



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Meeting Minutes

### Administration & Finance Committee

*Aldersperson James W. Sengstock, Chair*

*Aldersperson Vincent Vitale, Vice-Chair*

*Alderspersons: Thomas G. Lajsic, Michael P. May, Cathleen M. Probst*

Monday, December 10, 2012

6:00 PM

City Hall Room 128

#### REGULAR MEETING

#### A. CALL TO ORDER

*Chair Sengstock called the meeting to order at 6:00 p.m.*

#### B. ROLL CALL

Present: 5 - Ald. Sengstock, Ald. Vitale, Ald. Lajsic, Ald. May and Ald. Probst

Excused: 0

#### Others Attending

*Mayor Devine; Alds. Reinke, Roadt, Weigel; Jim Nickel, West Allis Resident; Paul M. Ziehler, City Administrative Officer; Audrey Key, HR Manager; Jane Barwick, Principal HR Analyst; Sheryl Kuhary, Assistant City Attorney; Mark Wyss, Finance Manager; Kris Moen, Finance Supervisor; Mike Lewis, Director of Public Works/City Engineer; Tom Harmatys, Assistant Director of Public Works; Joe Burtch, Assistant City Engineer; Dept. of Public Works Representatives: Dave Wepking, Bruce Danowski, Terry Meincke, Dan Schwebke, Mike Rushmer, Jim Leu, Mark Jutrzonka, Joe Narlock, Matt Pluta, Pete Swinford, Al Lemke, Don Molleson, Greg Telford, Pat Waystedt, Brenda Schmid; Jeanette Wardinski, Administrative Assistant.*

#### C. APPROVAL OF MINUTES

**A motion was made by Ald. Vitale, seconded by Ald. Probst, to approve the Regular Meeting minutes of November 14, 2012, and Recess Meeting minutes of November 20, 2012 and December 4, 2012. The motion carried by the following vote:**

**Votes:** Aye: 5 - Ald. Sengstock, Ald. Vitale, Ald. Lajsic, Ald. May and Ald. Probst

No: 0

#### D. CLOSED SESSION

*At 6:02 p.m., Chairperson Sengstock stated it was the intention of the Committee to vote on a motion to convene in closed session to review the Mayor's recommendations for the 2011 performance evaluations and allowances for Department Heads, and to take such further action as may be necessary and appropriate with respect to such matter.*

*A closed session for the above purpose is authorized pursuant to the provisions of Wis. Stats. Section 19.85(1)(c), which authorizes a governmental body, upon motion duly made and carried, to meet in closed session to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.*

**A motion was made by Ald. Vitale, seconded by Ald. Probst, to convene in closed session at 6:00 p.m. The motion carried by the following vote:**

**Votes:** Aye: 5 - Ald. Sengstock, Ald. Vitale, Ald. Lajsic, Ald. May and Ald. Probst

No: 0

*Mayor Devine was present and provided a report on his performance evaluations for Department Heads and recommendations for 2011 allowances. Discussion ensued. It was the consensus of the Committee to approve the Mayor's recommendations.*

*Upon conclusion of the closed session, at approximately 6:10 p.m., the Administration & Finance Committee reconvened in open session at said time and place to consider its public agenda, including motions to recommend approval or rejection of above-listed deliberations or any of the public agenda items that have not been acted upon.*

## **E. APPEARANCE BEFORE COMMITTEE**

1. Appearance by Mike Lewis, Director of Public Works/Engineering, Regarding Request to Waive Residency Requirement for Appointment to the Assistant Director of Public Works Position.

*Chair Sengstock asked Mike Lewis, Director of Public Works/City Engineer, to address the Committee regarding his request for residency waiver for the appointment of the Asst. Director of Public Works. Mr. Lewis introduced Dave Wepking, his selection for the position. He referred to the email he recently sent to Committee members explaining the situation and asking for the waiver under the same types of reasons used for filling the Manager of Finance position. Chair Sengstock refreshed the Committee's memory from discussions this past summer concerning that specific situation and that these types of issues would be addressed on a case-by-case basis. He asked Mr. Ziehler to comment on the criteria for the foundation of the exemption before us this evening. Mr. Ziehler explained that this past July he had presented several ideas and recommendations on how to address the residency issue when filling management positions. In the end, approval for the residency exemption was given for the Finance Manager position, and that position only, based on: (1) 15 years prior service, and (2) having gone through two recruitments and thinking of a potential three or four recruitments with no guarantee we would have a candidate in the end; and (3) any other future case would be handled on a case-by-case basis.*

*Ald. Sengstock said he understands that Mr. Lewis did an internal posting for the position with three other candidates expressing interest, that Mr. Lewis was interested in promotion from within, and Mr. Wepking was the final selection. Mr. Lewis stated there was not a formal posting; he sent an email out to his senior staff and spoke with three other candidates as a result of that. Ald. Vitale said he personally has had positive dealings with Mr. Wepking over the last several months, and he has over 20 years experience with the City. Even though he believes that senior staff should be residents of the City, he feels Mr. Wepking is deserving of the exemption.*

*At this point in the discussion, Ald. Lajsic moved to grant the residency waiver, seconded by Ald. Vitale. Before a vote was taken, further discussion ensued.*

*Chair Sengstock asked City Attorney Scott Post if we have to show criteria for the approval. Mr. Post commented that if we are promoting from within for senior staff someone who is a good candidate, that seems to be the criteria that is being used. Unless we are being consistent with how it's being approved on a case-by-case basis, it could be viewed as discriminatory. Mr. Ziehler said, however, that one of the criteria is being here at least 15 years (Mr. Wepking has more than 20 years with the City). He pointed out that the two criteria for the Manager of Finance were (1) 15 years of service, and (2) the number of recruitments conducted. Mr. Lewis' second factor is that it's a very good internal candidate, but wouldn't that be the case with anyone from within we want to promote. Further discussion ensued on this issue. Mr. May asked first, that if the candidate would ever move, they would have to move into the City, and Mr. Ziehler said yes that is the case. Second, is the 2% resident/nonresident pay differential followed in this case, and Mr. Ziehler said yes. Mr. Ziehler noted that in his*

conversations with Mr. Wyss, he stressed the City position of a preference for management to live in the City, and Mr. Wyss indicated that he would make an effort to do so as conditions become more favorable with the economy and housing market. Mr. Ziehler would hope that Mr. Lewis address this in a similar way with Mr. Wepking. Other brief discussion ensued.

In closing, Mr. Ziehler said this matter will need to be introduced to the Council for formal Council approval.

A vote was then taken on the previously made motion and it passed unanimously.

## F. NEW AND PREVIOUS MATTERS

- [2011-0160](#) West Allis Fire Fighters IAFF Local 1004 communication regarding opening of contract negotiations.

**A motion was made by Ald. Lajsic, seconded by Ald. Probst, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**

**Votes:** Aye: 5 - Ald. Sengstock, Ald. Vitale, Ald. Lajsic, Ald. May and Ald. Probst  
No: 0

- [2012-0479](#) Communication from Transition Team relative to Implementation of WI Act 10 (2011 Budget Repair Bill) and WI Act 32 (2011-13 Biennial Budget Bill).

*Chair Sengstock introduced this matter while staff passed out the handout outlining ten items that have been major issues for discussion, and Chair Sengstock noted that the Committee has had previous, lengthy discussions on the first four items. The remaining six items have also been discussed but no action taken on those. Mr. Ziehler said it would be important to approve this matter at the December 18 Council meeting so we can have the new policies in place for the start of the new year. There are three steps we need to address this evening: (1) review the four items previously acted on and confirm the Committee's position; (2) review the six remaining issues for the Committee to arrive at a final consensus; and (3) address a few other issues yet to be brought forward for discussion. Chair Sengstock noted that with respect to the first step, reviewing the first four items, we have had considerable discussion and a consensus of opinion was arrived at on these four.*

*Ald. Vitale asked for discussion on the Premium Pay at double time after 12 hours/day. He cannot see doing it during the five day work week, but he feels it is acceptable for weekends. Ald. May explained again why he voted to approve the Transition Team's (TT) position on this item: first, he doesn't buy the argument that service will suffer even going to time and one-half; second, time and one-half is the standard FLSA provision and it's fair (he noted Madison and South Milwaukee are the only ones out of 64 communities that do double time after 12 hours); and third, the concern about loss of employee morale--he feels we must remember that our taxpayers are paying for these services, the prevailing standard is time and one-half, and it's 2012 and time to apply current standards. He stands by his decision to not approve the double time after 12 hours/day. Ald. Lajsic restated his greatest concern about our snowplowing operations and emergency issues. He views it as an incentive to keep drivers on the job to get it done. Further and lengthy discussion ensued on overtime worked by truck drivers, discipline issues if an employee refuses to work beyond 12 hours, safety, risk to City, etc. Chair Sengstock said we have had this same conversation before with the same input from staff. He feels it is time to move forward and he entertains a motion on this subject.*

*Ald. May moved that premium pay be paid at time and one-half after 12 hours/day, seconded by Ald. Vitale. The motion failed 2 - 3, with Aids. Lajsic, Probst, and Sengstock voting no.*

*Ald. Lajsic then moved that premium pay at double time after 12 hours/day be approved, seconded by Ald. Probst. The motion passed 3 - 2, with Aids. May and Vitale voting no.*

*In conclusion on this issue, Mr. Ziehler reminded the Committee that Sundays and Holidays will continue to be paid at double time. Ald. Sengstock asked what the fiscal impact of this overtime is to the City. Ms. Moen stated \$18,000-\$28,000 per year.*

*Ald. Vitale moved that Saturday be added for the payment of double time after eight hours. Because there was no second, the motion failed.*

*On the next four items, the Committee unanimously reaffirmed its previous position as follows:*

*2. Driving after 12 or 16 hours. Previous unanimous consensus that the policy be rewritten based on past practice, and it will be the prime responsibility of Public Works management to manage the policy consistent with the risk and safety concerns expressed.*

*3. Declaration of an Emergency. Previous unanimous consensus that the Public Works Director will declare an emergency, not the Mayor.*

*4. Premium Pay at time & 1/2 after 40 hrs/week. Previous unanimous consensus to maintain previous contractual practice of time & 1/2 after 8 hrs/day.*

*5. Filling of vacant positions. Committee agreement with TT position that this issue comes under the purview of the Civil Service Commission.*

*Discussion then moved to the following item:*

*6. Interim Assignment Pay after 2 weeks for "professional, confidential, and municipal employee service." Ald. Probst asked why there is such a big variance between the TT recommendation of 2 weeks and the questioning party at 4 hours. Very lengthy discussion ensued once again on this topic, including how employees fill in for other employees, what duties are being performed, length of time this is occurring, etc. Ms. Moen explained that the TTeam's intent on this was to simplify a system, not about recognizing an employee for what they are doing. Ald. Lajsic said perhaps we need to look at how the time is recorded and simplify the record keeping process through automation. Apparently we are technologically behind in this regard and he would ask staff to start working on this. In an attempt to reach some type of consensus, he suggested that interim assignment pay be made after 8 hours or more as a compromise between the 4 hours and 2 weeks suggestions. Mr. Ziehler noted that this rule as written by the TT pertains to many groups of employees (engineers, nurses, clerical, techs, etc.), and it is handled differently for different groups of job classifications. The TT felt this works for some positions at a "Level 1," and because of the complexity of the Public Works jobs, the goal was to provide flexibility to use workers in flexible ways to get the job done.*

*After further discussion, Ald. Lajsic said he thinks this matter needs to be refined before it can be acted on. Mr. Ziehler suggested an interim step for now would be to carve out the Public Works portion and come back with a broader policy/recommendation, using the "8 hours or more" suggested by Ald. Lajsic. The Committee concurred with proceeding in this manner, and Mr. Ziehler said staff would try to have something ready for the December 18 Council meeting.*

*7. Alternate Duty. Previous consensus confirmed TT position that no alternate duty for non-work related injuries/illnesses is allowed.*

*8. Sick Leave Accumulation. Previous consensus confirmed allowing accrual of 10 hrs/mo.*

*Ald. Lajsic thought we needed to look at both of these matters more closely and study to see where we are at, even though we are confirming the consensus taken on them.*

*9. Reductions in Force. Mr. Ziehler reminded the Committee that based on previous discussions on this matter, seniority would be the determining factor when all else is equal. Ms. Key passed out the language of the policy as rewritten based on this previous position taken by the Committee. The Committee confirmed its previous position in this regard.*

*10. Residency. The Committee confirmed its previous consensus on this matter; that is, grandfather the 3 residency situations with the understanding said employees will need to locate within the City's residency boundaries if they ever move.*

*Next, Ms. Key provided a handout itemizing an additional five items that were raised by Ald. May. The Committee reviewed these items with input from staff on how some of these are already handled and what issues prevent staff from proceeding with certain suggestions. In regard to the matters of mileage reimbursement vs rental cars and the limits on sick leave accumulation, both of which are outside the TT's directive, Mr. Ziehler said staff would work on these two matters and develop separate policies on them.*

*This then concluded discussion of the TT work and its recommendations to move forward with revised and new policies in transitioning to a nonunion environment. Chair Sengstock asked what is now required to move this communication forward for Council approval? Mr. Ziehler said staff will work on the revisions as discussed this evening and include as much as we can with what has been done tonight. He suggests that the Committee approve the TT recommendations, as amended, to move this matter forward for the December 18 Council meeting. The Committee confirmed and the following motion was made.*

**A motion was made by Ald. Lajsic, seconded by Ald. Probst, that this matter be Recommended for Approval as Amended. The motion carried by the following vote:**

**Votes:** Aye: 4 - Ald. Sengstock, Ald. Vitale, Ald. Lajsic and Ald. Probst  
No: 1 - Ald. May

## **G. OTHER MATTERS TO COME BEFORE THE COMMITTEE FOR DISCUSSION/ACTION**

1. Discussion/Action on Items by Alderpersons.

*None.*

2. Discussion/Action on Items by City Administrative Officer.

*None.*

3. Other.

*None.*

## **H. ADJOURNMENT**

**A motion was made by Ald. Vitale, seconded by Ald. Probst, to adjourn the meeting at 7:30 p.m. The motion carried unanimously.**