

Call to Order:

This meeting was called to order in the Vilas County conference rooms at 4:31 P.M. by Chairman Jim Behling with the following committee members present: Emil Bakka, Ed Bluthardt, Jr., Bob Egan, Sig Hjemvick, Erv Teichmiller and Linda Thorpe.

Others present during this meeting: Andy Phillips representing Phillips Borowski SC, Martha Milanowski, Ken Anderson, Rachel White and David Alleman. A signature list of 12 Vilas County employees in attendance is attached as an addendum to the minutes.

Open meeting notices and quorum present verified by the Chairman.

Approve agenda to be discussed in any order by the Chair:

Motion by B. Egan 2nd by L. Thorpe to approve the agenda to be discussed in any order by the Chair. All voted aye. Carried.

Approve minutes of the April 28, 2011 meeting:

Motion by L. Thorpe, 2nd by B. Egan to approve the minutes of the April 28, 2011 meeting as presented. All voted aye. Carried.

Letters and communications:

The Chair introduced Andy Phillips of the law firm Phillips Borowski SC. Phillips Borowski SC is the contracted law firm representing Vilas County regarding labor issues. The Chair has asked A. Phillips to attend this and future Transition Committee meetings to help guide deliberations.

A. Phillips explained the services that his firm offers regarding Act 10 Budget Repair Bill (BRB) issues. He then reviewed the BRB Tool Kit handed out at the April 27, 2011 meeting in Stevens Point. He reiterated the Chair's concern that the committee has not made much progress with BRB issues, apparently due to confusion or uncertainty over proper language and statutory requirements. He expressed a willingness to assist the committee in moving forward. He also reminded the committee that services provided by Phillips Borowski SC regarding the BRB are covered through the County's WCMIC pre-claim loss control coverage.

The Chair asked for comments from the committee members.

E. Teichmiller disagreed with the assertion that the committee was confused and uncertain. He believes that the committee has done well and has made good progress.

L. Thorpe welcomed the aid offered by Phillips Borowski SC and disagreed with E. Teichmiller's assertion that the committee was making good progress. She would also like to limit discussion and action to one issue per meeting.

E. Bluthardt also felt that the committee has been unproductive. He would like guidance with proper legal definitions and welcomes the help offered by A. Phillips. He feels that the committee needs help in developing authoritative policy that can survive legal challenge.

E. Bakka thinks that the committee is going along finely and in the right direction.

S. Hjemvick reflected on the April 27th seminar and stated that all of the other counties appeared to be grappling with BRB issues. He sees the offer from A. Phillips as being very valuable. He also wants to continue with employee participation at the meetings.

A. Phillips agreed that a grievance policy could be handed off to experts that deal daily with these issues. But he felt that the committee's own ideas were necessary and encouraged the committee to put their best ideas on the table for discussion.

E. Teichmiller felt that Phillips Borowski could best serve the committee by reviewing and critiquing committee output. He also agrees with E. Bluthardt about the need for an authoritative grievance policy.

J. Behling believes that involvement of our labor law firm will help the committee produce authoritative policy.

A. Phillips is willing to funnel all committee output through his firm and convert this information into properly defined and authoritative policy drafts. His firm however, does not want to create policy for the county. He prefers to leave policy decisions and directions up to the county policy makers.

E. Bluthardt responded to an earlier comment that he was only interested in working with existing policy templates. He stated that his concern is with drafting policy that has legal standing using proper legal definitions. Policy templates can help provide that type of information.

S. Hjemvick recognized Phillips Borowski SC standing as a well respected labor law firm. He felt that their involvement was a benefit to the committee's deliberations.

E. Teichmiller feels that the committee will need to wait until the legislature defines certain aspects of the BRB. He views A. Phillip's role as being limited to advisement and review.

A. Phillips repeated that his firm was in the best position to help define policy due to their close working relationship with the WCA and other Wisconsin counties. He then discussed aspects of the BRB dealing with Wisconsin retirement deductions. He related that the retroactivity of future employee contributions was a non-issue. The legislature and the county will need to make decisions regarding the pre-tax and post tax status of employee contributions. He also announced that a follow up meeting to the April 27th WICMIC seminar was going to be held on July 13, 2011 in Stevens Point. Additional data drafted by sub-committees will be presented at that meeting.

Grievance policy:

E. Teichmiller presented his draft grievance policy and explained his reasoning behind certain articles contained therein.

E. Bluthardt replied that this draft went beyond the three causes for grievances, as mandated in the BRB to be included in any grievance policy. He listed those causes as termination, discipline and work place safety and noted that these three causes were not defined in E. Teichmiller's draft.

A. Phillips reminded the committee that the three causes for grievances were a required minimum. Additional causes for grievances could be allowed. He stated that more attention should be given to how employees access a grievance procedure.

E. Bluthardt felt that E. Teichmiller's proposed grievance determination panel was a throwback to mediation / arbitration policies of the past. He questioned the propriety of choosing a panel made up of ordinary citizens who may have limited knowledge and ability to adjudicate the issues involved. He noted that this policy draft also departed from the grievance steps laid out at the April 27th seminar.

A. Phillips stated that a grievance procedure must contain at least two steps. He advised replacing the proposed determination panel with an Impartial Hearing Officer (IHO). This person could be a county employee, such as an HR Director with training in employee relations. Regarding grievance policy in general, he stated that speedy and less formal grievance procedures worked the best for both sides involved. He also stated that the County Board needed to be the final arbiter of all grievances.

S. Hjemvick felt that having the County Board determine the outcome of all grievances would result in more frequent and lengthy County Board meetings, thereby creating additional costs to the county.

A. Phillips replied that the key was to create a grievance policy that works to resolve grievances before they need to come before the County Board.

J. Behling is not in favor of going beyond county government to resolve grievances. It is the responsibility of the County Board to make final determinations. He also sees urgency in formulating grievance policy prior to the implementation of the BRB. He then referred to his draft grievance policy that was handed out at the previous meeting.

S. Hjemvick stated that the committee needed to produce a grievance policy with the knowledge that future change would need to occur. He then recommended a four step approach: Step 1 would begin at the department level. Step 2 would proceed before the committee of jurisdiction. Step 3 would proceed before the Personnel Committee and Step 4 would conclude before the County Board.

A. Phillips repeated the need for an IHO, and recommended again that an HR Director or other qualified county policy maker fill that position.

J. Behling asked if an IHO could be shared with other counties, using a pool system. A. Phillips felt that an IHO pool system was a cost effective idea.

E. Teichmiller stated that employee buy-in was necessary if any grievance policy was to be successful. Employees need to be comfortable with the fairness of the policy. He also felt that the IHO should be independent of county government, as he is concerned about institutional bias.

S. Hjemvick favored the IHO pool concept.

E. Bluthardt asked for the average number of annual grievances. Personnel Committee members collectively responded that the Personnel Committee adjudicated between six and ten grievances annually. A number of grievances are normally settled prior to involving that committee.

B. Egan asked how an IHO pool system would work involving other counties. Would collective training opportunities be available?

J. Behling asked about which grievance step the IHO would become involved with. Would IHO involvement be earlier or later in the process?

A. Phillips responded that there were two schools of thought regarding the timing of IHO involvement. The foremost task is to create grievance policy that allows for the speedy resolution of grievances before IHO and County Board involvement is necessary.

J. Behling called for an indication of consensus from the committee regarding the need for an Independent Hearing Officer. A show of hands indicated unanimous agreement with the IHO concept.

L. Thorpe asked about the costs associated with an IHO. A. Phillips replied that costs would obviously be shared using a pool system.

E. Bakka wondered if employees would be made to pay any IHO costs. A. Phillips replied that he would not recommend that concept. The IHO should be viewed as the employee's public defender.

E. Teichmiller stated that many grievances could be avoided by providing better training to department heads. He feels that most grievances are the result of county management systems not working as they should. He also feels that in spite of the absence of unions, employees still need an advocate.

J. Behling called for two action items. J. Behling, E. Bluthardt and S. Hjemvick will work to explore the development and organization of an Independent Hearing Officer pool.

E. Bakka, B. Egan and L. Thorpe will work to develop the concept of an employee advocate and attempt to identify individuals who may be suited for that task.

J. Behling called for an indication of consensus from the committee regarding the timing of IHO involvement in the grievance process. A show of hands indicated the desire to involve

an IHO after HR Director/Personnel Committee involvement but prior to County Board involvement.

E. Teichmiller stated that he is not in favor of limiting grievances to just three categories. He enumerated a number of additional county policies that he feels should be grievable.

S. Hjemvick suggested reviewing grievance history to determine if additional causes for grievances were necessary.

E. Bluthardt stated that the BRB was an opportunity for the county to move labor relations forward beyond historic union constraints. He felt that E. Teichmiller's ideas would defeat that opportunity. He does not want causes for grievances expanded beyond the three items specified in the BRB.

J. Behling called for an action item. S. Hjemvick and E. Teichmiller will investigate additional allowable causes for grievances.

S. Hjemvick desires good employee relations. He wants a system whereby employees have the desire to work for Vilas County.

B. Egan hopes to eliminate grievances by improving management.

Employee Handbook:

M. Milanowski will provide additional employee handbook information at the next committee meeting.

Employee compensation and benefits:

a. Paid time off – draft policy:

E. Bluthardt asked if further information was available regarding the cost of a PTO policy.

J. Behling is a member of the WCA sub-committee assigned to study that issue. He will get that data as it becomes available.

A. Phillips encouraged the committee to first consider defining the objectives of a PTO policy as a future task.

b. Other employee benefits:

Nothing presented.

Letters and Communications:

J. Behling called for an indication of consensus regarding whether or not Phillips Borowski SC involvement with the committee was beneficial. The consensus of the committee members was that it was beneficial and that Phillips Borowski SC should be invited to future meetings.

J. Behling encouraged the committee to work diligently regarding action item assignments.

Future meeting dates:

The committee will meet next on Thursday, June 2, 2011 at 4:30 P.M.

Employee participation:

The Chair asked if any employees present wished to speak. Nobody chose to address the committee.

Review and respond to employee correspondence:

Nothing new has been received.

Adjournment:

Motion by E. Teichmiller, 2nd by E. Bluthardt to adjourn. All voted aye. Carried. Meeting adjourned at 6:35 P.M.

Respectfully Submitted,
David R. Alleman
Vilas County Clerk

Minutes reflect the recorder's notations and are subject to approval by the appropriate board or committee.