

**Special Finance & Personnel Committee
of the City of Onalaska**

Tuesday, April 13, 2021

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1 The Special Meeting of the Finance & Personnel Committee of the City of Onalaska was called
2 to order at 6:15 p.m. on Tuesday, April 13, 2021. It was noted that the meeting had been
3 announced and a notice posted at City Hall.

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5 Roll call was taken, with the following members present: Ald. Dan Stevens, Ald. Diane Wulf.
6 Ald. Jim Olson arrived with the meeting in progress.

7
8 Also Present: City Administrator Eric Rindfleisch, Mayor Kim Smith, City Attorney Amanda
9 Jackson, Police Chief Charles Ashbeck, Ald. Cari Burmaster, Ald. Tom Smith

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11 **Item 2 – Approval of minutes from the previous meeting**

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13 Motion by Ald. Wulf, second by Ald. Stevens, to approve the minutes from the previous meeting
14 as printed and on file in the City Clerk’s Office.

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16 On voice vote, motion carried.

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18 **Item 3 – Public Input (limited to 3 minutes/individual)**

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20 Ald. Stevens called three times for anyone wishing to provide public input and closed that
21 portion of the meeting.

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23 **Consideration and possible action on the following items:**

24
25 **FINANCE**

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27 **Item 4 – NO REPORT**

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29 **PERSONNEL**

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31 **Item 5 – Presentation of Grievance No. 21-211 filed by the Wisconsin Professional Police**
32 **Association (WPPA) regarding Work Week/Work Schedule and Sick Leave**

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34 Ald. Stevens said the process will begin with the grievance statement, followed by the city
35 response. The grievant may then reply, followed by questions by the Finance and Personnel
36 Committee members. The grievant then will make a closing statement, followed by the city’s
37 closing statement. The committee likely will then enter into closed session.

38
39 Attorney Sean O’Flaherty told committee members he had spoken earlier Tuesday with the
40 representative from the Wisconsin Professional Police Association, and he said, “Assuming that
41 everyone has read the grievance and the response, we thought it would be best use of everyone’s
42 time to skip the statements and just answer questions that the committee may have.”

Reviewed 4/19/2021 by Amanda Jackson

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44 Ald. Stevens asked Mike Backus, who serves as a business agent for the WPPA, if he finds that
45 to be acceptable.

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47 Mike Backus said yes.

48

49 Ald. Stevens asked Ald. Wulf if that is acceptable to her.

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51 Ald. Wulf indicated it is acceptable to her.

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53 Ald. Stevens asked Mike Backus if he wishes to begin with the reply.

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55 Mike Backus stated, "I don't think there's any argument as to what this grievance involves. It's
56 simply our belief that Officer [Joel] Flaten was mandated to quarantine by the city. And through
57 that mandate, he was forced to use 68 hours of his own sick time when he was not sick. The
58 collective bargaining agreement does not allow for the use of sick time for a healthy quarantine.
59 Our position on this [is] that if the city wanted him to quarantine, they would be responsible for
60 placing him on some type of administrative leave as opposed to forcing him to use his own
61 benefit time. I don't know what questions you have in regards to this."

62

63 Ald. Stevens noted he had read the grievance, and he asked Ald. Wulf if she has any questions.

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65 Ald. Wulf said she has no questions at this time.

66

67 Mike Backus said, "If you want me to address the responses from the chief, I can. As I said, our
68 collective bargaining agreement does not allow for sick time need to be used in healthy
69 quarantines. Officer Flaten was able and willing to come to work. It was the city that required
70 him to remain at home. I'm not here to argue whether or not he should have been quarantined.
71 That's not the purpose of this. The argument is that he was forced to use the 68 hours of his sick
72 time through no fault of his own. He was not sick. It was simply because he had had exposure
73 to somebody that had tested positive in his family. At no time ... did he take the sick time
74 because he was sick, or to care for any family members. Our position also is that even though
75 technically he was not performing his job as a patrol officer, he was following the orders of his
76 chief when he remained at home and could not do things as he normally would want to do on his
77 time off. Even during the time he remained at home, he was unable to care for any type of
78 family members because he was ordered to quarantine. That totally goes against what Section
79 9.7 of the contract states that sick leave is used for. It seems that the city is willing to pay him
80 for the hours that the federal or state government is going to reimburse them for or allow them to
81 use, but not for the 68 hours that they're not going to get reimbursed for. That would basically
82 be our position on this."

83

84 Sean O'Flaherty said, "I recognize that the committee members have read both the grievance and
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85 the chief's response to the grievance. The main issue with respect to the city's response to the
86 grievance is that the scheduling – both with what the scheduling of the workweek and with the
87 mandating of quarantine – is a management right that the city exercised. The city declared an
88 emergency in March of 2020. It then continued that by action of the [Common] Council on
89 November 10 of 2020. It gave time off for a single bout of quarantine, both in 2020 and in 2021.
90 Officer Flaten used both banks both in 2020 and in 2021. Unfortunately, Officer Flaten was
91 exposed a second time and then did not have the time that had been set aside for paid time off for
92 leave. That is a management right. It protects the citizens. The imposition of the quarantine
93 was necessary in order to protect the citizens of Onalaska, and the other officers. It is consistent
94 with the management rights set forth in Section 2.1 of the contract. While there might be a lot of
95 details, it really comes down to that it's a management right of the city. That is what we're
96 seeking to protect.”

97

98 **Closed Session**

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100 To consider a motion to convene in Closed Session under Section 19.85(1)(c) of the Wisconsin
101 Statutes for the purpose of considering compensation/negotiations of any public employee over
102 which the governmental body has jurisdiction or exercises responsibility (WPPA Grievance), and
103 under Section 19.85(1)(g) of the Wisconsin Statutes for the purpose of conferring with legal
104 counsel for the governmental body who is rendering oral or written advice concerning strategy to
105 be adopted by the body with respect to litigation in which it is or is likely to become involved. If
106 any action is required in Open Session, as the result of the Closed Session, the Committee will
107 reconvene in Open Session to take the necessary action and/or continue on with the printed
108 agenda.

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110 Motion by Ald. Wulf, second by Ald. Olson, to convene in Closed Session.

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112 On roll call vote: Ald. Diane Wulf – aye, Ald. Jim Olson – aye, Ald. Dan Stevens – aye. In
113 Closed Session.

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116 Recorded by:

117

118 Kirk Bey