

LANGLADE COUNTY
JOINT PERSONNEL COMMITTEE AND EXECUTIVE COMMITTEE REPORT

Meeting Date: 6/16/2015

Time: 10:55 A.M.

CHAIRMAN: Doug Nonnenmacher

MEMBERS PRESENT: Doug Nonnenmacher, Dick Hurlbert, Dave Solin, Arlene Bonacci, Michael Klimoski, Ron Nye, Holly Matucheski.

MEMBERS ABSENT: Dale Dahms and James Jansen

OTHERS PRESENT: Richard Burby and Robin Stowe

The meeting was called to order at 10:55 a.m. by Chairman Solin in the Law Library, Room 205, of the Langlade County Courthouse, 800 Clermont St, Antigo, WI 54409.

Pledge of Allegiance.

Supervisor Burby requested to address the Committees at this time as he was not able to stay for a complete discussion of this topic. Mr. Burby recommends that the Committees consider requiring the entire County Board to take action on hiring and termination. Mr. Burby feels that the County Board hires the employee so they should be able to fire the employee and the decision of whether to terminate an employee should not be left up two or three individuals

Review, revise and/or establish County's personnel policies involving the reporting, investigation and resolution of personnel disputes, including Chain of Command, Job Performance Management and Disciplinary Policy, and Grievance Procedure.

Robin Stowe reminded the Committees that the process of redesigning these policies was intended as an interactive process with the Committees considering and proposing different options. Robin is able to present all the options available for consideration, but is requesting that the Committees select what they think will work best from the menu of options. Before highlighting the differences in the "chain of command" before and after union contracts expired, Robin responded to Mr. Burby's proposal that the entire County Board should be involved in the decision-making process for disciplinary action. Robin referred to a previous handout provided to the Committees entitled "Limits of County Board Administrative Authority" authored by the U.W-Extension Local Government Center. This publication chronicles the relevant provisions of the Wisconsin Constitution, court cases and AG opinions which conclude that the County Board of Supervisors do not "supervise", they make policy, and the authority to supervise or manage the affairs of County government (including hiring and firing) resides with administrative/management staff.

On a white board, Robin diagrammed the chain of command used for reporting, investigating and resolving personnel disputes both prior to the end of union contracts (before 2013) and after the end of union contracts (since 2013). With the use of this visual aid, it was easy to identify the biggest changes in the chain of command, most notably that the role of Personnel Committee (and oversight committees) in the investigation and decision-making stages has been eliminated (with the exception of oversight of department heads). Since 2013, this authority to investigate and make disciplinary decisions resides with management staff (department heads and administrative coordinator).

The Committees discussed the following changes to the current process: 1) removing the Personnel Committee's designation as the impartial hearing officer which will allow the Committee to be more directly involved in the investigation and resolution of personnel issues; 2) granting more disciplinary authority to department heads (expanding from 3 days to 5 days off without pay); 3) the need to create a separation between who is involved in investigating personnel issues and who is involved in deciding what disciplinary action should be taken; 4) what roles a Human Resources Director could have within the new chain of command and the timing of these policy changes to coincide with the establishment of an HR position; 5) whether it may be necessary to create a final internal review of disciplinary action prior to a grievance hearing before the impartial hearing officer; and 6) what additional measures should be considered to ensure that the new chain of command is followed.

As to item number 1: the plan will be for the County to contract with a retired Judge to serve as an impartial hearing officer (Retired Judge Thomas Grover has agreed to provide these services on an as-needed basis). Item 2: Committees recommend that department heads be granted authority to discipline employees up to 5 days off without pay. Items 3 & 4: Committees recommended the following chain of command.

Dept. Head

Reported to oversight committee

(Investigation stage)

Human Resources Director

Personnel Committee

-assistance from Labor Counsel

(Decision-making stage)

Dept. Head

Administrative Coordinator / Corp Counsel

- In consultation with County Board Chair & Oversight Committee Chair

In this example, any issues about the service conduct or performance of a County employee is reported to the appropriate Department Head. If the complaint is about the Department Head, then you move the next step in the chain of command and so on.

As to Item 5: the Committees did not feel that it was necessary to add yet another step to review a disciplinary decision before the grievance hearing stage. The authorization to enter into severance agreements would not change at this time. The current policy requires the approval of the Administrative Coordinator and County Board Chairman. As to item 6: the Committees felt that the Executive Committee already has the authority to step in and ensure that County policies and Board Rules are followed. Since the reporting, investigation and resolution of personnel issues includes a discussion of sensitive information which affects reputational interests and privacy rights, it is vital that the process we use protects the confidentiality of information discussed in closed sessions. Committee members expressed concerns that during recent personnel investigations, confidential information was made public without authorization. Therefore the Committees discussed the need to change some of the Rules of the Board to limit who may be present in closed sessions in order to limit the expose of sensitive information to a "need-to-know" basis.

Ron Nye asked to be excused.

Robin Stowe will draft a proposal consistent with the discussion, and present it to the Committees on a separate basis, at their next scheduled meetings.

Motion to adjourn the joint Personnel Committee and Executive Committee meeting by Mike Klimoski, second by Dave Solin. All ayes, motion carried. Adjourn the joint meeting of Personnel and Executive Committees at 11:45 a.m.

Set the date for the next meeting for the Personnel Committee. Thursday, July 2, 2015 at 9:00 a.m. in the Law Library.

Set the date for the next meeting for the Executive Committee. Monday, July 13, 2015 at 8:00 a.m. in the Law Library.

Respectfully Submitted,

Robin Stowe, Recording Secretary