

NORTH CENTRAL COMMUNITY SERVICES PROGRAM EXECUTIVE COMMITTEE MEETING MINUTES

April 4, 2025 9:00 a.m. North Central Health Care

Present: X Kurt Gibbs X Renee Krueger
 X Lance Leonhard X Robin Stowe

Staff Present: Gary Olsen, Jason Hake, Vicki Tylka, Marnie Bredlau, Ben Petersen

Others Present: Mike Puerner, Corporation Counsel, Dejan Adzic, Deputy Corporation Counsel

Call to Order

- The meeting was called to order by Chair Gibbs at 9:00 a.m.

Public Comment for Matters Appearing on the Agenda

- None

Approval of Executive Committee Meeting Minutes

- **Motion**/second, Stowe/Leonhard, to approve the January 29, 2025, February 20, 2025, and March 21, 2025 Executive Committee meeting minutes. Motion carried.

Introduction of Ben Petersen, Director of Compliance & Quality

- Mr. Olsen introduced Ben Petersen, the Director of Compliance & Quality who will participate regularly in meetings of the Executive Committee. Mr. Petersen shared his educational background and work experience.

Financial Update – J. Hake

- An overview was provided which included February 2025 ending with a net income of \$991,000. The Adult Crisis Stabilization (ACSF) grant ended 3/24/25. With the high census and ACSF operating at an efficient level, we would not need to rely on the grant for the overall sustainability of the program, therefore, we should not see an impact by the loss of this grant. Staff continue to work to decrease write-offs, improve efficiencies, and strive to meet the expectations of our county partners. An in-depth look at our crisis services and how we bill for those services is in progress. Overall, NCHC is doing well through February.

Guidance Regarding Sections IV.C. 6 & 7 of Joint County Agreement – G. Olsen

- Leadership is in the process of updating the Employee Compensation and Timekeeping Policy as a result of the recent wage classification study. Olsen asked for additional clarification as it relates to the approval of compensation pay ranges and new or additional allocated positions and position reclassifications as identified in the Joint County Agreement.

- Leadership was asked to provide proposed terminology for the following:
 - All new or additional positions
 - Whether position is budgeted or non-budgeted
 - Whether position is an allocated FTE or temporary position (include positions supported by grant dollars)
 - Committee will approve pay grades annually
 - Process for reclassifications
 - Language must have Corporation Counsel approval

Step Scale Adjustment for Equity, Education, and Recruitment Needs – J. Hake/G. Olsen

- Mr. Olsen thanked Jason Hake and Marnie Bredlau for their work on the compensation study. Due to the complexity of the organization, there are three areas where adjustments are needed to maintain fairness, consistency, and the ability to recruit and retain talent as described in the memo included in the meeting packet:
 - Internal Equity (impacting 10 individuals)
 - Leveled Positions Based on Education
 - Hard-to-Fill Roles
- Budget impact is about \$80,000; some of this is reimbursable. Mr. Hake noted that there is no concern about these changes being funded.
- **Motion**/second, Krueger/Stowe, to approve the step scale adjustments for equity, education, and recruitment needs. Motion carried.

Acute Care Services Restructure Proposal – J. Hake/V. Tylka

- The restructure proposal was reviewed and noted as budget neutral.
- **Motion**/second, Krueger/Leonhard, to approve the acute care services proposed restructuring. Motion carried.

Proposed One Time Payment – J. Hake/M. Bredlau

- Ms. Bredlau explained that the proposal for a one-time payment is for the implementation process of the compensation study. It has been identified that 56 employees would be impacted i.e. 29 are above the step scale in their respective grades, and 27 are receiving less than 3% increase being on step 16. The one-time payment is also recommended by the consulting firm, so employees are being compensated appropriately for their contributions. This will be reviewed and approved on an annual basis.
- **Motion**/second, Leonhard/Stowe, to approve the proposed one-time payment as presented. Motion carried.

Budget Policy – J. Hake/G. Olsen

- The Budget Policy was approved by the Board and, per the Joint County Agreement, is being presented to the Executive Committee for final approval.
- **Motion**/second, Leonhard/Krueger, to postpone action and refer back to staff to bring forward additional changes and clarity to section 4.3. Budget Amendment. Motion carried.

Closed Session

- Michael Puerner, Marathon County Corporation Counsel, provided an overview from a recent court case when it involves a closed session. Under recent guidance from the Wisconsin Court of Appeals, chief presiding officers of governmental bodies should ensure, prior to a vote to enter into a closed session discussion, that both the appropriate grounds for a closed session are announced to the public and to the meeting attendees and that the body has at least a general overview of the substance of the items to be discussed in closed session so that the body can evaluate the reasons for entering closed session. Developing an appropriate and clear record of that discussion before entering closed session is crucial to avoid potential open meetings violations and litigation.
- The Committee asked Mr. Puerner to provide a brief factual background for entering into closed session. As counsel for the organization, the Marathon County Corporation Counsel office has received certain information relative to potential workplace performance concerns that would fall within the Executive Committee's direct oversight and jurisdiction. Given the nature of the information and the need to ensure that reputations and identities are protected at this preliminary stage, Mr. Puerner strongly believes that a discussion in closed session is required and permitted under statutory authority as cited in both the agenda as well as due to the need to preliminarily consider specific personnel problems which when discussed in public would be likely to have a substantial adverse effect on the reputation of any person referred to in such discussion. Therefore, Mr. Puerner believes there is sufficient legal basis to enter into closed session under the statutes cited and a motion would be in order if the Committee agrees.
- **Motion**/second, Leonhard/Stowe, to go into Closed Session (Roll Call Vote Suggested) Pursuant to Wis. Stat. ss. 19.85(1)(c), for the purpose of "[c]onsidering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility" and pursuant to Wis. Stat. s. 19.85(1)(g), for the purpose of "[c]onfering with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved", to wit: discussion with counsel relative to direction and strategy as to an employment matter over which the committee exercises responsibility. Roll call vote taken. All indicated aye. Meeting convened in closed session at 10:30 a.m.

Motion to Return to Open Session

- **Motion**/second, Krueger/Leonhard, to return to Open Session at 11:40 a.m. (Roll Call Vote Unnecessary) and Possible Announcements and/or Action Regarding Closed Session items.
 - No announcements are to be made in open session relative to the previous item.
 - No formal action was taken in closed session and that said staff was provided sufficient direction relative to moving forward and will take action accordingly.

Closed Session

- Consistent with the discussion entering the previous closed session, Mr. Adzic, provided description and background on the purpose of entering closed session for the three agenda items identified for possible discussion in closed session:
 - 7.c.i. Conferring with Legal Counsel Regarding Department of Labor (DOL) Settlement Communications and Strategy Relative to DOL litigation. Wisconsin Law authorizes the governing body to meet in closed session for the purposes of conferring with counsel and discussing pending litigation. The purpose of this is because the nature of these communications is generally protected by attorney/client privilege. The legislature has recognized that attorney client privilege is beneficial to a governmental entity as it would be to any other entity. Because of the nature of the discussions, the communications, facts, and case strategy, if it were discussed in open session could have negative consequences for the governmental body in that it will jeopardize their position and litigation. That's why this statutory exception exists and that's why it's appropriate to confer in closed session whenever discussing topics of that nature. The specific nature of the closed session is pending litigation. The DOL has sued North Central Health Care and the case is now pending in the western district of Wisconsin. Therefore, everything that will be discussed with the committee today will be protected by attorney/client privilege.
 - 7.c.ii. Executive Director's Performance Evaluation. The legislature has recognized that the governmental body has an interest in conducting these types of discussions in closed sessions for multiple reasons. Some reasons are being that not everything being discussed might not always have 100% accurate information, so if it were discussed in open session there could be potential issues with defamation in order to protect the government from such risk or even having to weigh that risk before engaging in such discussion. The legislature has carved out statutory exceptions. Furthermore, for the individuals working for governmental bodies, they may not be as interested to work for governmental entities if all of their performance was always discussed in open session. This will then inevitably make NCHC less competitive.
 - 7.v.iii. Setting 2025 Wages for Executive Director, Deputy Executive Director, and Senior Director of Behavioral Health Services. When discussing general salaries based upon a job description and salary range, it cannot be discussed in closed session. However, when discussing specific individuals and specific individual's salaries and how their specific performance ties into the salary determination, this would fall within a statutory exception. The exception does not apply to elected officials, but since the discussion does not pertain to elected officials, legal counsel stated that the subjects being discussed are appropriate to be discussed in closed session.

- **Motion**/second, Stowe/Leonhard, to go into Closed Session (Roll Call Vote Suggested) Pursuant to Wis. Stat. ss. 19.85(1)(c), for the purpose of “[c]onsidering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility” and pursuant to Wis. Stat. s. 19.85(1)(g), for the purpose of “[c]onferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved”, to wit:
 - i. Conferring with Counsel Regarding Recent Department of Labor (“DOL”) Settlement Communications and Strategy Relative to DOL Litigation;
 - ii. Executive Director’s Performance Evaluation;
 - iii. Setting 2025 Wages for Executive Director, Deputy Executive Director, and Senior Director of Behavioral Health Services.

Roll call vote taken. All indicated aye. Individuals requested to remain in closed session for discussion regarding the Department of Labor Litigation only included: Gary Olsen, Jason Hake, Vicki Tylka, Marnie Bredlau, Ben Petersen, and Dejan Adzic. Motion carried. Meeting convened in closed session at 11:46 a.m.

Motion to Return to Open Session

- **Motion**/second, Leonhard/Stowe, to Return to Open Session at 1:55 p.m. (Roll Call Vote Unnecessary) and Possible Announcements and/or Action Regarding Closed Session items:
 - 7.c.i. Conferring with Counsel Regarding Recent Department of Labor (“DOL”) Settlement Communications and Strategy Relative to DOL Litigation:
 - The Committee received an update from legal counsel and provided guidance and direction relative to the ongoing matter.
 - 7.c.ii. Executive Director’s Performance Evaluation
 - Discussion has been had, and the Executive Director’s performance evaluation continues to be discussed, will continue to be evaluated, and the Committee has given sufficient direction relative to that.
 - 7.c.iii. Setting 2025 Wages for Executive Director, Deputy Executive Director, and Senior Director of Behavioral Health Services
 - For the purposes of the fact that the Executive Director performance evaluation process remains ongoing, the compensation increase will be deferred with the exception as follows: given our transition to the new compensation grid and for ease of implementation, we are moving the Executive Director's current pay from the current rate to the closest available step under our new system that being step three.
 - With respect to the wage and compensation for the Deputy Executive Director, the motion would be to move the compensation for that position, based on successful performance over the appraisal period, to step six with an effective date consistent with all other employees.

- Similarly, with respect to the Senior Director of Behavioral Health Services, the motion would be to move that individual's compensation to step 14 on our newly adopted pay scale. The rationale with respect to each of those recommendations for the Deputy Executive Director and Senior Director of Behavioral Health Services is that we would take their current rates, move them to the step scale. If their rate was between two steps, we install them on the higher of those two steps, then again based on successful performance for those individuals, over the appraisal period, they were advanced one step on the system.
- Motion carried.

Next Meeting Date & Time, Location and Future Agenda Items

- There is a meeting scheduled for April 30, however, from discussions earlier in this meeting, an additional meeting would likely be held within the next two weeks for the purpose of the Committee meeting with senior leadership and corporation counsel.

Adjournment

- **Motion**/second, Krueger/Stowe, to adjourn the meeting at 1:58 p.m. Motion carried.

Minutes prepared by Debbie Osowski, Senior Executive Assistant