

CITY OF WAUWATOSA

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EMPLOYEE RELATIONS COMMITTEE MEETING

Tuesday, February 11, 2003
Council Chambers

PRESENT: Ald. Casey, Heins (7:23 p.m.), Jenkins, Kopischke, Stepaniak – 5

ALSO PRESENT: Ald. Bruderle-Baran; Ald. Grimm; Ald. McCarthy; A. Kesner, City Atty.; B. Aldana, Asst. City Atty.; M. Brown, Personnel Dir.; M. Mulroy, Library Dir.; J. Schwab, Elec. Inspec.

Ald. Jenkins as Chair called the meeting to order at 7:15 p.m.

Amendment to ordinance 2.58.030 related to holidays for non-represented employees

Mr. Brown told the committee that the common council designated the Friday after Thanksgiving as a holiday for all non-represented employees. At the time, the only exclusion to this designation was for non-represented employees of the Public Works building. The library's operating schedule is set by the library board and if they decide to have the library open on the Friday after Thanksgiving, the non-represented employees working on that Friday would effectively lose a holiday unless the wording in this ordinance is amended. His recommendation was that the ordinance be changed so that the non-represented library employees are treated equitably.

Moved by Ald. Kopischke, seconded by Ald. Casey to recommend that an amendment to ordinance 2.58.030 to include non-represented employees of the library be drafted for introduction – 4

Severance pay for Public Works Facility/Safety Specialist

Mr. Brown said his concern regarding the issue of severance is getting into salary continuation which would affect benefits.

Ald. McCarthy referred to correspondence he gave the committee indicating information on Mr. Wozny. He said that Mr. Brown had done a mini-survey on how other cities handle the severance pay issue. He pointed out that Waukesha addresses severance on a case-by-case basis and New Berlin recently gave an incentive to two people who retired. He felt strongly about giving some form of recognition for service especially when a long time employee is laid off for budgetary reasons with no disciplinary actions involved. He thought the city should have a moral obligation to pay some form of severance.

Ald. Grimm said the employee involved has been a very good worker who earned the respect of the people he worked with. His co-workers have said that they hated to see him go. Ald. Grimm said the employee involved shouldn't be laid off without having a chance to be recognized.

Ald. Bruderle-Baran said this was an issue of fairness and it seems to be appropriate. She said this person has given many years of service and met the residency requirement as well. She was not talking about a big sum of money, but an amount that would show appreciation.

Mr. Schwab distributed a proposal for severance pay from the Employee Council. The Employee Council noted that many communities do not have an employee severance package because they haven't had any lay offs in

decades. He said that private industry sets a maximum of 6 months for severance pay. The Employee Council thinks that should be the maximum for the city as well. The Employee Council outlined the following suggestions: 1) 1-5 years of continuous service would merit 1 week of salary, 2) 6-10 years of continuous service would merit 2 weeks of salary, 3) 11-15 years of continuous service would merit 3 weeks of salary and 4) after the employee has completed no less than 15 years of service, 1 week's salary would be given for each year worked with a cap of 6 months salary at 26 years or more of service. If an employee worked for 15 years or more it is very likely that the person did not have any disciplinary problems.

Ms. Aldana cautioned that if the committee decided to give a severance package of any shape or size it shouldn't be linked to performance and personal feelings should not be a factor. She said that would come close to circumventing just cause provisions. She stressed that performance and personal feelings shouldn't even be implied in the process. Good performers should not be treated differently from others. Mr. Brown added that any policy program being adopted would just apply to non-represented employees.

Ald. McCarthy reiterated that it was his intention to narrowly craft an action that it deals only with an employee let go for budgetary reasons, not discipline. He agreed with Ald. Bruderle-Baran that there is a moral responsibility to give recognition for service.

Ald. Kopischke said he was glad this issue came back to the committee; however, it required a lot of thought and planning. He agreed with the guidelines Ms. Aldana gave and said that whatever the committee sets up needs to be only in the case of lay offs for budgetary reasons and should stipulate a minimum number of years of service. He suggested that 2 weeks severance be given in this particular case.

Ald. Jenkins asked if any action taken by the committee would set a precedent. Mr. Brown responded that the committee could create a policy and if the financial conditions change, the policy could be changed. Or the decisions could also be made on a case-by-case basis.

Ald. Casey said he was glad this issue came back for discussion. He said he would like to do something about the request and two weeks is what he had in mind as well. He said the city is facing the first lay offs in a couple of decades and there will be more in the future, but the volume is not going to be such that there will be a great number of requests for severance so going case-by-case would be alright; however, stipulating years of service would be very important in light of future budget constrictions. Finding a cookie cutter solution will be difficult.

Ald. Stepaniak said he had thought about the issue often since the last meeting. He said at first blush granting severance seems like to right thing to do. Whether or not the committee tries to craft the response so that it isn't setting a precedent, it actually is. The context he is looking at is that in one week the governor will be releasing his budget for the state. The city will be looking at cutbacks that will not be realized until next year. He said the overall package of benefits the city provides for employees is extraordinary in comparison to the private sector and some employees in the private sector do not have any at all. Because the benefits level is so high, it will not be easy to maintain in the future. Severance pay will be difficult to accommodate in this scenario.

Ms. Aldana said that the agenda item up for discussion is just noticed for one application. Depending on what the committee does, it could set precedent for the future. She said the committee could deal with this one item and set a policy later. If there were reasons other than performance that would change how the applicant would be handled, it could be done on a case-by-case basis. She reiterated that if a policy is agreed upon it should not be tied to the employee's performance.

Ald. Heins said she was uncomfortable with making these decisions case-by-case. She thought the committee should set a policy. She was concerned with the potential cost; however, she believes that that long time employees need to be respected. She would like to see any policy be set on the minimum side. She questioned whether any time of service less than 5 years should be recognized. Giving one or two weeks severance was fine, but she still had concerns about any future policy.

Ald. Kopischke said he was not certain he would support this when it comes to a vote at the Common Council; however, there is a responsibility on the committee level to put something forth to the Council.

Moved by Ald. Kopischke, seconded by Ald. Casey to recommend two weeks severance pay for the Public Works Facility/Safety Specialist based on the following conditions: 1) the employee has completed 10 plus years of service, 2) the lay off was done for budgetary reasons, 3) the employee is in good standing, and 4) the two weeks severance pay would come from the Reserve for Contingencies --

Ald. Casey said the committee needs to look at a minimum threshold of severance. He hesitated to enter into creating a policy and he hesitated to offer more than 2 weeks. He indicated that if the employee has been working for the city 10 or more years, 2 weeks severance is very reasonable.

Ald. Kopischke said that although he liked the formula the Employee Council submitted, this issue will keep coming back and has the potential to cost the city down the road. He said that in light of the cut in position for budgetary reasons, the committee can't be as generous as they would like to be.

Ald. Stepaniak said he had to lay off 28 people this year. He said that whether or not an employee had a disciplinary problem at the date of layoff would be important. He stressed that the employee must be in good standing. Mr. Kesner said that conditions could be mentioned as a way to show where the committee was going with the decision. Ald. Stepaniak expressed concern that even though we have been advised by legal counsel that setting a policy is not on the agenda, it seems that if a series of conditions are set up and used in a motion it essentially means that policy has been set. Mr. Kesner said that adding conditions to the action would help prevent another employee from using this motion as a blanket precedent.

Vote on the motion was, Ayes: 4, Noes: 1 (Stepaniak)

The meeting adjourned at 7:56 p.m.

Carla A. Ledesma, City Clerk
City of Wauwatosa

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