

**PERSONNEL
COMMITTEE**

Monday, December 7, 2020

6:30 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The Public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/81599643289>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 815 9964 3289

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
 - a. This is an opportunity for members of the public to address the Village Board. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the board may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the board for their consideration. Members of the public who are present in person and wish to address the board should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to cassandra.suettinger@mcfarland.wi.us to be included as part of the meeting.
3. APPROVAL OF MINUTES.
 - a. Discussion and action regarding minutes of the meeting held August 3, 2020.
 - b. Discussion and action regarding minutes of the meeting held October 5, 2020.
4. BUSINESS.
 - a. Discussion and action to make a recommendation to the Village Board regarding Use of Social Media Policy as Chapter 33 of the Personnel Policy Manual.
 - b. Discussion and review of the approved 2021-2023 WPPA contract renewal.
5. SCHEDULE NEXT MEETING DATE.

- a. Monday, January 4, 2021 at 6:30 pm.

6. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

VILLAGE OF MCFARLAND
Personnel Committee Minutes

Monday, August 3, 2020 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

President Czebotar called the regular meeting of the Personnel Committee to order at 6:30 PM in Conference Room A.

Members present: Village President Brad Czebotar, Village Trustee Clair Utter, Committee members: Jack Bernfeld, Chris St. Clair, Ken Machtan, Trish Howen, Steve Kilpatrick, and Peter Morehouse (joined at 6:32 p.m.)

Members not present: None

Staff Present: Village Administrator Matt Schuenke, Village Clerk/Treasurer Cassandra Suettinger and Police Chief Craig Sherven.

2. PUBLIC APPEARANCES.

President Czebotar introduced new member Chris St. Clair and Personnel Committee members provided introductions.

3. APPROVAL OF MINUTES.

- a. Discussion and action regarding minutes from the meeting held on June 1, 2020.
The minutes of the June 1, 2020 Personnel Committee meeting were approved by unanimous consent.

4. BUSINESS.

- a. Discussion and action to make a recommendation to the Village Board regarding a Memorandum of Understanding with the Wisconsin Professional Police Association (WPPA) - McFarland Unit regarding 2020 Vacation Carryover.

Village Administrator Schuenke provided an overview of the proposed MOU with the WPPA McFarland Unit. Currently WPPA officers do not have the ability to carryover any vacation. In light of the pandemic, using vacation time has become challenging. The proposed MOU would allow officers to carryover up to 40 hours of vacation.

The Committee provided feedback on the MOU and requested information on the financial implications of allowing the carryover. The Committee was concerned that a deadline be set on when the carryover time be used by to ensure the same problem does not occur again in 2021.

Motion by Ken Machtan, second by Jack Bernfeld, to approve recommending approval to the Village Board regarding a Memorandum of Understanding with the Wisconsin Professional Police Association (WPPA) - McFarland Unit regarding 2020 Vacation Carryover. Motion carries 8 - 0 - 0 by acclamation.

- b. Discussion and action to make a recommendation to the Village Board regarding Light Duty Policy as Chapter 36 of the Personnel Policy Manual.

The Committee reviewed a draft of the creation of Chapter 36 of the Personnel Policy manual regarding light duty. Clerk/Treasurer provided an overview of the policy noting the policy is intended as an introductory draft to provide feedback and determine what direction may be desired regarding light duty. She reported the Village already allows light duty in practice, the policy is proposed to provide a consistent process for Department Heads and employees to follow in requesting and approving light duty status.

The Committee reviewed the draft policy and provided concerns and feedback and requested staff follow up with the labor attorney and bring the revised policy back to the next meeting.

5. SCHEDULE NEXT MEETING DATE.

- a. Monday, September 7, 2020 at 6:30 pm (Labor Day)

In light of Labor Day, the next meeting of the Personnel Committee was scheduled for October 5, 2020.

6. ADJOURNMENT.

Motion by Ken Machtan, second by Member Trish Howen, to adjourn at 7:43 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Cassandra Suettinger
Village Clerk/Treasurer

VILLAGE OF MCFARLAND
Personnel Committee Minutes

Monday, October 5, 2020 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

President Brad Czebotar called the regular meeting of the Personnel Committee to order at 6:30 PM in Conference Room A.

Members present: Village President Brad Czebotar, Village Trustee Clair Utter, Committee members: Peter Morehouse, Ken Machtan, Trish Howen, Steve Kilpatrick, and Chris St. Clair.

Members not present: Jack Bernfeld.

Staff Present: Village Administrator Matt Schuenke, Village Clerk/Treasurer Cassandra Suettinger, and Police Chief Craig Sherven.

2. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Village Board. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the board may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the board for their consideration. Members of the public who are present in person and wish to address the board should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to cassandra.suettinger@mcfarland.wi.us to be included as part of the meeting.*
- None.

3. APPROVAL OF MINUTES.

- a. Discussion and action regarding minutes of the meeting held August 3, 2020.*
- Item postponed to next meeting.

4. BUSINESS.

- a. Discussion and action to make a recommendation to the Village Board regarding Use of Social Media Policy as Chapter 33 of the Personnel Policy Manual.

Village Administrator Matt Schuenke, Clerk/Treasurer Cassandra Suettinger, and Communications & Technology Director Stephanie Miller presented an overview of the revisions to Chapter 33 of the Personnel Policy Manual regarding social media. They noted social media has changed significantly since the creation of the policy, and the revisions bring the policy up to date and provide policies on personnel issues related to social media.

The Board reviewed the draft updates to the social media policy and provided feedback. The Committee requested the policy be forwarded to the Village Labor Attorney for review of the enforceability of certain portions of the policy as they related to first amendment rights, section 33.04(3), and also inserting language to protect the Village's image in places where clothing or items are worn in private settings.

Staff will follow up with the Village Labor Attorney and bring the policy back for further review at the next Personnel Committee meeting.

- b. Discussion and action to make a recommendation to the Village Board regarding the creation of Chapter 36 and revision of Chapter 25 of the Personnel Policy Manual as it relates to a light duty.

Motion by President Brad Czebotar, second by Ken Machtan, to make a recommendation to the Village Board approving the creation of Chapter 36 and revision of Chapter 25 of the Personnel Policy Manual as it relates to light duty as discussed at the Personnel Committee meeting on October 5, 2020. Motion carries 7 - 0 - 0 by acclamation.

- c. Discussion and action to make a recommendation to the Village Board regarding the appointment of the Village Forester.

Village Administrator Schuenke provided an overview of the proposal to appoint the Parks Superintendent position as the Village Forester. He explained the duties of the Village Forester are outlined in the Village code with applicable duties and responsibilities. He explained often in cases like this, the Village appoints these sorts of positions to an already existing position. Because the Parks Superintendent already performs a lot of the duties and associated work, staff proposes appointing the Parks Superintendent to the position.

The Committee discussed the position description and were supportive of appointing the Parks Superintendent as the Village Forester. The Committee requested staff follow up and investigate the non-exempt status assigned to the Parks Superintendent position.

Motion by President Brad Czebotar, second by Chris St. Clair, to recommend approval of the assignment of the Village Forester function to the Parks Superintendent. Motion carries 6 - 1 - 0 with Trustee Utter voting nay.

5. SCHEDULE NEXT MEETING DATE.

a. Monday, November 2, 2020 at 6:30 pm.

Village Administrator Schuenke reported due to the November 3, 2020 Presidential Election, staff would propose canceling the November Personnel Committee unless any urgent matters arise. Committee members agreed.

6. ADJOURNMENT.

Motion by Machtan, second by Morehouse, to adjourn at 8:30 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Cassandra Suettinger
Village Clerk/Treasurer



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Monday, December 7, 2020

SECTION: Business

DEPARTMENT: Communications & Technology

CONTACT: Stephanie Miller, Comm & Technology Director, Cassandra Suettinger, Village Clerk/Treasurer, Matt Schuenke, Village Administrator

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding Use of Social Media Policy as Chapter 33 of the Personnel Policy Manual.

PREVIOUS ACTION:

Chapter 33 of the Personnel Policy has not been updated since 2014. Over the past six years, a lot has changed regarding social media interfaces, standards, policies, etc. When this policy was made, the Village had yet to even obtain its official social media pages. Due to this, this chapter is in need of updates.

At the October 5th Personnel Committee meeting, the Committee reviewed revisions to Chapter 33 of the Personnel Policy regarding the use of social media. The committee provided feedback and requested staff follow up with the labor attorney to provide review of the updates for compliance with first amendment rights and a couple other areas of concern.

ISSUE SUMMARY:

Based on comments and review from the last meeting, staff followed up with the labor attorney to address concerns provided from the committee at the last meeting. Attached is the updated policy with revisions provided from the Village Labor Attorney to address the noted concerns.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

Chapter 33 of the Village Personnel Policy manual regarding the use of social media.

ORDINANCE REFERENCE:

N/A

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Staff and the Village Labor Attorney recommend approval of updates to the Village Personnel Policy Manual Chapter 33 regarding the use of social media.



ATTACHMENTS:

1. CHAPTER 33 Social Media Policy - DRAFT 12032020

CHAPTER 33 - POLICY ON USE OF SOCIAL MEDIA

33.01 Purpose

This policy provides guidelines and procedures to Village staff in determining the proper utilization of social media. Social media consists of networks and online publications that enable individuals and groups to communicate between one another for different purposes. Examples of these online tools include Facebook, Instagram, Twitter, LinkedIn, YouTube, blogs and several others. The Village may use certain social media sites in order to reach out to the public and educate individuals on events, activities, awards, and other news releases. Social media can help the Village and its departments to connect in different ways with other organizations and businesses in the community. This policy outlines the proper content and uses for social media since the Village has a significant interest and expectation in regulating the content that is posted on its sites.

33.02 General Village Use of Social Media Policy

- (1) ~~In order for any Village Departments wishing to establish a social media site, the request must submit a plan for approval to first be approved by the Administrator and Clerk/Deputy Treasurer. Communications and Technology Director -that explains how the site will be used and identifies the Staff responsible for updating and monitoring the site. Requests for social media sites must include a plan that assigns certain individuals (department head or designees) to regularly update and monitor the sites.~~ The request must also explain the ways that the Department plans to utilize its social media site.
- (2) All social media sites must be monitored and ~~posts should be done regularly according to best analytic practices for each platform as directed by the Communications and Technology Director updated each week day.~~
- (3) Each social media site must clearly state that it is Village-operated and maintained by Village staff. Sites must also include the Village of McFarland logo as well as any other branding or logos that identify the involved party.
- (4) All social media sites should include a link back to the Village of McFarland website: www.mcfarland.wi.us.
- (5) All Village staff must adhere to the Policy on Use of Technology Resources along with any other related federal, state, or local regulations.
- (6) The Village reserves the right to take down any abusive or inappropriate posts that violate this policy. ~~Any post that is taken down from the site must be documented by the department responsible for the social media site. Documentation must include a copy of the post, time of post, date of post, name of the individual responsible for the content, and any other information that is relevant to the situation.~~

(7) Village of McFarland social media sites are subject to State of Wisconsin public record laws. Any content on these sites related to Village business is considered public record. All social media sites maintained by the Village shall have archival technology to retain all posts to maintain compliance with public records law.

Content can range from messages, list of subscribers, images, videos and any other content that exists. The department that creates a social media site is responsible for responding to any public records request in coordination with the Clerk/Deputy Treasurer. If possible, each social media site should remind its viewers through a disclaimer that content on the site is considered public record.

(8) Employees ~~maintaining~~ managing Department social media sites are representative of the Village and are expected to conduct themselves accordingly. All posts by employees must be completed in a professional manner that is strictly used for informative purposes related to Village business. Employees who fail to conduct themselves in an appropriate manner may be subject to disciplinary action.

(9) The Village encourages all departments and staff to adopt and use the following disclaimer for their Department social media sites:

"The Village of McFarland requires ~~encourages~~ all viewers to use proper content. Any abusive or inappropriate content that violates the Village of McFarland Policy on Use of Social Media will be removed from the site. All information posted on this site is subject to public record."

33.03 Comment Policy

(1) Any comment posted by a resident or member of the public is solely an individual's opinion. Allowing posts by the public does not imply that the views or opinions expressed are representative of or endorsed by the Village of McFarland. Comments and posts created by Village staff may only provide information regarding Village business and must be fact-based and professional.

(2) The Village reserves the right to remove any inappropriate or abusive content. This includes but is not limited to content ~~that~~ which:

- (a) Discriminates against others based on race, creed, color, sex, gender, national origin, religion, age, sexual orientation, marital status, or mental or physical disability;
- (b) Makes threats towards an individual or organization;
- (c) Supports or opposes a political campaign or ballot measure;
- (d) Solicits commerce;

- (e) Violates any federal, state, or local law;
- (f) Encourages illegal activity;
- (g) Contains sexual content (including links);
- (h) Contains profane or abusive language and/or images;
- (i) Violates the legal ownership interest (such as copyright) of any party;
- (j) Or any other comments that do not relate to the original topic.

(3) The Village reserves the right to remove or block any members of the public who repeatedly violate this policy.

(4) If content is removed, Village staff must document the violation while notifying the involved party / individual that their content was removed. The following message should be sent out to any members of the public that violate the policy:

"The Village of McFarland removed your recent content from its social media site because it was in violation of the Village's Policy on Use of Social Media. Please avoid from posting any inappropriate content in the future. If you do not refrain, the Village of McFarland reserves the right to remove you as a member of this group. Thank you for your cooperation."

(5) All sites must have one or more staff designated to update content on the site, respond to any requests or questions asked by the public, and monitor regularly the content posted on their social media sites. Only Village employees authorized under Section 33.02(1) are permitted to remove content posted on Village media sites by the Village or the public, and any such removal must be in accordance with Chapter 33 and all other Village Policies.

33.04 Personal Use of Social Media

(1) The Village recognizes employees may choose to have their own personal social media sites and accounts unrelated to their work capacity as an employee of the Village. These sites, as applicable, are private and are intended to share their own personal information as the employee elects to regarding nonwork related information.

(2) Village employees are prohibited from use of their Village account or password for a personal social media account.

(3) Employees who misuse the Village's image or likeness through their personal social media accounts, whether on- or off-duty, such as posting offensive, lewd, or unbecoming photographs while wearing Village insignia, may be subject to disciplinary action, up to and including termination of employment.

Comment [CS1]: The Village Labor Attorney verified staff are legally permitted to remove social media comments from the public as long as any such removal be done on a viewpoint-neutral basis. In other words, the removal must be based on clear, non-viewpoint policy violation. He felt the criteria proposed in 33.03(2) (a) – (j) was sufficient. From an internal standpoint the Village will need to train authorized employees on what types of posts violate the Village's policy and which do not, to ensure consistency.

Comment [CS2]: Additional language inserted to re-iterate that only a select number of trained authorized employees are allowed to remove posts.

Comment [CS3]: Additional language inserted to address concern with protecting the Village's image when used on personal social media by employees on-duty or off-duty.

~~(3) The Village recognizes encourages employees may choose to share Village related events or items as part of their personal accounts to help create brand awareness.~~

Comment [CS4]: Language recommended to be stricken as it intermingles the employee's personal account with their employment, which could create unnecessary issues down the road.

33.05 Professional Use of Social Media

(1) Only individuals authorized by the Village may publish content on behalf of the Village in their capacity as a Village employee. Permission to create accounts/sites to publish content on behalf of the Village shall be approved by the Village Administrator. All approved social media sites shall identify themselves as approved accounts of the Village of McFarland.

(2) Employees approved to publish content on behalf of the Village shall create a new account with their Village email address and ensure the account is linked to the Village's electronic archival software to ensure compliance with public records law.

(3) Employees must provide their Department Head with the applicable username and password used for any Village account setup by an employee. Any updates to such username(s) or password(s) following the creation of a Village social media account shall also be provided to the Department Head by any employee who sets up a Village social media account pursuant to this Chapter.

Comment [CS5]: Additional language inserted to provide access to social media accounts in the event an employee terminates employment with the Village.

(43) All posts or communications must maintain a high level of ethical conduct and professional decorum. Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, avoid jargon, obscure terminology or acronyms. Failure to do so may be grounds for revocation of authorization to hold a Village social media account.

(54) Posts that are for political purposes or any private related activities or transactions are prohibited.

(65) Inappropriate usage of a Village social media account shall be grounds for disciplinary action up to and including termination.

(76) Inappropriate usage of a Village social media account shall be grounds for removal of the account under the discretion of the Village Administrator.

Memorandum

To: Personnel Committee

From: Matthew G. Schuenke, Village Administrator *MGS*

Date: December 3, 2020

Re: **Successor Agreement with WPPA**

Executive Summary

Police Officers and Detectives are represented by the Wisconsin Professional Police Association which requires a contractual agreement to be collectively bargained on a periodic basis. The current agreement was approved in 2018 and expires at the end of 2020. Notice was issued by the Union earlier this Summer to begin bargaining a successor contract that would commence as of January 1, 2021. The Village's Bargaining Team included President Czebotar, Police Chief, and Administrator. The Village and Union met over several occasions in the Fall reaching a tentative agreement on October 12, 2020 as well as final contract language on November 9, 2020. The Union fully ratified this agreement in late October following Village Board approval on November 9th. The purpose of this memorandum is to summarize the changes made through the bargaining process.

Contractual Revisions

The following are items bargained for and agreed to by both parties:

1. **Section 4.01:** Health Insurance Program

Revise annual payment language to follow the State's Methodology using the 88%/12% calculation determined year to year. Calculation will be consistent with non-represented employees.

2. Article XV: Fair Share

The entire former Fair Share section was retitled as Dues Deduction and replaced with language consistent with a US Supreme Court case decision that took place after the last agreement had been approved.

3. Article XXI: Meal Reimbursement

This section was revised to be consistent with the Personnel Policy Manual which was updated earlier this year for non-represented employees. Increases in meal reimbursement were included in line with policy standards.

4. Article XXIII: Wages

January 1, 2021 – 2.25%
January 1, 2022 – 2.25 %
January 1, 2023 – 2.25%

5. Article XXX: Duration

January 1, 2021 through December 31, 2023 (3-year term)

Recommendation

This item is presented solely for discussion and review of the contract that has already been approved. No further action is necessary.