidence intended to be offered, and the controlling legal authorities.
- 3) Order of Proceeding. The grievant shall present evidence first.
- 4) Evidence. The Hearing Officer is not bound by common law or statutory rules of evidence. All testimony having reasonable probative value shall be admitted, and immaterial, irrelevant or unduly repetitious testimony shall be excluded. The Hearing Officer shall give effect to the rules of privilege recognized by law. Hearsay evidence may be admitted into the record at the discretion of the Hearing Officer and accorded such weight as the Hearing Officer or commission deems warranted by the circumstances.
- 5) Testimony of Witnesses. (a) Witnesses may testify by answering questions posed to them. (b) Cross-examination is not limited to matters to which the witness testified on direct examination. (c) At the discretion of the Hearing Officer, witnesses' testimony may be taken via telephone rather than in person. (d) At the request of either party, the Hearing Officer may order the exclusion of the witnesses in accordance with the provisions of s. 906.15, Stats.
- 6) Stipulations. Parties may stipulate to some or all of the facts that are material to a case and the Hearing Officer may base an order upon the stipulation.
- 7) Sanctions.
 - (a) Unless good cause can be shown, any party who fails to appear at a hearing after due notice is deemed to have admitted the accuracy of evidence adduced by the parties present and the Hearing Officer may rely on the record as made. If the absent party has the burden of proof, the Hearing Officer shall consider a motion to dismiss by the parties present without requiring presentation of any evidence.
 - (b) If a witness fails to appear despite the issuance of a subpoena, the Hearing Officer may seek initiation of contempt proceedings.
 - (c) If a witness refuses to answer a proper question or otherwise engages in misconduct, the Hearing Officer may exclude the witness, may strike all or part of the witness' testimony, may make an appropriate inference or may impose any combination of sanctions under this paragraph.

(d) The Hearing Officer may exclude persons other than witnesses from the hearing for misconduct.

7. Settlement of Grievance

A grievance shall be considered waived if not filed or appealed within the designated grievance timelines. Dissatisfaction is implied in recourse from one step to the next step. A grievance shall be deemed settled and dismissed at the completion of any step in the grievance procedure if all parties concerned are mutually satisfied or the grievance has not been timely processed to the next level. All settlements shall be in writing and signed by the employee in question and the appropriate City official(s) involved at the step level that the grievance was settled.

8. Revisions/Updating

This Policy may be amended or repealed by the City Council at any time.

**** ADMINISTRATIVE POLICIES ****
CITY OF STEVENS POINT

Policy Title: Discipline Procedures

Policy No. 2.11

Date of Issuance: December 18, 1989

Revision Date: May 21, 1990, January 21, 2013

Introduction: This policy defines the procedure to be followed if an employee's performance or behavior falls below an acceptable level. Discipline is used when other methods of correcting the problem (performance appraisal, coaching, training, or counseling) have not been successful, or when the offense is considered serious. It applies to both management and union employees, as well as department heads.

This policy does not apply to a new employee during his/her evaluation period.

Sometimes employees have personal problems which affect their behavior or job performance. When these problems occur, the supervisor should refer the employee to the City's Employee Assistance Program (EAP) for help. For more information on the EAP program, the employee may refer to Policy No. 3.04 or contact his/her area's Resource Coordinator.

NOTE: For discipline actions against Department Heads as identified in Revised Municipal Code 3.08, the "supervisor," "Division Head," or "Department Head" as those terms are used in this Policy shall be the Mayor.

1. Policy

- A. Disciplinary action will be taken against an employee when deemed appropriate. This could occur because of a violation of a policy, poor performance or other action considered inappropriate. Refer to Policy No. 1.04 on Personal Conduct for a list of activities considered to be inappropriate. This is not an all-inclusive list.
- B. The City normally adheres to a policy of progressive discipline where the penalty become more severe with each additional inappropriate action or as a result of progressively declining performance. The steps involved in progressive discipline are described in further detail within this policy. In most cases, progressive discipline will be the appropriate means for correcting a problem.
- C. A "just cause" standard is not required to be met in the issuance or review of disciplinary action, but disciplinary action taken should be reasonable or

appropriate and not arbitrary and capricious, given the circumstances associated with the discipline.

- D. Some actions are so severe and damaging to the City or its employees that a supervisor may feel it is warranted to override the normal progressive discipline process and immediately proceed to a higher level of corrective action. If a supervisor feels more severe action is warranted, it is recommended that he/she discuss the case with his/her supervisor, the City Attorney, and/or the Personnel Office prior to administering the disciplinary measure.
- E. An employee has the right to representation at all steps of discipline; however, he/she may waive that right if they wish.

2. Progressive Discipline

A. Verbal Warnings

A verbal warning is given for a less serious offense or performance problem. A verbal warning is a discussion with the employee of the specifics of the problem, including what performance or behavior is expected in the future. The supervisor should make a note of the warning and see that a copy is given to the Personnel Office for placement in the personnel file. The note should clearly indicate this is a verbal warning and should include the employees name, the date, time, place, and reason for the warning.

NOTE: As in all steps of progressive discipline, formal documentation is extremely important. Documentation is used to establish a pattern of behavior upon which to proceed to a higher level of discipline.

B. Written Reprimands

- (1) A written reprimand is issued when verbal warnings prove unsuccessful or when an employee's behavior or conduct requires something more serious than a verbal warning.
- (2) A written reprimand should include the following information:
 - (a) A description of the specific problem or offense and when it occurred.
 - (b) What actions and/or previous disciplinary measures have been taken to correct the problem?
 - (c) What behavior or performance expectations must be met in order

to correct the problem?

- (d) A warning that further unsatisfactory behavior or performance may result in additional discipline, up to and including dismissal.
 - (e) A notation that a copy has been placed in the employee's permanent personnel file. NOTE: If the employee is represented by a union, a copy of the reprimand should be forwarded to the union steward.
- (3) The Division Head or Department Head will review and sign the reprimand to ensure that it is consistent, fair and proper. The supervisor should then formally discuss the reprimand with the employee. Both the supervisor and employee should sign the reprimand to indicate it has been discussed and reviewed. The employee may attach a brief written comment to the reprimand if he/she chooses. A copy of the reprimand (including any attachments) should be kept by the supervisor and the employee. The original document should be sent to the Human Resource Manager for placement in the personnel file.

C. Suspensions

- (1) If an employee receives a written reprimand and engages in similar conduct within a period of twelve months, or engages in serious misconduct, he/she will be suspended without pay for a minimum of one day. Notice of the suspension (including the dates) should be given in a written document. NOTE: It is recommended that three (3) day suspensions do not begin on Monday nor end on Friday.
- (2) In certain instances a supervisor may feel it necessary to remove an employee from the work environment pending further investigation of the details surrounding a suspected violation. In cases such as this, the employee will be given an indefinite suspension (leave) immediately without pay until an investigation has been made and the action to be taken determined. Should the investigation reveal no violation or negligence existed on the part of the suspended employee, he/she will be immediately reinstated with full back pay. Should the investigation reveal circumstances requiring disciplinary action, the supervisor may opt to reinstate the employee with full, partial, or no back pay depending upon the seriousness of the offense. The supervisor may also determine that certain actions warrant additional suspension or termination.

D. Termination

(1) An employee may be subject to termination based on his/her conduct, or based on conduct and prior instances of conduct.

(2) Letter of Intent

The supervisor must issue a letter explaining his/her intent to terminate employment. This letter of intent must have the signed approval of the department head and City Attorney. A copy of the letter must be placed in the employee's permanent personnel file. The letter must:

(a) Explain the reason(s) for the termination and detail specific dates and times, if appropriate.

(b) Make clear the fiscal conditions of the termination including the last day for which the employee will receive pay and the amount of accrued annual leave to be paid.

(c) Inform the employee of his/her rights under the Grievance Procedure described in Policy 2.10.