

PROCEEDINGS OF THE BROWN COUNTY EXECUTIVE COMMITTEE

Pursuant to Section 18.94 Wis. Stats., a special meeting of the **Brown County Executive Committee** was held on Wednesday, June 17, 2009 in Room 210, City Hall – 100 North Jefferson Street, Green Bay, Wisconsin.

Present: Bernie Erickson, Pat Evans, Tom Lund, Mary Scray.
Excused: Andy Nicholson, John VanderLeest, Guy Zima.
Also Present: Supervisors Andrews, Brunette, Kaster, Knier, Warpinski.
Tom Hinz, Fred Mohr, Jayme Sellen, Lynn VandenLangenberg.
Other Interested Parties.

I. CALL MEETING TO ORDER:

The meeting was called to order by Chairman Scray at 6:30 p.m.

II. APPROVE/MODIFY AGENDA:

A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR LUND TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.

1. RESOLUTION RE: TO SUPPORT BROWN COUNTY VOLUNTARY UNPAID LEAVE PROGRAMS FOR 2009:

A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ERICKSON TO APPROVE. No Vote Taken. MOTION FAILED.

Supervisor Evans stated that he spoke with Mr. VanderKelen and that Mr. VanderKelen expressed that overtime was not addressed in this Resolution.

Supervisor Scray replied that this has been amended, and the last paragraph should read: "BE IT FURTHER RESOLVED that such leave shall not in any manner in its implementation interfere with current labor agreements or create overtime."

A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR ERICKSON TO APPROVE AS AMENDED. Vote taken. MOTION CARRIED UNANIMOUSLY.

2. A CLOSED SESSION PURSUANT TO 19.85(1)(C) WISCONSIN STATUTES FOR THE PURPOSES OF CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE DATA REGARDING A PUBLIC EMPLOYEE (DIANE PIVONKA):

A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR EVANS TO APPROVE.

Attorney Fred Mohr stated that a closed session was not needed.

MOTION WITHDRAWN BY SUPERVISOR LUND.

Attorney Fred Mohr stated that there had been several meetings concerning this issue; there was an agreement reached with Ms. Pivonka, Steve Gillis (attorney for Ms.

Pivonka), Tom Hinz (Brown County Executive), Tom Eggebrecht (Interim Human Services Director), and Fred Mohr (attorney for Brown County).

Mr. Mohr summarized the agreement: Ms. Pivonka will be placed in a supervisor's position in Sophie Beaumont overseeing the nursing home unit. (This unit has approximately 20 employees.) Ms. Pivonka will be on a 6-month probationary period with monthly evaluations. It is expected that Ms. Pivonka will be released to return to work around July 1, 2009; and this is when Ms. Pivonka will commence her employment. Brown County has agreed to pay Ms. Pivonka her short-term disability leave.

When questioned, Mr. Mohr stated that Ms. Pivonka will keep her seniority and be treated as an exempt employee. He continued that Ms. Pivonka is waiving her right to sue Brown County if she progresses through the probationary period or she chooses to terminate her employment with Brown County during this probationary period. Ms. Pivonka retains the right to sue Brown County within 90 days in the event that Brown County terminates Ms. Pivonka's employment during that 6-month probationary period.

Supervisor Knier stated that she wanted to know what happened that led to Ms. Pivonka's being dismissed and being brought back. Mr. Mohr said that information could not be discussed in open session. Ms. Knier continued by saying that the Committee should go into closed session, because she "came here tonight expecting to get answers to some of these questions." Mr. Mohr explained that the way the settlement is set up is within the authority of the County Executive to approve for the following reasons: There are no new monies being expended; there are no rules being changed; and Ms. Pivonka will be treated just like all Brown County's exempt employees. Therefore, he continued by saying that would be an issue the Board could entertain to look further into, but the Agenda item for tonight was just a report on the progress of the negotiations.

Supervisor Evans questioned the salary for this position; Mr. Mohr said the salary is \$59,702 and her prior salary was approximately \$78,000.

A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR LUND TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.

3. SUCH OTHER MATTERS AS AUTHORIZED BY LAW.

A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR LUND ADJOURN AT 6:28 P.M. Vote taken. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Lisa M. Alexander
Recording Secretary