All present are expected to conduct themselves in accordance with our City's Core Values

OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal, Corporation, or Sub-unit thereof.

Meeting of the:	**Human Resources Committee**
Date/Time:	**Monday, April 8, 2019 at 4:30 PM**
Location:	City Hall (407 Grant Street) – Council Chambers – 1st Floor
Members:	Becky McElhaney (C) Gary Gisselman, Dawn Herbst, Michael Martens, Tom Neal

AGENDA ITEMS FOR CONSIDERATION

1) Approval of 3/11/2019 Minutes.
2) Human Resources Reports for March.
3) Discussion and possible action on the Employee Handbook Language in Section 8.01-General Provisions.
4) Discussion and Possible Action Approving Amendments to Part-Time, Temporary, and Seasonal Wage Rates.
5) Discussion and possible action on the City of Wausau Biometric Screening Program.
6) Discussion and possible action on Approving Amendments to Employee Handbook Section 3.04 – Nepotism, Employment of Relatives.
7) Discussion and Possible Action Approving Addition of a Regular Part-time Administrative Assistant II to the Municipal Court.
8) Future Agenda Items.

Becky McElhaney, HR Chair

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 04/04/19 at 3:00 PM

Questions regarding this agenda may be directed to the Human Resources Office at (715) 261-6630.

It is anticipated that each item listed on the agenda may be discussed, referred, or acted upon unless it is noted in the specific agenda item that no action is contemplated. It is possible that members of, and possibly a quorum of members of other committees of the Common Council of the City of Wausau may be in attendance at the above mentioned meeting to gather information. **No action will be taken by any such group at the above mentioned meeting other than the committee specifically referred to in this notice.**

"In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call Human Resources at (715) 261-6630 or the City's ADA Coordinator at (715) 261-6620 or e-mail clerk@ci.wausau.wi.us at least 48 hours prior to the scheduled meeting or event to request an accommodation."

Other Distribution: Alderperson, Mayor, Department Heads, Union Presidents.

DRAFT

CITY OF WAUSAU HUMAN RESOURCES COMMITTEE
MINUTES OF OPEN SESSION

DATE/TIME: January 23, 2019 at 4:30 p.m.
LOCATION: City Hall (407 Grant Street) – Council Chambers
MEMBERS PRESENT: Becky McElhaney (C), Gary Gisselman, Dawn Herbst, Michael Martens, Tom Neal
MEMBERS ABSENT:
Also Present: Mayor Mielke, T. Vanderboom

McElhaney called the Human Resources Committee meeting to order at 4:30 p.m.

Approval of 1/23/2019 Minutes.
Motion by Neal to approve the January 23, 2019 Human Resources Committee Meeting minutes. Second by Gisselman. All ayes. Motion passes 5-0.

Human Resources Reports for January and February.
Vanderboom asked if the committee members had any questions about the reports provided. Neal asked if there was anything outstanding that needed to be brought to attention. Vanderboom said that a Fire Department grievance was settled through a Memorandum of Understanding.

No motion on this item.

Discussion and Possible Action on the Employee Handbook Language in Section 8.01 – General Provisions.
Vanderboom said this has been addressed several times, but more questions have come up since the last revisions that need to be clearly outlined and approved by the committee. Vanderboom provided a history of the language progression of this section for the committee and proposed new language for the committee to consider.

Motion by Neal to approve the language changes as proposed to Section 8.01 – General Provisions. Second by Herbst. Gisselman asked if the intention is for the Employee Handbook and Union Contracts language to mirror each other. Vanderboom said that in the past if an employee promoted to a position out of the union, benefits offered by could be seen as less generous for general employees. Council approved language allowing employees promoted out of the union to choose if they wished to have benefits under the contract or employee handbook at the time of their promotion out of the union. Vanderboom said that this language update will clarify what benefits are included in the decision, and will also allow for new hires to command positions in Police and Fire to select benefits under the contract or employee handbook. Bliven spoke and asked if it would be easier to have the language changed to just say benefits instead of listing the benefits and advocated for the language to be changed as such. Neal said that he appreciates that the employee handbook is able to be reviewed and appropriate changes can be made when needed. McElhaney asked if the committee would like to make changes and table the item. Neal said that he is willing to table his motion. Kujawa said that she has a couple of employees who this could affect and would like to see action taken. All ayes. Motion passes 5-0.

Discussion and Possible Action on Employee Handbook Language in Section 4.06 – Separation of Employment.
Vanderboom said the current language allows a previous employee to come back to their previous position within a year of separation if there is a vacancy. Vanderboom said that instances have come up where an employee comes back just outside of the one year date or that they come back within one year to a different position. Under the current language, the employees do not get to accrue benefits at a higher rate. Vanderboom provides some examples and options for returning employees concerning benefits. Neal said that he would vote for the more liberal option for returning employees. Vanderboom clarified that the most generous/liberal choice would be to

allow a returning employee to be reinstated to any previously held position, be immediately promoted, and implement option 2 of the tiered approach for benefits accrual. Gisselman asked how this would work. Vanderboom explained that by definition, reinstatement is to bring someone back to a previously held position. Discussion took place to explain the reason this process needs to be outlined and is beneficial for previously employees who come back. Kujawa said that she is appreciative of the committee looking at this language as a way to make returning to the City more attractive. Neal asked if employees are ever involuntarily separated in good standing due to downsizing; Vanderboom said that they could change the language from "resigned" to "separated" to be more general.

Vanderboom questioned how the committee would like to handle sick leave conversion (PEHP) for returning employees who were eligible when they left. Gisselman said he would favor the reinstatement of PEHP eligibility. Vanderboom asked at what level of return; the committee favored reinstatement of PEHP through tier 2.

Neal made a motion to approve the following changes for Section4.06 – Separation of Employment: separated employees may return to any previously held position and be immediately promoted, benefits accrual would be granted under the option 2 timeline, and PEHP (if previously eligible) would be reinstated up to tier 2. Second by Martens. All ayes. Motion passes 5-0.

Discussion and Possible Action Amending Employee Handbook Language to grant HR authority to negotiate vacation time at time of hire in limited circumstances.

Vanderboom said that once the wage study is implemented, Human Resources will conduct a benefits analysis. Vanderboom said that this item comes up regularly and she feels that this needed to be brought forward prior to the benefits analysis. At this time, there is no flexibility in negotiating vacation with candidates. Vanderboom shared her concerns of the City negotiating vacation time, but presented a limited recommendation to the committee for consideration. The recommendation is only for newly hired employees to possibly negotiate vacation at time of hire into executive level or other high level positions, or for positions that have been found to be difficult to fill. Neal shared his experience with negotiating vacation and feels that the City needs to be able to negotiate and be flexible. Neal said that he would like the language to include the decision to include the hiring director allow with HR. Vanderboom said that the director and/or hiring manager would be involved in the process, but she can include it in the language if the committee wishes. Mayor Mielke provided his thoughts on negotiating vacation time. McElhaney asked if the mayor agreed with the presented recommendation; he indicated that he did. Herbst said that she is a firm believer in working your way up in a company with what they have to offer. Gisselman said that he agrees with Neal and needs to be flexible. Martens said he agrees with Gisselman. Herbst said that she agrees Neal, Gisselman and Martens but that the City needs to be budget conscious. Kujawa thanked the committee for discussing this item and that it will be helpful with attracting from the outside for the Fire Department. Martens asked if there would be benchmarks for this process; Vanderboom said that she will want to establish benchmarks as to what positions are eligible to negotiate and well as other factors on a case by case basis. Bliven spoke to how this would benefit his department if the need comes up to hire from the outside for high level positions.

Motion by Neal to approve the negotiation of vacation time at time of hire in limited circumstances. Second by Gisselman. All ayes. Motion passes 5-0.

Discussion and Possible Action Amending Employee Handbook Section 8.11 – Bereavement Leave to Grant Prorated Funeral Leave to Part-time Employees.

Vanderboom indicated that this is a housekeeping matter to indicate regular part-time employees receive bereavement leave at a proration of their hours worked.

Motion by Martens to approve the language addition to Section 8.11 – Bereavement Leave. Second by Herbst. All ayes. Motion passes 5-0.

Future Agenda Items.
McElhaney said the Social Media policy needs to be brought back to committee.
Vanderboom said can revisit Section 8.01 as requested.
Gisselman had a question about dates for the wage study; Vanderboom indicated that the item is going to Council and it would have to be amended on the floor.
Mayor Mielke would like to see the nepotism policy on the next agenda.

Adjournment.
Motion by Herbst to adjourn. Second by Martens. All ayes. Meeting adjourned.

_____
Rebecca McElhaney
Human Resources Committee, Chair

HR PERFORMANCE REPORT

Core Services

Classification & Compensation

Open Reclassification Requests

Current Job Position	Current Salary Range	Requested Job Position	Requested Salary Range	Request Date

Completed Reclassification Requests

Original Job Position/Salary Range	Requested Job Position/Salary Range	Approved Job Position/Salary Range	Request Date	Council Approval Date

Employee Benefits

Family Medical Leave (YTD)

Requests Received	Approved	Pending	Denied
28	17	9	2

Reasons why denied under FMLA

Paperwork not returned	Insufficient years of service	Condition does not qualify
2		

Workers Compensation (YTD)

Number of Claims	Lost Time	Medical Only
10	3	7

Employee and Labor Relations

Grievances (YTD)

Number of Grievances	Open Grievances	Closed Grievances	ATU (Metro) Grievances	WPPA (Police) Grievances	WFA (Fire) Grievances
1	0	1	0		1

Open Grievances

Employee Name	Union	Issue	Date Filed	Status
Kraig Kruzan	Fire	Acting Battalion Chief Assignments	2/26/18	The City and Union signed MOU's governing the assignment of acting Battalion Chief and Acting Lieutenant.

Closed Grievances

Employee Name	Union	Issue	Date Filed	Status

Recruitment & Selection

New Hires

Employee Name	Department	Job Title	Hire Date
Scott Peterson	Police	Police Officer	01/09/19
Josiah Kaetterhenry	Police	Police Officer	01/09/19
Andrew Bloch	Police	Police Officer	01/09/19
Mason Hagenbucher	Police	Police Officer	01/09/19
Henry King	Assessment	Property Appraiser	02/04/19
Thomas Ponik, Jr.	Assessment	Property Appraiser	02/18/19
Ashley Schroeder	Fire	Firefighter/Paramedic	02/25/19

Seasonal Hires: (1) Youth Apprentice (DPW Motor Pool)

Separations YTD

Total Number of Separations	Resignations	Retirements	Terminations
7	2	5	0

Promotions/Transfers

Employee Name	Old Job Position	New Job Position	Previous Incumbent	Effective Date
Cody Wiesman	Firefighter/Paramedic	Fire Lieutenant	Steven Robers	01/08/19
Justin Fisher	Bus Operator I	Bus Operator II	Gregory Hayes	01/28/19
Nicholas Olson	Bus Operator I	Bus Operator II	(n/a – Council Approved)	02/18/19
Adam Malzahn	Street Maintainer	Property Inspector	Richard Grefe	03/25/19

Active Recruitments

Job Title	Number of Vacancies	Date Vacant	Status
Bus Operator I	3	01/08/18	Collecting Applications - Ongoing
School Crossing Guard	1 reg. + substitutes	11/21/18	Collecting Applications - Ongoing
Police Officer	3	1/1/19, 1/2/19, 1/2/19	Candidates in Process
Battalion Chief	2	2019	Fire Dept. Conducting Process
Water Distribution Maintainer	2	2/22/19, 4/12/19	Interviews Scheduled
Firefighter/Paramedic	1	01/03	Testing Scheduled for Candidates
Street Maintainer	2	03/25, 04/08	Collecting Applications

Vacant Positions (Not Being Recruited)

Job Title	Number of Vacancies	Date Vacant	Status

Human Resource Committee Packet

April 8, 2019

Agenda Item
Discussion and Possible Action on Employee Handbook Language in Section 8.01 – General Provisions
Background
At the March Human Resources Committee meeting, Chief Bliven asked the Committee to consider expanding Section 8.01 of the Employee Handbook to include compensatory time, health insurance benefit contributions, and employee contributions into the Wisconsin Retirement system. At this time, union and non-union employees make the same health, dental, and supplementary insurance contributions and Wisconsin employee retirement contributions and there is no indication that the City intends to establish different contribution rates according to employee classification. Section 5.06 of the Employee Handbook currently grants compensatory time to Fire Battalion Chiefs and Police Lieutenants. Battalion Chiefs are able to bank up to 400 hours of compensatory time, and Lieutenants are able to bank this time according to the union contract.
Fiscal Impact
Undetermined
Staff Recommendation
The current language properly protects the benefit. I do not recommend locking in the same contribution rates at this time, but reserving that discussion should be need arise. As I am unaware of any intention to vary the contribution amounts, a change is currently unnecessary.
Staff contact: Toni Vanderboom 715-261-6634

CITY OF WAUSAU PART-TIME, TEMPORARY AND SEASONAL WAGE RATES

Effective ~~December 31, 2018~~April 21, 2019 (Adopted by Council _____)

City of Wausau Employee Handbook Section 4.01 – Employment Categories

Part-time: A part-time employee is an employee whose schedule consists of less than twenty hours per week. A part-time employee is not eligible for employment benefits from the City unless specifically identified in the City's policies or as required by law.

Seasonal or Temporary: Employees in service of the City on a temporary basis for fewer than fifty-two (52) consecutive weeks per year. Such employees are compensated at an hourly rate and are not eligible for employee benefits. Such employees are also not eligible for Wisconsin Retirement benefits nor are contributions made by the City unless the employee exceeds the required hours in a 12 month rolling period which at that time the employee will be eligible for WRS benefits including any contributions required to be made by the City. Hours worked will be reviewed periodically to verify the accuracy of an employee's employment classification. If reclassification is necessary, the employee will be notified.

PART-TIME RATES

DEPARTMENT	POSITION		HOURLY WAGE
~~Assessment~~	~~Part-time Property Appraiser~~	~~1st year~~ ~~2nd year~~ ~~3rd year~~ ~~4th year~~	~~$24.26~~ ~~$25.68~~ ~~$27.11~~ ~~$28.54~~
DPW-Parking 9012 (221)	Parking Cashier	1st year 2nd year 3rd year 4th year	$8.99~~$8.48~~ $9.52~~$8.98~~ $10.05~~$9.48~~ $10.58~~$9.98~~
Public Access 9005 (730)	Production Assistant	1st year 2nd year 3rd year 4th year	$12.85~~$12.12~~ $13.60~~$12.83~~ $14.36~~$13.55~~ $15.12~~$14.26~~
Public Access 9007 (740)	Production Specialist	1st year 2nd year 3rd year 4th year	$14.91~~$14.07~~ $15.78~~$14.89~~ $16.66~~$15.72~~ $17.53 ~~$16.54~~

TEMPORARY RATES

DEPARTMENT	POSITION	HOURLY WAGE
Assessment	Board of Review Member	$85.00/day
Finance 9003 9002 Poll Worker	Election Chief Inspector Election Inspector	$9.75~~$9.18~~ $8.75~~$8.16~~
Police	Substitute Crossing Guard	$12.80~~$12.08~~
Public Access 9005/Step 17	Production Assistant	~~$12.12~~ $12.85

CITY OF WAUSAU PART-TIME, TEMPORARY AND SEASONAL WAGE RATES

Effective ~~December 31, 2018~~April 21, 2019 (Adopted by Council _____)

SEASONAL RATES

~~DEPARTMENT~~	~~POSITION~~	~~HOURLY WAGE~~
~~POLICE~~ ~~9100~~	~~Community Services Officer – 1st year~~ ~~Community Services Officer – 2nd year~~ ~~Community Services Officer – 3rd year~~ ~~Community Services Officer – 4th year~~	~~$10.97~~ ~~$11.52~~ ~~$12.09~~ ~~$12.69~~
~~POLICE~~ ~~9120~~	~~Community Communications Specialist – 1st year~~ ~~Community Communications Specialist – 2nd year~~ ~~Community Communications Specialist – 3rd year~~ ~~Community Communications Specialist – 4th year~~	~~$10.97~~ ~~$11.52~~ ~~$12.09~~ ~~$12.69~~
~~POLICE~~ ~~1035~~	~~Crossing Guard – 1st year~~ ~~Crossing Guard – 2nd year~~ ~~Crossing Guard – 3rd year~~ ~~Crossing Guard – 4th year~~	~~$12.08~~ ~~$12.79~~ ~~$13.49~~ ~~$14.21~~
~~POLICE~~	~~Crossing Guard Manager~~	~~$15.17~~
~~CITY WIDE~~ ~~9014~~	~~Clerical Aide – 1st year~~ ~~Clerical Aide – 2nd year~~ ~~Clerical Aide – 3rd year~~ ~~Clerical Aide – 4th year~~	~~$9.20~~ ~~$10.12~~ ~~$11.04~~ ~~$11.96~~
~~DPW – YARD WASTE~~	~~Seasonal Aide – 1st year~~ ~~Seasonal Aide – 2nd year~~ ~~Seasonal Aide – 3rd year~~ ~~Seasonal Aide – 4th year~~	~~$12.08~~ ~~$12.79~~ ~~$13.49~~ ~~$14.21~~
~~DPW – STREET~~ ~~9019~~	~~Seasonal Aide – 1st year~~ ~~Seasonal Aide – 2nd year~~ ~~Seasonal Aide – 3rd year~~ ~~Seasonal Aide – 4th year~~	~~$9.97~~ ~~$10.97~~ ~~$11.96~~ ~~$12.95~~
~~DPW – GIS~~ ~~9018~~	~~Seasonal Aide – 1st year~~ ~~Seasonal Aide – 2nd year~~ ~~Seasonal Aide – 3rd year~~ ~~Seasonal Aide – 4th year~~	~~$14.59~~ ~~$16.04~~ ~~$17.50~~ ~~$18.96~~
~~DPW – ENGINEERING~~ ~~9016~~	~~Seasonal Aide – 1st year~~ ~~Seasonal Aide – 2nd year~~ ~~Seasonal Aide – 3rd year~~ ~~Seasonal Aide – 4th year~~	~~$13.27~~ ~~$14.60~~ ~~$15.92~~ ~~$17.25~~
~~WATER WORKS~~ ~~9017~~	~~Seasonal Aide – 1st year~~ ~~Seasonal Aide – 2nd year~~ ~~Seasonal Aide – 3rd year~~ ~~Seasonal Aide – 4th year~~	~~$9.97~~ ~~$10.97~~ ~~$11.96~~ ~~$12.95~~
~~WATER WORKS~~ ~~9047~~	~~Seasonal Technician – 1st year~~ ~~Seasonal Technician – 2nd year~~ ~~Seasonal Technician – 3rd year~~ ~~Seasonal Technician – 4th year~~	~~$13.27~~ ~~$14.60~~ ~~$15.92~~ ~~$17.25~~

CITY OF WAUSAU PART-TIME, TEMPORARY AND SEASONAL WAGE RATES

Effective ~~December 31, 2018~~April 21, 2019 (Adopted by Council _____)

DEPARTMENT		POSITION		HOURLY WAGE
Police	9100 (710)	Community Services Officer Community Communications Specialist	1st year 2nd year 3rd year 4th year	$11.63 $12.21 $12.82 $13.45
Police City Wide DPW-Yard Waste DPW-Street Water Works	9120 (700) 9014 (311) 9020 (230) 9019 (200) 9017 (800)	Crossing Guard Seasonal Aide	1st year 2nd year 3rd year 4th year	$12.80 $13.56 $14.30 $15.06
DPW-Engineering Water Works	9016 (210) 9047 (210)	Seasonal Technician	1st year 2nd year 3rd year 4th year	$14.07 $15.48 $16.88 $18.29
DPW-GIS	9018 (240)	GIS Intern	1st year 2nd year 3rd year 4th year	$15.47 $17.00 $18.55 $20.10
Police		Crossing Guard Manager		$16.08

Part-time and Seasonal rates are adjusted as employee salary mid-points are adjusted. Temporary rates remain fixed until adjustments are proposed and adopted by Council.

Human Resource Committee Packet

April 8, 2019

Agenda Item
Discussion and Possible Action Approving Amendments to Part-Time, Temporary and Seasonal Wage Rates
Background
Part-Time and Seasonal wage rates are adjusted as employee salary midpoints are adjusted, while temporary rates remain fixed until adjustments are proposed by Council. As the Common Council just approved the compensation study, Human Resources also examined the rates for part-time, seasonal, and temporary positions.
Fiscal Impact
Is based on hours worked and unknown at this time; the financial impact is variable and dependent on returning staff and hours worked. Departments will be able to absorb these increases within their budgets for these positions by adjusting hours worked as necessary.
Staff Recommendation
Update salaries as attached. The recent compensation study updated non-represented employees according to market, but this was not a uniform across-the-board increase to be easily applied to the seasonal, part-time, and temporary rates. Instead, the Human Resources Department relied on the rate supported by World at Work and Gallagher & Co, of 3% increase per year. These rates were last adjusted in 2017, so an adjustment of 6% was applied to most positions. Staff recommends removing the position of Part-Time Assessor. This position performs all of the duties of Property Appraiser, on a part-time basis. Should the need arise and budget allow, I would recommend hiring these part-time staff within the salary range currently established by the compensation study. The attached recommendations also include streamlining the Seasonal position salaries. The current chart lists four distinct salary rates for Seasonal Aides, depending upon the department. A review of the job duties of seasonal aide finds that the positions are reasonably similar in responsibility level. For this reason, I recommend combining seasonal aides into one salary range. Some positions, such as Engineering Seasonal Aide (to be retitled Engineering Seasonal Technician), Water Works Seasonal Technician and GIS Intern remain at separate, higher salary ranges to reflect the positions' greater responsibility levels.
Staff contact: Toni Vanderboom 715-261-6634

Human Resource Committee Packet

April 8, 2019

Agenda Item
Discussion and Possible Action on City of Wausau Biometric Screening Program
Background
Effective January 1, 2019, the US District Court for the District of Columbia has vacated the Equal Employment Opportunity Commission's wellness rule. To date, the EEOC has not issued any new guidance regarding what amount of incentive/penalty is appropriate for wellness plan participation. Last year, the Common Council voted to extend the biometric screening discount to all employees regardless of biometric screening participation.
Fiscal Impact
Undetermined
Staff Recommendation
There is currently no legal guidance governing the appropriate amount of incentive to keep a wellness program "voluntary." Council has three options: Reinstate the biometric screening program as it was prior to 2018. Continue the completely voluntary (non-incentivized) biometric screening program for an additional year. Suspend the biometric screening program for 2019.
Staff contact: Toni Vanderboom 715-261-6634

Human Resource Committee Packet

April 8, 2019

Agenda Item
Discussion and Possible Action Approving Amendments to Employee Handbook 3.04 – Nepotism, Employment of Relatives.
Background

The City of Wausau's Employee Handbook 3.04 contains established guidelines governing Nepotism, Employment of Relatives and Personal Relationships for the City of Wausau. Upon review, the Employee Handbook has contained the following language against nepotism since at least 2013. The policy states in part:

> The City of Wausau wants to ensure that its personnel practices including employee hiring, promotion and transfer do not create the potential for conflict of interest or favoritism. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as spouse, domestic partner, parents (in-law), grandparents, children (in-law), uncle, aunt, nephew, niece, siblings (in-law), step relatives, cousins and domestic partner relatives.

The Human Resources Department recently became aware that the Police Department has a contradictory policy on nepotism and employment conflicts. After reviewing the appropriate Wisconsin State Statutes, and consulting with an outside attorney who specializes in employment law, it was determined that under the current structure of the Police and Fire Commission, the Mayor as the chief executive office of the City serves as head of the Police and Fire Departments. As such, the mayor is responsible for insuring that employees of the departments discharge their duties, including adherence to duly adopted City policies. In other words, the City has authority over this type of policy (even over the Police and Fire departments.) The Police and Fire Commission requested that the City review the current language, specifically regarding the definition of relative and reporting relationship.

At the request of Commissioner Strasser, the Human Resources department conducted a review of other Police and Fire Commissions' nepotism policies. I reviewed the online presence of forty-two (42) Police and Fire Commissions within the state of Wisconsin. Of those Commissions, 10 had posted electronic versions of either rules and regulations, or some manner of procedural manual. In keeping with the outside opinion received from Buelow Vetter, I was able to find no mention of any nepotism or conflict of interest guidelines established by a Police and Fire Commission intended to govern the actions of the Police or Fire Departments. A few Police and Fire Commissions established conflict of interest regulations to govern the actions of the Commissioners (i.e. how to proceed if a Commissioner has a familial relationship to a complainant or to a member of the Police or Fire Department).

Human Resources staff also contacted 27 municipalities within the state and requested information on their nepotism or conflict of interest policies. Specific attention was paid to the inclusion of affinity relationships (in-laws) especially sibling-in-law, indirect reporting relationships, and cousins. 15 municipalities responded:

- All respondents include affinity relations within their nepotism policies. A vast majority (12 of the 15 respondents, or 80%) include brother- and sister-in-law as a family member under the nepotism policy.
- Two municipalities include cousin as a restricted relation.
- Two municipalities specifically prohibit a Department head from having a relation employed anywhere within their respective Department.
- Also, three municipalities prohibited some Departments (HR, Finance, Treasurer, City Attorney, Mayor/City Manager, and elected officials) from having any employee with a relation employed anywhere within the municipality.

Human Resource Committee Packet

April 8, 2019

Finally, I surveyed state-wide regulations governing conflict of interest and nepotism. The State of Wisconsin does not include any statutory language governing nepotism in the legislative branch. However, according to the National Conference of State Legislatures (and District Columbia):

- 31 states have some sort of statutory language governing nepotism.
- 42% (12 states and District of Columbia) of the states with applicable statutes explicitly include sibling-in-law as a family member. Only one state which mentions affinity relationships excluded sibling-in-law.
- 67% (12 states out of 18) which do not explicitly include sibling-in-law as a relative may actually do so, because these states do not provide enough specificity to determine who is meant by a family member.

Human Resources reached out to CVMIC for an opinion on the matter. CVMIC declined to provide a written recommendation, but staff from CVMIC did verbally support the policy remaining as written. The current handbook language utilized a CVMIC sample policy as its base.

Human Resources also consulted with Attorney Mary Hubacher, who was instrumental in the last overall revision of the Employee Handbook. Attorney Hubacher reviewed the current policy, and provided the attached written recommendation of revisions.

Fiscal Impact

None.

Staff Recommendation

Staff recommends the adoption of the recommended language from Attorney Mary Hubacher, from the law offices of Buelow Vetter.

Over the last few months a number of suggestions have been advanced to Human Resources and the City Attorney which would diminish the City's current restrictions against nepotism. Among those suggestions included removing sibling-in-law from the list of relatives, allowing nepotism so long as a direct reporting relationship does not occur, or allowing Departments to amend the reporting relationship to artificially shield an employee from the usual reporting relationship. I have dedicated weeks of work researching nepotism policies, and I cannot support any of the requested changes as best practice. Among the research are numerous media articles regarding perception of bias in government hiring because of nepotism. As evidenced by the research citied above, a number of government agencies establish nepotism not only according to consanguinity (blood) but also according to affinity (marriage). Amending the reporting relationship to allow the hiring of an employee grants the candidate preferential treatment, and since all Department heads are ultimately responsible for the actions within their departments, all employees have a reporting relationship with their Department head. A manager or supervisor in the chain of command can influence, or be perceived to influence, any number of employment actions. I believe that the revisions advanced by Attorney Hubacher are sound, but should not be exceeded.

Staff contact: Toni Vanderboom 715-261-6634

3.04 – Nepotism, Employment of Relatives and Personal Relationships

The City of Wausau wants to ensure that its personnel practices including employee hiring, promotion and transfer maintain an equitable working environment and do not create the potential for conflict of interest or favoritism. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have ~~a~~ direct or indirect reporting responsibility to each other. Close relatives are defined as spouse, domestic partner, parents (in-laws), grandparents, children (in-laws), uncle, aunt, nephew, niece, siblings (in-law), step relatives, cousins and relatives of a domestic partner ~~relatives~~. Direct reporting responsibility includes when a close relative is the employee's immediate supervisor. Indirect reporting responsibility is when a close relative (1) supervises the immediate supervisor of a close relative and has the ability to influence the decisions of the immediate supervisor, or (2) serves as the ultimate supervisor in the chain of command and is responsible for auditing, controlling or reviewing the work of employees in the chain of command who supervise a close relative.

If employees begin a dating relationship or become relatives, partners or members of the same household and if one party is in a supervisory position over the other, both employees are required to inform their management chain and Human Resources of the relationship. The manager and Human Resources will confer as to the best method to resolve the potential conflict.

Management personnel are prohibited from having romantic or sexual relationships with subordinate employees in their supervisory chain. Possible violations should be reported to Human Resources.

The City reserves the right to take appropriate action to maintain fairness in its personnel policies and practices when there is the potential for a conflict of interest because of the relationship between employees. Nothing in this policy shall be construed as discouraging the appointment of relatives for positions not designated by this policy as being in conflict. Except as restricted by this policy, each recommendation for appointment shall be based upon the best qualified applicant for the position to be filled. Nothing in this policy shall be construed to limit the opportunity for promotion of any person employed by the City.

M E M O R A N D U M

TO: HUMAN RESOURCES DEPARTMENT and
HUMAN RESOURCES COMMITTEE

FROM: MARK A SAUER,
Municipal Court Judge

DATE:

RE: Wausau Municipal Court Part Time Clerk

The Wausau Municipal Court has assessed the needs and responsibilities of the Court and requests that a permanent part time position be added to reflect increasing Court administrative needs, duties and responsibilities.

In 2018, Wausau Municipal Court has, and has had since September 1996, one full-time Administrative Specialist handling all aspects of the timely and proficient administration of Wausau Municipal Court. From 1996 through 2018, Wausau Municipal Court has implemented additional comprehensive responsibilities that incorporate all of Wausau Municipal Court's primary functions.

As Department Head of Wausau Municipal Court, it is my belief that the increase in citations issued over the years necessitates the hiring of a part time position

Prior to 1996, Wausau Municipal Court employed one Part-Time Deputy Court Clerk and one Full-Time Court Clerk

JOB DUTIES: **1997**

Citations Processed on Average per Month = 431

Issued Warrants;

Prepared Month-End Reports allocating monthly revenues to State of Wisconsin, Marathon County and City of Wausau (WAUSAU MUNICIPAL COURT IS THE ONLY DEPARTMENT WITHIN CITY OF WAUSAU GOVERNMENT WHICH INDEPENDENTLY THIS FUNCTION (NOT PERFORMED BY FINANCE DEPT); and

Prepare and Present Wausau Municipal Court's Yearly Budget to Finance Department .

IN JANUARY 1997, THE AVERAGE MONTHLY REVENUES GENERATED BY WAUSAU MUNICIPAL COURT WAS $36,857.50

JOB DUTIES: **2018**

ONE FULL-TIME CLERK; PART-TIME DEPUTY COURT CLERK ELIMINATED PRIOR TO SEPTEMBER 23 1996

CITATIONS PROCESSED ON AVERAGE PER MONTH = 524

Wausau Municipal Court In-House Computer Software Entries, Maintenance and Updates;

FILE ALL TRAFFIC OFFENSE CONVICTIONS, DISMISSALS AND AMENDMENTS WITH THE WISCONSIN DMV ELECTRONICALLY VIA INTERNET (Due to budgetary cuts for State of Wisconsin DMV employees, Wausau Municipal Court is required to report all convictions, dismissals and amendments electronically over the internet, thus eliminating DMV staff responsibility for doing same);

FILE ALL SUSPENSIONS OF DRIVER'S LICENSES FOR FAILURE TO PAY WITH THE WISCONSIN DMV ELECTRONICALLY VIA INTERNET (Due to budgetary cuts for State of Wisconsin DMV employees, Wausau Municipal Court is required to report all Suspensions electronically via the internet, thus eliminating the DMV staff responsibility of doing same);

APPEAR FOR ALL COURT PROCEEDINGS;

MEET WITH GENERAL PUBLIC AND ATTORNEYS IN PERSON AND VIA TELEPHONE;

PREPARE CORRESPONDENCE AND PLEADINGS;

SCHEDULE AND PREPARE FOR GOOD CAUSE HEARINGS (In 1997, Good Cause Hearings were not held);

PREPARE ALL CORRESPONDENCE AND PLEADINGS ASSOCIATED WITH GOOD CAUSE HEARING RESULTS;

ISSUE WARRANTS;

CONTACT WITH WISCONSIN DEPARTMENT OF REVENUE (DOR) FILING INCOME TAX REFUND INTERCEPTIONS (ELECTRONICALLY VIA INTERNET) FOR FAILURE TO PAY = in 1997, the Wisconsin Income Tax Refund Intercept Program (TRIP) did not exist;

PREPARE ALL PLEADINGS AND NOTIFICATIONS TO INDIVIDUALS FOR FAILURE TO PAY WITH REGARD TO WISCONSIN STATE INCOME TAX INTERCEPTIONS = in 1997, the Wisconsin Income Tax Refund Intercept Program (TRIP);

RUN INDIVIDUAL DRIVING ABSTRACTS ELECTRONICALLY VIA THE INTERNET WITH THE DEPARTMENT OF JUSTICE (DOJ) = in 1997, Wausau Municipal Court Administrative Specialist did not have the authority to run individual Driving Abstracts = was performed by specific request/notification to the Wausau Police Department/Marathon County Dispatch);

PREPARE MONTH-END REPORTS ALLOCATING MONTHLY REVENUES TO THE STATE OF WISCONSIN, MARATHON COUNTY AND CITY OF WAUSAU (Wausau Municipal Court continues to be the only department which does this; Not performed by Finance Department);

PREPARE AND PRESENT WAUSAU MUNICIPAL COURT'S YEARLY BUDGET TO FINANCE DEPT;

Responsibilities as well as work/caseload have increased tremendously since 1997. The current Administrative Specialist position classification as well as the pay scale do not represent those in 2017/2018 (see attached 2017 Wisconsin Municipal Court Statistics compiled by the Wisconsin Municipal Court Association of Court Clerks and Judges).

Issuance of Citations by the Wausau Police Department and the Inspections Department (which did not exist in 1997), the ability to contest the issuance of Parking Tickets issued to the general public (which did not exist in 1997) and the issuance of Summons and Complaints by the City Attorney's Office and the Inspections Department have all increased and did not exist, with the exception of Wausau Police Department's issuance of Citations. Reporting convictions, dismissals and amendments of Citations (which has increased dramatically) to the Department of Motor Vehicles (DMV) electronically over the Internet did not exist in 1997. Nor did suspending individuals' Driver Licenses for Failure to Pay exist electronically over the Internet in 1997.

In 2014 the Wausau Police Department issued 4,168 citations. The department issued 5,954 citations in 2018. The number of OWI citations increased even more dramatically in this time period. In 2014, the department issued 141 citations for operating while intoxicated or operating with a restricted controlled substance. This number increased to 321 citations in 2018. These citations typically require more Court resources given the record keeping requirements imposed by the state. Please note that these numbers do not include citations issued by Inspections.

Attached is a comparison of other municipal courts with similar caseloads. Many municipalities with similar caseloads utilize larger court staff.

Summary:

Given the increase in caseload and duties, I request that the City of Wausau create a permanent part time position of deputy clerk.

Respectfully submitted,
WAUSAU MUNICPAL COURT

Mark A Sauer,
Municipal Court Judge

Human Resource Committee Packet

April 8, 2019

Agenda Item
Discussion and Possible Action Approving Addition of a Regular Part-time Administrative Assistant II to the Municipal Court
Background
Included, please find a memorandum from Judge Sauer requesting an additional part-time Administrative Assistant II be added to the Municipal Court. The work load for this position has been consistently increasing over the years, and the court has determined that additional staffing is needed to process citizens through the court in a timely manner.
Fiscal Impact
To be determined.
Staff Recommendation
Staff recommend the approval of the part-time Administrative Assistant II through this committee. Staff will continue to investigate the fiscal impact, and present this as well as any necessary office adjustments needed to accommodate an additional staff person to the Finance Committee for funding approval.
Staff contact: Toni Vanderboom 715-261-6634