

FINANCE AND PERSONNEL COMMITTEE MINUTES
SPECIAL MEETING
September 22, 2011

The special meeting of the Finance and Personnel Committee for the City of Monona was called to order by Mayor Miller at 6:33 p.m.

Present: Mayor Robert Miller, Aldermen Jim Busse and Douglas Wood

Also Present: City Administrator Patrick Marsh, City Attorney William Cole, Police Chief Walter Ostrenga, Alderman Jeffrey Wiswell, Recreation Director Jacob Anderson, Recreation/Aquatics Supervisor Jordan Burress, Heather Stroess, William Stroess, Heidi Stroess, Kelsey Schroeder-Gasser, Erik Gannon, and City Clerk Joan Andrusz

Mayor Miller explained the meeting's process, emphasizing that people are allowed to be present and to speak but civility must be maintained.

APPEARANCES

There were no Appearances.

UNFINISHED BUSINESS

Members and those present agree there is no need to Convene in Closed Session under Wisconsin Statute section 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (Consideration of Grievance of Heather A. Stroess).

Mr. Stroess requests Alderman Wood, City Attorney Cole, and City Administrator Marsh be recused from the panel because they have intimate knowledge of the events under consideration. Mayor Miller respectfully declined to allow that.

Mayor Miller stated he takes the charges under consideration very seriously. This type of hearing is a new situation for him, and while he will do his best, any errors in the process are unintentional.

Mr. Stroess stated Ms. Stroess filed a complaint, not a grievance because of all that was involved.

City Attorney Cole stated this is a grievance under the personnel manual, and the Committee will only hear testimony on the grievance regarding allegations that occurred during lifeguard training. The complainants may raise other issues with municipal staff or law enforcement.

City Attorney Cole swore in Ms. Heather Stroess. Ms. Stroess distributed and read from a prepared statement outlining her complaint that Jason Krapfl's lifeguard training methods were unsafe and verbally abusive, that he unexpectedly "ripped" her arms away from a spinal hold exercise, threatened to remove her lifeguard certification, and continually yelled at training participants. Ms. Stroess states that Ms. Burress and Mr. Anderson did not address her concerns and Mr. Anderson threatened her job. She filed a police report alleging assault by Mr. Krapfl. She contacted City Administrator Marsh, and says he "stonewalled" her and now accuses him of harassing her along with Mr. Anderson, Ms. Burress, and Mr. Krapfl.

Ms. Stroess is seeking to have Ms. Burress, Mr. Anderson, and Mr. Marsh fired and her complaint added to their personnel files. She wants an apology from each, and from Mr. Krapfl, that the in-service was inappropriate. There should be an investigation into pool management. Employees should be given the personnel manual, Mr. Krapfl (who provides chemicals to the pool) banned from the pool, and staff should receive harassment training.

In response to Alderman Wood's question, Ms. Stroess stated she didn't complain at the time of the incident because she was "in shock" and didn't know what to do or say.

City Attorney Cole stated only witnesses with firsthand knowledge of the incident will benefit this hearing, rather than hearing interpretations of what occurred.

City Attorney Cole swore in Ms. Schroeder-Gasser, 4909 Rothman Place. Ms. Schroeder-Gasser stated she was part of the lifeguard group practicing holds. She reported Ms. Stroess was in tears and left the area because she was so uncomfortable. Mayor Miller asked if she would use the terms harassment or assault to characterize the events. Ms. Schroeder-Gasser responded the situation was wrong and should be reported. City Attorney Cole asked if there was an unsafe environment. Ms. Schroeder-Gasser responded Mr. Krapfl was definitely hostile and could be heard yelling across the pool. As to harassment, Ms. Schroeder-Gasser stated Mr. Krapfl unexpectedly batted another person's arm away multiple times.

Mr. Stroess questioned why Police Chief Ostrenga was in attendance. Mayor Miller responded he wanted to keep the proceedings under control while not being restrictive.

City Attorney Cole swore in Mr. Gannon, 6106 Cottontail Trail, Madison. Mr. Gannon stated on July 15 he joined Mr. Krapfl's class in progress, and could hear him yelling across the pool. He witnessed Ms. Stroess's situation, and he and Matthew Wiswell discussed what to do. Ms. Burress appeared to step in but only told Ms. Stroess to calm down. Mr. Gannon was shocked to see a screaming Jake McDade shaken by Mr. Krapfl while immobilized on a back board. Two lifeguards in victim roles had hair pulled out by Mr. Krapfl as he pulled their "rescuers" arms away. Mr. Gannon stated Mr. Anderson's response to his complaint was that the training was "spot on".

City Attorney Cole swore in Ms. Heidi Stroess, 5011 Winnequah Road. Ms. Stroess did not attend the training session, but arrived as it was in progress. She witnessed Mr. McDade's and her sister's distress. She witnessed no demonstrations of techniques or corrective feedback by Mr. Krapfl. Ms. Burress suggested she send an email regarding her concerns.

Ms. Heather Stroess distributed and read four emailed statements from lifeguards who were in attendance at the training session and witnessed the same events: Matthew Wiswell, Elizabeth Emmerick, Sofia Linsmeyer, and Julia Wanke, who also states she received poor evaluation scores from Ms. Burress in retaliation.

Ms. Stroess requests if this type of training technique is to be used, she should be warned ahead of time.

Mr. Stroess questioned pool safety and why there was no accident report filed for a lifeguard injury. Mayor Miller reminds those present to focus on the incident under consideration and that he should be made aware of any other incidents so they can be resolved.

City Attorney Cole swore in Recreation/Aquatic Supervisor Burress. Ms. Burress had no prior knowledge of the training technique Mr. Krapfl was going to employ. She had planned to participate but was later asked by Mr. Krapfl to help him supervise. He was there to practice, not teach, and his intense methods were not unusual to her. She did witness him push Ms. Stroess's arm away, but not grab it. There were no injuries. She did tell Ms. Stroess to calm down because she couldn't understand what Ms. Stroess was saying.

City Attorney Cole swore in Recreation Director Anderson. Mr. Anderson stated such intensive training is imperative to ensure public safety. He sought an independent evaluation of staff after two critical incidents caused him to question whether pool staff had enough training. Mr. Krapfl had extensive knowledge and was recommended by trusted colleagues. He acknowledges that some staff thought Mr. Krapfl's technique was "over the top", but it was not an assault or harassment. It was a one-time training, using the same technique Mr. Krapfl has used at other communities. Mr. Anderson informed Mr. Krapfl of staff's response to his training and gave him positive feedback. He would employ Mr. Krapfl again. Mr. Anderson assured Mayor Miller he understood the employee handbook and the charges brought tonight, but didn't see the policy applying to this case.

City Attorney Cole swore in City Administrator Marsh. Mr. Marsh was not present at the event but heard secondhand from lifeguards, written documents and reports, and meetings with staff. Executive Secretary Leah Kimmell sat in on meetings and telephone calls. Mayor Miller asked if he disputes anything that has been said tonight. Mr. Marsh said the complainants were disrespectful to him and staff. Staff is aware of personnel policies and a copy of the Employee Handbook was provided to Ms. Stroess. The assault allegation was referred to the Police Department. Physical contact is common in sports training. Ms. Burress and Mr. Anderson handled the situation according to policy. All staff involved took the charges very seriously and had numerous meetings and contacts.

Alderman Wiswell stated he was not a witness to the event but his son has been named as an involved party. He was not allowed to comment because he was not directly involved.

Police Chief Ostrenga declined to comment as he had no direct involvement in the event.

Ms. Stroess stated Ms. Burress did not experience unexpected physical contact in her example of past training.

Mayor Miller would not allow a demonstration of the training technique used. There is no reason to think Ms. Stroess doesn't believe what she says happened. Witnesses are important, not friends or hearsay. There was no intention by staff to not follow the law or procedures. There are two different interpretations of what took place. A well-intentioned action rather than accusatory and a goal of betterment of the process, not laying blame, should be the focus.

City Attorney Cole asked those present to allow the Committee to conduct its business.

Alderman Busse asked Ms. Burress how many lifeguards were in attendance. Ms. Burress stated 19 lifeguards in 4 groups, Ms. Stroess in the first group. She didn't see hair pulling or Ms. Stroess leave, but did see her crying. She met Ms. Stroess in the lifeguard office. Mr. Anderson stated there is a separate lifeguard manual, with the harassment section copied from the employee handbook, and lifeguards sign a form that they've received it. The victim is required to inform someone harassment has occurred and tell the perpetrator to stop. Sometimes instruction should be expected to be intense.

Ms. Stroess says the policy is not the same and she wasn't told the manual was available online. Alderman Busse stated Mr. Krapfl described himself in his training materials as a "drill instructor" so she should have been ready for a tough session. Ms. Stroess says it was more intense than she expected. When asked, Ms. Stroess stated she did not tell Mr. Krapfl to stop the exercise.

Members discussed the allegations and testimony. Staff harassment training, which all have received, is a policy issue. The Police Department investigated the assault complaint and referred it to the District Attorney who found no case. Alderman Busse stated that a hostile environment is defined by the individual but the individual has the obligation to tell the alleged offender to stop the behavior and this did not happen.

A motion by Alderman Wood, seconded by Alderman Busse to deny the Grievance of Heather A. Stroess, was carried.

NEW BUSINESS

There was no New Business.

ADJOURNMENT

A motion by Alderman Wood, seconded by Alderman Busse to adjourn, was carried. (8:32 p.m.)

Joan Andrusz
City Clerk