

## MEETING NOTICE STEERING COMMITTEE

**IMPORTANT NOTE:** Due to timing issues, agenda item 6a will be considered for action by the Steering Committee using its authority to act on behalf of the full Commission per Bylaws, Section 2 (a)(2). This agenda is being sent as the required notification to all Commissioners of these pending actions. **It is not necessary/required for non-Steering Committee members to attend this meeting, however; your comments and/or input prior to, or at, the meeting are welcome and encouraged.**

COMMITTEE MEMBERS: *Martin Farrell (Chair), Jeff Nooyen (Vice-Chair), Tom Kautza, Dick Koeppen, David Albrecht (Perm. Alt. for Shiloh Ramos), Donna Kalata, Alice Connors, Jeremy Johnson*

**Date:** Monday, September 28, 2020

**Time:** 1:00 p.m.

**Place:** Virtual Meeting

**Meeting Link:** <https://global.gotomeeting.com/join/595109701>

**Phone Number:** [1\(571\) 317-3122](tel:15713173122)

**Access Code:** 595-109-701

### Agenda

- 1) Welcome & Introductions
- 2) Statement of Compliance with Wis. Stats. Sec. 19.84 Regarding Open Meetings Requirement
- 3) Pledge of Allegiance
- 4) Approval of Agenda/Motion to Deviate
- 5) Public Comment
- 6) New Business/Action Items
  - a) Proposed Resolution 28-20: Clarifying the Employee Grievance Procedure for the East Central Wisconsin Regional Planning Commission (Enclosed) *(being addressed under the full authority of the Commission)*
- 7) Adjourn

*Any person wishing to attend this meeting or hearing, who, because of a disability, requires special accommodations should contact the East Central Wisconsin Regional Planning Commission at (920) 751-4770 at least three business days prior to the meeting or hearing so that arrangements, within reason, can be made.*

**PROPOSED RESOLUTION NO. 28-20**

**CLARIFYING THE EMPLOYEE GRIEVANCE PROCEDURE FOR THE EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION**

**WHEREAS**, Wisconsin State Statutes 66.0509(1m) require that all public entities develop and adopt employee grievance procedures as set forth thereunder, and;

**WHEREAS**, the Commission had previously adhered to a set of similar procedures as part of its Personnel Policies (Resolution 05-09), and;

**WHEREAS**, the Commission has previously adopted Resolution 04-12: Creating and Adopting an Employee Grievance Procedure for the East Central Wisconsin Regional Planning Commission on January 27, 2012, and;

**WHEREAS**, the Personnel Policies as adopted and amended by the Commission references the Grievance Policy in Section 13 (E), and;

**WHEREAS**, this attached policy has been clarified to be in compliance with the Wisconsin State Statutes 66.0509(1m) and will replace the previous procedures established Resolution 04-12 as of the date of adoption of this Resolution;

**NOW THEREFORE BE IT RESOLVED BY THE EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION:**

**Section 1:** That the Commission approves the Employee Grievance Procedure hereto attached and made part of this Resolution;

Section 2: That the Steering Committee periodically reviews the Employee Grievance Procedures on a regular basis to ensure compliance with State of Wisconsin requirements.

Effective Date: September 28, 2020  
Submitted By: Steering Committee  
Prepared By: Melissa A. Kraemer Badtke, Executive Director

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Martin Farrell, Chair – Fond du Lac Co.

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Jeff Nooyen, Vice-Chair – Outagamie Co.

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Alice Connors – Calumet Co.

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Dick Koeppen – Waupaca Co.

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Jeremy Johnson – Menominee Co.

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Donna Kalata – Waushara Co.

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Dave Albrecht – Winnebago Co.

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Tom Kautza – Shawano Co.

# East Central Wisconsin Regional Planning Commission

## GRIEVANCE PROCEDURES

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### I. PURPOSE

This grievance procedure is adopted pursuant to Wisconsin Statute 66.0509(1m), and is intended to provide a process to address issues concerning workplace safety, discipline, and termination.

- Workplace safety is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment, and workplace violence.
- Discipline is defined as all levels of progressive discipline, but shall not include: actions taken to address work performance, including annual reviews; demotion, transfer or change in job assignment; or other personnel actions taken that not a form of progressive discipline.
- Termination is defined as action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall not include the following actions: voluntary resignation, layoff or failure to be recalled from layoff; retirement, job abandonment; or termination due to inability to perform job duties.

### II. PROCEDURES

Employees should first discuss complaints or questions with the executive Director. Every reasonable effort should be made to resolve questions, problems, or misunderstandings that have arisen before filling a grievance.

- a. The employee must provide the Executive Director with a written grievance within 10 business days of the occurrence, explaining the nature and circumstances of the grievance. A written grievance filed under this policy must contain the following information:
  - i. The name and position of the employee filing it;
  - ii. A statement of the issue involved;
  - iii. A statement of the relief sought;
  - iv. A detailed explanation of the facts support the grievance;
  - v. The date(s) the event(s) giving rise to this grievance took place;
  - vi. The identity of the policy, procedure, or rule that is being challenged;
  - vii. The steps the employee has taken to review the matter, either orally or in writing, with the executive director, and;
  - viii. The employee's signature and date.

- b. The Executive Director will meet with the grievant within 10 business days of the receipt of the written grievance and provide a written response. A copy of the Executive Director's response and the original written grievance will be filed in the grievant's personnel file.
- c. If the grievant does not feel the grievance has been satisfactory resolved, the grievant must send the written grievance and Executive Director's response to the Commission Board Chair within 10 business days of the Executive Director's response for a hearing by an impartial officer. It is the Commission's responsibility to retain an impartial hearing officer. An impartial hearing officer should be a lawyer, professional mediator/arbitrator, retired judge or other qualified individual. The hearing date will be scheduled by the impartial hearing officer and will be no more than 60 business days from the receipt of the grievant's written request for a hearing. The impartial hearing officer will request documentation from both parties involved. The written decision of the impartial hearing officer will be sent to the parties involved within 10 business days of the hearing. The decision of the impartial hearing officer will be filed in the grievant's personnel file.
- d. If either the grievant or Executive Director does not feel the grievance has been satisfactory resolved at the hearing officer level, either the grievant or Executive Director must send a written request to the Commission Board Chair for review of the hearing officer decision. The grievance will be addressed at the next scheduled Steering Committee meeting based upon the record established at the hearing. The grievant may or may not attend the Steering Committee meeting as determined by the Steering Committee. The Steering Committee decision will be sent to the grievant and Executive Director within 10 business days of the Steering Committee meeting. A copy of the Steering Committee's response will be filed in the grievant's personnel file and shall be final.

### **III. OTHER CONSIDERATIONS**

- a. The Commission office is open Monday through Friday and closed on those holidays listed in the Employee Handbook. Mail and other documentation that arrives while the Commission is closed will be accepted and reviewed the following business day.
- b. Any expenses incurred by a grievant in investigating, preparing, or presenting a grievance shall be the sole responsibility of the grievant. Each party (grievant and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the grievant(s) paying half and the employer paying the other half.
- c. An employee must process his/her grievance outside of normal work hours, unless the employee elects to use accrued paid time (vacation or comp time) in order to be paid for time spent processing the grievance through the various steps of the process.
- d. The grievant may not file a grievance outside the time limits set forth above. If the grievant fails to meet the deadlines above, the grievance will be considered resolved.