

**JOINT LABOR RELATIONS & EMPLOYEE SERVICES COMMITTEE AND  
ADMINISTRATION COMMITTEE MEETING MINUTES  
1<sup>st</sup> Floor Conference Room, Oneida County Courthouse  
April 28, 2015**

**CALL TO ORDER**

Chairman Hintz called the Administration Committee to order. Vice Chairman Fried called the Labor Relations/Employee Services (herein referred to as LRES) Committee to order. Both committees called to order at 9:00 a.m. in the 1<sup>st</sup> Floor Conference Room of the Oneida County Courthouse. Hintz noted that this meeting had been properly posted in accordance with the Wisconsin Open Meeting Law.

**LRES COMMITTEE MEMBERS PRESENT:** Dave Hintz, Billy Fried, Carol Pederson, Holewinski  
*Scott Holewinski – appointed to LRES Committee by Dave Hintz for this meeting*

**LRES COMMITTEE MEMBERS ABSENT:** Ted Cushing, Sonny Paszak

**ADMINISTRATION COMMITTEE MEMBERS PRESENT:** Dave Hintz, Robb Jensen, Bob Mott

**ADMINISTRATION COMMITTEE MEMBERS ABSENT:** Ted Cushing, Sonny Paszak

**ALSO PRESENT:** Lisa Charbarneau (Human Resources Director); Brian Desmond (Corporation Counsel), Bill Freudenberg (County Board), Jonathan Anderson (media), Jenni Lueneburg (secretary)

**APPROVE AGENDA**

Motion by Pederson to approve the agenda for today's meeting (for LRES Committee). Second by Holewinski. All members present voting 'Aye'. Motion carried.

Motion by Mott to approve the agenda for today's meeting (for Administration Committee). Second by Jensen. All members present voting 'Aye'. Motion carried.

**APPROVE MINUTES**

Motion by Fried to approve the minutes of the April 22, 2015 (LRES Committee) meeting as reviewed. Second by Pederson. All members present voting "Aye". Motion carried.

**VOUCHERS, REPORTS AND BILLS**

Motion by Fried to approve the bills and vouchers as presented. Second by Pederson. All members present voting 'Aye'. Motion carried.

**FOLLOW UP OF OUTCOMES OF CLOSED SESSION OF THE APRIL 22, 2015 MTG**

Charbarneau notes that the wrong date was listed on the agenda and this topic will be noted on a future agenda for discussion.

**LESSONS LEARNED AND PROCESS IMPROVEMENT IDEAS RELATED TO VETERAN SERVICE ISSUES**

Hintz reviewed agenda items to be discussed.

a. **COMMITTEE/COMMISSION OF JURISDICTION**

- i. **Understanding county, state and federal regulations:** Desmond asked what questions committee members had on topic. Mott provided information to those present at the meeting; states he is looking for a procedure allowing committee members or an impartial third party to receive information on an incident and suggest disciplinary actions or other ideas not thought of by those involved in order to avoid an evidentiary hearing if possible. Desmond states a board member couldn't fill this role and feels LRES already meets this role along with the committee of jurisdiction. Hintz notes when the Veterans Service issues were first brought up, Desmond backed off early on due to conflict of interest issues and suggested another attorney from the Corporation Counsel's office review the information. Desmond agrees that his office could be a help in analyzing information in these situations. Pederson feels a number of board members were uninformed and had asked the purpose of the closed session. Desmond states the Veterans Service Officer had the choice of whether the meeting should be closed or open and choose for the meeting to be held in closed session; Charbarneau confirms this information. Further review of options by Jensen. Charbarneau has been asked who supervises Oneida County department heads and she states there is nothing in the current county code about who supervises department heads. Fried asked and Charbarneau confirmed that all department heads are appointed by the County Board. Fried asked what the discipline/termination procedures are for non-appointed employees; Desmond summarized procedure. Fried suggests putting in place a discipline/termination procedure for appointed employees that is similar or the same for non-appointed employees. Desmond feels there is a "grey" area in the county code on this issue and Charbarneau confirms that non-appointed employees are "at will" employees whereas appointed employees are "just cause". Hintz clarifies that due to this information, the county code needs clarifying.

Holewinski inquired if the County Board could have gone into closed session before the evidentiary hearing to discuss what happened in the previous LRES/Veterans Service closed session; Desmond states there could be the argument that your final decisions could have been swayed by information given in such a closed session. Discussion held on closed session rules. Holewinski feels that appointing a committee or independent hearing officer would be a good idea in order to avoid accusations of bias. Holewinski also feels the whole issue could have been resolved prior to the evidentiary hearing if the closed session had been handled differently. Fried feels that the catalyst to this situation was not how the closed session was handled but rather the catalyst was the lack of clarification in the county code. Mott suggests putting a progressive discipline process in place for appointed employees so the process is clear. Charbarneau notes that a progressive discipline process is already in place for non-appointed employees but depending on the employee's offense, steps on the progressive

discipline process may be skipped. For example, if an employee was stealing money, they may be immediately terminated. Jensen notes that no matter what process is put into place, some employees facing termination may choose to go straight to the County Board with the issue, to let them decide. Mott agrees but wants the option to avoid going to the County Board to be there. Charbarneau clarifies that consistency is needed in this process which may be difficult if different committees are making these judgments and decisions.

Freudenburg questions committee on how to handle the Veteran Service Officer position in the future since it falls under state statutes, not county code. Charbarneau states that clarification is needed in the county code on Freudenburg's point. Further discussion on list of items that need to be addressed by this committee and the roles of the Human Resources Director/Administrative Coordinator. Charbarneau states when the Administrative Coordinator position was reviewed, the County Board decided to assign the title to Charbarneau but no duties or pay increase were passed on to Charbarneau with the title. Desmond states there is a variety of different ways that Administrative Coordinator duties are assigned; Charbarneau states she has started looking at what other counties do and would be happy to continue with her research. Fried states he would like to look at the information gathered and identify holes in our system but clarified that he does not want to see any additional administrative positions added due to Oneida County being unique and the tax levy is too tight as it is.

**ii. Survey other counties:** Holewinski asks how many other evidentiary hearings have happened in Oneida County in recent years; Charbarneau states none to her recollection and evidentiary hearings are rare in other counties as well. What made this situation unique was the employee being reviewed was a Veterans Service Officer. Charbarneau reported on state statute regarding which appointed positions need a simple majority versus 2/3 vote to be removed from their position; the Veterans Service officer needs 2/3 vote.

**iii. Review options:**

1. New Committee
2. Assign to existing committee
3. Adjust Veterans Service Commission

Committee reviewed the options listed above and some research has been done on what other counties are doing. Charbarneau will continue to gather information. Hintz personally feels that option 2 should be used. Members discussed the information gathered so far on what other counties do. Discussion held on premium pay. Jensen summarized options stating option one would require looking at a possible County Coordinator position; option two would need to clarify which committee should be designated; option three would require changes to the Veteran Service Commission. Discussion held on whether the meetings on this topic should continue in joint LRES/Administration

Committee meetings or if topics should be handled by one of the committees due to several members being a part of both committees. Further discussion held on where information from evidentiary hearings should be stored in order to be referenced easily at a later date. Charbarneau notes that out of this incident, nothing resulted in telling the employee what they were not allowed to do going forward in their employment and no discipline was assigned. Therefore if issues arise again, an employee's defense could state the employee received no direction on behavior modifications needed.

Hintz led the discussion on the list of process improvements that need to result during joint meetings as a result of this incident:

- Clarification of county code regarding discipline of department heads.
- Legal support by Corporation Counsel during employee incidents.
- Administrative Coordinator being given the authority to be responsible for investigation of all personnel issues.
- Committee assignment for the Veterans Service Office – new committee versus modifications to the current committee.
- Roles and creation of an organizational chart.
- Evidentiary hearing results placed in personnel file.

Motion by Jensen to direct the Corporate Counsel and the Human Resource Director to review Chapter 1.10 of the Oneida County Code, to clarify the role of the Administrative Coordinator to the assigned powers and duties of overseeing, coordinating and managing the affairs of various elected officials and department heads in the county to the County Board which is assigned jurisdiction with emphasis on disciplinary procedures. Second by Hintz. Discussion held on motion. Desmond clarified motion was made for Administration Committee. All members of the Administration Committee voting 'Aye'. Motion carried. Holewinski makes same motion as previously made by Jensen. Second by Pederson. All members of the LRES Committee voting 'Aye'. Motion carried.

Hintz also included additional process improvements that need to be addressed including changes to the county code allowing the Human Resources Director to investigate all personnel issues and clarifying who the Veterans Service Officer reports to. Mott also suggested that the Administrative Committee review the duties of the Veterans Service Commission. Charbarneau directed to review statutory requirements and to gather information on what others counties are doing in respect to the issues listed above; Charbarneau to bring the information back to the committee at a future meeting. Discussion held on possible future meeting dates.

**b. VERIFIED CHARGES AND EVIDENTIARY HEARING PROCESS**

To be discussed at future meetings of these joint committees.

**c. POLICY AND PROCEDURES CLARIFICATION**

- i. **Use of proximity card** – Charbarneau reports that a policy is now in place.
- ii. **Compensatory time** – Charbarneau notes that the LRES Committee is currently working on the compensation policy and procedure.
- iii. **Administrative organization structure and roles** – To be discussed at future meetings of the joint committees.

**d. OTHER PROCESS IMPROVEMENT IDEAS**

Discussion held on having a future County Board closed session to discuss information previously discussed in the LRES/Veterans Service closed session prior to the Walters evidentiary hearing with the hope of helping the County Board understand what information helped lead up to the hearing. Jensen doesn't feel this information will help the already difficult situation. Charbarneau feels if procedure changes are proposed for the County Board to vote on without members having all the information, this may cause confusion and uninformed voting. Fried and Holewinski feel it is important to provide this information to the County Board. Desmond needs to research further if the information from a closed session with one committee can be disclosed at a future County Board closed session.

**VETERAN SERVICE COMMISSION VACANCY**

Wilbur Petroskey is retiring from the Veteran Service Commission. There have been six applications for his vacant position on the commission. Brief discussion held.

**PUBLIC COMMENTS**

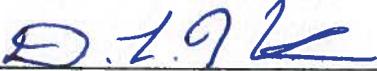
None

*Next meeting of the Joint LRES and Administration Committee to be held on Friday, May 15, 2015 at 9:00 a.m.*

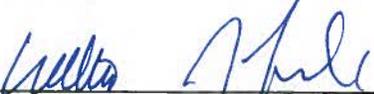
**ADJOURNMENT**

Motion by Jensen to adjourn the Administration Committee. Second by Mott. All members present voting 'Aye'. Motion carried.

Motion by Holewinski to adjourn the LRES Committee. Second by Pederson. All members present voting 'Aye'. Motion carried. Meeting adjourned at 11:34 a.m.

  
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Dave Hintz, Administration Committee Chairman

5-12-15  
Date

  
\_\_\_\_\_  
Billy Fried, LRES Committee Vice Chairman

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jenni Lueneburg, Secretary

5-12-15  
Date