

Rec'd 2-6-2023
MD

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

)	
)	
)	
Todd Wolf)	
-----)	
Plaintiff(s))	
)	
v.)	Civil Action No. 23-CV-149
)	
City of Sheboygan, Ryan Sorenson, Charles Adams, Barbara)	
Felde, Roberta Filicky-Peneski, Amanda Salazar, Angela)	
Ramey, Grazia Perella, Zachary Rust, Dean Dekker, Betty)	
Ackley, Mary Lynne Donohue, Maya Hilty, Jill Pedigo Hall)	
-----)	
Defendant(s))	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Ryan Sorenson, Charles Adams, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Angela Ramey, Grazia Perella, Zachary Rust, Dean Dekker, City of Sheboygan
828 Center Avenue
Sheboygan, Wisconsin 53081

A lawsuit has been filed against you.

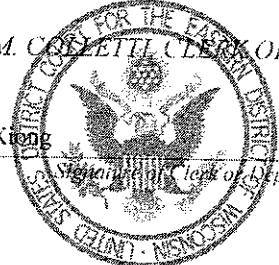
Within 21 days after service of this summons on you (not counting the day you receive it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or the plaintiff's attorney, whose name and address are: Jennifer DeMaster, DeMaster Law LLC, 361 Falls Rd. #610, Grafton, Wisconsin 53024

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 02/06/2023

GINA M. COBLETT, CLERK OF COURT

s/B. Xiong



Signature of Clerk or Deputy Clerk

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box (required): Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS

Todd Wolf

(b) County of Residence of First Listed Plaintiff Sheboygan
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
DeMaster Law LLC, 361 Falls Rd #610, Grafton, Wisconsin 53024

DEFENDANTS

City of Sheboygan, Ryan Sorenson, Charles Adams, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Angela Ramey, Betty Ackley, Dean Dekker, Grazia Perella, Zach Rust, Maya Hilty, Mary Lynne Donohue, Jill Hall
County of Residence of First Listed Defendant Sheboygan
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983, United States Constitution, First Amendment and Fourteenth Amendment

Brief description of cause:

Termination and unlawful retaliation, violation of First Amendment and Fourteenth Amendment Due Process

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See updated instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
02/06/2023

SIGNATURE OF ATTORNEY OF RECORD
/s/ Jennifer DeMaster

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TODD WOLF,

Plaintiff,

v.

Case No. 23-cv-149

JURY TRIAL DEMANDED

CITY OF SHEBOYGAN, MAYOR RYAN SORENSON in his individual and official capacity, CITY ATTORNEY CHARLES ADAMS in his individual and official capacity, ALDERWOMAN BARBARA FELDE, in her individual and official capacity, ALDERWOMAN ROBERTA FILICKY-PENESKI, in her individual and official capacity, ALDERWOMAN AMANDA SALAZAR, in her individual and official capacity, ALDERWOMAN ANGELA RAMEY, in her individual and official capacity, ALDERWOMAN BETTY ACKLEY, in her individual and official capacity, ALDERMAN ZACHARY RUST, in his individual and official capacity, ALDERMAN DEAN DEKKER, in his individual and official capacity, ALDERWOMAN GRAZIA PERRELLA, in her individual and official capacity, PRESIDENT SHEBOYGAN AREA SCHOOL DISTRICT MARY LYNNE DONOHUE, in her individual capacity; MAYA HILTY; and JILL HALL,

Defendants.

COMPLAINT

Plaintiff Todd Wolf, by his undersigned counsel, Jennifer DeMaster, hereby alleges as follows:

INTRODUCTION

1. Plaintiff Todd Wolf (“Mr. Wolf”) was one of the most successful and well-liked businessmen and public servants that the City of Sheboygan has ever known until he refused to play by the rules of the Sheboygan DEIB collective and their extremist political backers. When Mr. Wolf, a lean six-sigma black belt, walked away from the private sector to become Sheboygan’s City Administrator, he aimed to ensure the citizens and the City’s hardworking employees knew they had a transparent government that acted in their interest. Despite Mr. Wolf’s qualifications and successes, his integrity made him a target within his first year. In 2021, the Sheboygan DEIB “collective” installed certain individuals into trusted positions on the Common Council, the Mayoral seat, and one reporter at a local newspaper. The Sheboygan DEIB and installed officials wanted to strip Mr. Wolf’s powers after he denied their demands but were unsuccessful. However, when Mr. Wolf started defending employees and hiring real diversity experts, he became their main target. The goal to fire Mr. Wolf and damage his reputation hit a tipping point when Mr. Wolf finally spoke out to oppose harassment and threats for public funds and policy control.

2. Sheboygan’s Mayor and most of the Common Council publicly launched a vague “sham” investigation into Mr. Wolf’s “conduct” without any legitimate justification to make sure that his stature in the community was destroyed with the help from their “friendly reporter,” Maya Hilty. The defendants (and others) involved in this effort against Mr. Wolf did not actually care about diversity, equality, or inclusion. Indeed, Mr. Wolf brought on many “diversity initiatives” through qualified professionals; but not them. Mr. Wolf even offered to have them volunteer to train citizens and staff for City “Community Meetings,” but they wanted money. Their concern was not about “diversity,” but about money, influence, and power over the City to impose their ideologies on the employees and the citizens. Whomever stood in the way of *their* so-called

“equity” initiatives—especially Todd Wolf, whom they called a “white man of privilege”—would face severe retaliation if he disobeyed or refused them. This was a concerted effort between DEIB-affiliated elected officials, including a “news” reporter, all working in conjunction to destroy Mr. Wolf’s reputation with fabricated allegations and remove him as City Administrator without any chance for due process. This Complaint seeks to vindicate the egregious constitutional deprivations that Mr. Wolf suffered at defendants’ hands simply because he chose to play by the rule of law rather than the “rule of DEIB” in Sheboygan.

PARTIES

3. Plaintiff, Todd Wolf, was the City Administrator for the City of Sheboygan from July 7, 2020, to January 9, 2023. At all times material to the facts alleged in the foregoing complaint, Todd Wolf was a citizen of the United States and resident of the State of Wisconsin.

4. Defendant City of Sheboygan (“City”) is a municipality, organized pursuant to a body politic, organized under the laws of the State of Wisconsin, whose address is 828 Center Avenue, Room 103, Sheboygan, Wisconsin.

5. Defendant Ryan Sorenson is the Mayor for the City of Sheboygan and at all times material hereto. Sorenson was elected Mayor of Sheboygan on April 6, 2021, through the campaign leadership and advising of Defendant Mary Lynne Donohue. He is sued in his individual and official capacities.

6. Defendant Charles Adams is the City Attorney for the City of Sheboygan and at all times material hereto. Adams has been the City Attorney in Sheboygan for nearly two decades and spent many years working other positions in the Sheboygan City Attorney’s office prior to being named City Attorney. He is sued in his individual and official capacities.

7. Defendant Barbara Felde is an Alderwoman and President of Sheboygan's Common Council and has been at all times material hereto. Along with Filicky-Peneski, Feldi is considered "council leadership." She is sued in her individual and official capacities.

8. Defendant Roberta Filicky-Peneski is an Alderwoman and Vice President of Sheboygan's Common Council and has been at all times material hereto. Along with Feldi, Feldi is considered "council leadership." She is sued in her individual and official capacities.

9. Defendant Amanda Salazar is an Alderwoman on Sheboygan's Common Council and has been at all times material hereto. She is sued in her individual and official capacities.

10. Defendant Angela Ramey is an Alderwoman on Sheboygan's Common Council and has been at all times material hereto. She is sued in her individual and official capacities.

11. Defendant Dean Dekker is an Alderman on Sheboygan's Common Council and has been at all times hereto. He is sued in his individual and official capacities.

12. Defendant Betty Ackley is an Alderwoman on Sheboygan's Common Council and has been at all times material hereto. She is sued in her individual and official capacities.

13. Defendant Zach Rust is an Alderman on Sheboygan's Common Council and has been at all times material hereto. He is sued in his individual and official capacities.

14. Defendant Grazia Perrella is an Alderwoman on Sheboygan's Common Council and has been at all times material hereto. She is sued in her individual and official capacities.

15. Defendant Mary Lynne Donohue is a highly influential political power player in Sheboygan. She currently serves as the President of the Sheboygan Area School District Board of Education and has served as Chairman of the Board for Planned Parenthood of Wisconsin.¹ Prior

¹ *Planned Parenthood of Wisconsin Announces Opening of New Health Center in Milwaukee*, (Oct. 6, 2017), <https://www.plannedparenthood.org/planned-parenthood-wisconsin/inc/newsroom/press-releases/planned-parenthood-of-wisconsin-announces-opening-of-new-health-center-in-milwaukee-3>.

to the School District Board, Donohue served as an Alderwoman on Sheboygan's Common Council for several years. In addition to her many listed and other political and/or activist roles, Donohue is the Founder of the "Sheboygan Justice Equity" group under the "umbrella" of the Sheboygan DEIB. *See infra* ¶ 99.

16. Defendant Maya Hilty ("Hilty") is a reporter for Gannett Inc.'s "Sheboygan Press" and resides in Sheboygan, Wisconsin at all times material hereto. Hilty graduated college in 2021 and moved to Sheboygan.² Between October 2022 – January 2023, Hilty authored *six* articles targeting Mr. Wolf. As set for in the following paragraphs, all of Hilty's articles targeting Mr. Wolf since October 2022 have been used in some form to remove Todd Wolf from his position as City Administrator. *See infra* Conspiracy to Violate Mr. Wolf's Fourteenth Amendment Due Process Right. She is sued in her individual capacity.

17. Defendant Jill Pedigo Hall ("Hall") is an attorney with "VonBrieson and Roper"³ Hall has known Defendant Donohue for over thirty (30) years. Hall was contracted by Adams and Sheboygan's Common Council to investigate Plaintiff Todd Wolf. On information and belief, Hall was selected based on her association with Donohue to retain attorney-client privilege of the City's purported "investigation" into Plaintiff Todd Wolf aid in his removal by the Common Council. Hall is sued in her individual capacity.

VENUE & JURISDICTION

18. This case arises under the Constitution and laws of the United States, and subject matter jurisdiction is therefore proper under 28 U.S.C. §§ 1331 and 1343. This Court has authority to grant the requested declaratory relief pursuant to 28 U.S.C. §§2201 and 2202, and Fed. R. Civ.

² *Maya Hilty*, Sheboygan Press, Biography Page, <https://www.sheboyganpress.com/staff/7964665002/maya-hilty/>.

³ *Jill Pedigo Hall*, vonBrieson & Roper, <https://www.vonbrieson.com/people/jill-pedigo-hall>.

P. 57. This Court has authority to award damages and to issue injunctive relief pursuant to 42 U.S.C. § 1983. This Court has authority to award attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

19. The events or omissions giving rise to this cause of action occurred in Sheboygan County, Wisconsin, which is within the Eastern District of Wisconsin, Milwaukee Division. Venue is therefore proper under 18 U.S.C. § 1391(b)(1) and (2).

RELEVANT FACTUAL BACKGROUND

Sheboygan's City Administrator Todd Wolf

20. Todd Wolf ("Mr. Wolf") was born in Ventura, California to an impoverished family and has spent the last forty years of his life living in Sheboygan, Wisconsin.

21. Forced to be "on his own" at the age of seventeen, Mr. Wolf worked multiple jobs from a young age, eventually rising through the ranks to management because of his integrity, honesty, skill, and work ethic in the private sector. A true and accurate copy of some of Mr. Wolf's Letters of Recommendation are attached to this complaint as Exhibit A.

22. Mr. Wolf put himself through college and obtained his master's degree while continuing to work full-time and being a devoted husband and father as a City of Sheboygan ("city") resident.

23. Beginning in 2011, Mr. Wolf agreed to serve on various city committees and commissions because he wanted to improve his home in Sheboygan and desired to eventually shift to full-time public sector employment.

24. Mr. Wolf was elected as an Alderman on the Sheboygan Common Council in 2015.

25. As an Alderman and committee volunteer, Mr. Wolf studied the challenges, makeup, and inner workings of Sheboygan between 2011 – 2020 to ensure that he was well-equipped to someday become an effective public servant for the City of Sheboygan.

26. Mr. Wolf served as the Vice President of the Common Council for one year (under Donohue as President) and then as President for four years, with Donohue serving as his Vice President of the Council.

27. During the years Mr. Wolf served as an Alderman and on various Sheboygan committees, Mr. Wolf's integrity, honesty, character, and beliefs were never attacked nor questioned.

28. Defendant Mary Lynne Donohue ("Donohue") supported Mr. Wolf's appointment as City Administrator in 2020.

29. Mr. Wolf walked away from his successful private sector career when he accepted the role of Sheboygan's City Administrator in June 2020—at the height of the COVID 19 pandemic. A true and accurate copy of a Press Release Naming Mr. Wolf as City Administrator from 6-23-2020 is attached to this complaint as Exhibit B.

30. Within both the public and private sector, Mr. Wolf was considered a widely respected and well-liked leader, manager, and public servant in Sheboygan. True and accurate screen shots from *several city employees* is attached to this complaint as Exhibit C. (The messages are redacted to protect the various employees from retaliation). *See also* Ex. A.

31. As City Administrator from 2020-2023, Mr. Wolf was highly admired, respected, and well-liked by nearly every employee and department head who worked with him. *Id.*

32. Both of Mr. Wolf's performance reviews by the Council were "outstanding" with a score of 3.96 in 2020 and 3.5 for 2021. A true and accurate copy of Mr. Wolf's performance reviews from the City is attached to this complaint as Exhibit D.

33. Mr. Wolf achieved outstanding success in the short time as Sheboygan's City Administrator, including *first-ever* internal audits, wage studies and increases, cutting large amounts of wasteful spending, and implementing long overdue processes into Sheboygan's City government. A true and accurate copy of Mr. Wolf's accomplishments as City Administrator in Sheboygan is attached to this complaint as Exhibit E.

34. In 2021, Mr. Wolf was nominated for Sheboygan County Chamber's MVP of the Team Award."⁴

35. On August 7, 2022, Employ Humanity announced Mr. Wolf was awarded as and "Inspirational Leader" based on Mr. Wolf's "extraordinary ability to lead, serve and inspire." A true and accurate copy of an email naming Mr. Wolf for this award is attached to this complaint as Exhibit F.

Mr. Wolf's Duties and the City Administrator Laws

36. Sheboygan's Common Council ("the council") created the City Administrator position in 2011 by General Ordinance and amended that Ordinance in 2014 ("City Administrator Ordinance"). A true and accurate copy of the 2014 City Administrator Ordinance in effect when Mr. Wolf was hired in June 2020 is attached to this complaint as Exhibit G – 2014 ORDINANCE.

37. The Ordinance stated in 2020 that the City Administrator can only be removed for "cause" by a vote of three-fourths of the Common Council. *Id.*

⁴ The details of this award nomination are in Mr. Wolf's prior office at the City, and Mr. Wolf has not been permitted to access his office since he was placed on leave and ultimately removed from his position.

38. Mr. Wolf also signed an employment agreement (“Agreement”) in June 2020 that served as “additional” benefits and assurances. A true and accurate copy of Mr. Wolf’s employment agreement is attached to this Complaint as Exhibit H.

39. The “City Administrator Ordinance” was slightly amended in 2021 to officially change the name from “Chief Administrative Officer” to “City Administrator” and edit the “council vote” for “cause” number from “three-fourths” to “four-fifths.” A true and accurate copy of the 2021 amendment to the City Administrator Ordinance is attached to this complaint as Exhibit I.

40. In his Agreement, the City agreed to provide Mr. Wolf with payment of his Wisconsin City/County Manager Association (“WCMA”) fees. Ex. H ¶ 5.

41. The Agreement also specified that the City encouraged professional development and would provide for professional development expenses incurred to achieve these educational objectives within the State of Wisconsin. *Id.* at ¶ 6.

42. Pursuant to this provision, and with the agreement of Common Council (“council”) leadership within the city’s budget for the 2021, 2022 and 2023 years, Mr. Wolf enrolled in and began classes for his Certificate in Public Management (“CPM”) at the University of Wisconsin (“UW”) Madison and his master’s degree in public administration (“MPA”) at UW Milwaukee.

43. Mr. Wolf has not yet completed either educational degree or certification.

44. Mr. Wolf’s Agreement imposed an automatic “severance” payment to Mr. Wolf if the City took *any action* that the Agreement defined as a “termination” including a “reduction in pay” or modification of his Mr. Wolf’s job duties as City Administrator, as well as a termination without cause. *Id.* at pp. 2-4.

45. The Agreement expressly states that “[n]othing in this agreement shall contravene the [City Administrator] ordinance” pertaining to a removal of the City Administrator for cause.

Id. ¶ 16.

46. The Agreement does *not* contain a single line nor provision that a “termination without cause” is valid, lawful, or effective. *Id.*

47. Under the current City Administrator Ordinance, the City Administrator’s duties are only outlined as the “authority and powers prescribed by the common council.” Ex. I.

48. The City Administrator in Sheboygan is considered an “administrative arm” of the “legislature.” A true and accurate copy of a Memo on the Powers of the Mayor and City Administrator from City Attorney Charles Adams to Mr. Wolf on 1-21-2021 is attached to this complaint as Exhibit J.

49. The City Administrator in Sheboygan is not an “executive” position that ensures compliance with the laws. *Id.* at p. 7.

50. As part of his duties prescribed by the Common Council, Mr. Wolf introduced an annual budget to the Common Council for the *next* year by October of the previous year for the Council’s adoption and implementation. *Id.* at pp. 7-11.

51. By August of the previous year, department heads would present their budget requests to Mr. Wolf, and between September and October, Mr. Wolf would accept or reject the department budget requests and determine the final numbers based on each department’s needs.

52. Mr. Wolf’s budget for 2023 was approved by the Council in October 2022.

53. The City Administrator is authorized, when necessary, to suggest that the Council put out a Request for Proposal (“RFP”) when necessary for specific department or City needs within the purview of the annual budget each year.

54. An RFP is a resolution memorandum sent out to the public asking for proposals to be submitted to the City to assume specific roles, jobs, or contracted assignments based on City needs as specific in the RFP.

55. The City's Employee Handbook outlines the Grievance Procedure for employees, with most grievances being handled by the City Administrator. A true and accurate copy of the City of Sheboygan's Employee Handbook is attached to this complaint as Exhibit K.

56. The City has no grievance procedure via Ordinance or Handbook for the City Administrator. *Id.*

Other Relevant Roles and Positions in the City of Sheboygan Government

57. Sheboygan has a "Mayor-Council" form of government under Wis. Stat. § 62.09.

58. As Mayor of Sheboygan, Sorenson's duties include ensuring "the city ordinances" are followed and upheld. *See* Ex. J.

59. The Mayor is the "presiding officer" of the Common Council and the head over the Sheboygan Police and Fire Departments. *Id.*; Wis. Stat. § 62.09(8)(d).

60. In the event of any dispute regarding whether a duty falls to the Mayor or the City Administrator, the Mayor is considered the "executive branch" and the Administrator is the "legislative branch." Ex. J at p. 7.

61. The Mayor is considered the Chief Executive Officer over the City's day-to-day operations and makes sure that City ordinances are upheld. *Id.* at p. 4.

62. The Mayor has not held power or authority over the City budget since 2011, when the City Administrator position was created.⁵

⁵ *Sheboygan Officials wants to take power from Mayor*, Pioneer Press (Sept. 7, 2011), <https://www.twincities.com/2011/09/07/sheboygan-officials-want-to-take-power-from-mayor/>.

63. On or around mid-2022, Sorenson asked a citizen affiliated with the Sheboygan DEIB to draft a “city grant proposal” for a large government grant that would directly benefit the citizen’s business.

64. When Mr. Wolf discovered this effort by Sorenson, he told Sorenson that asking a citizen to draft a public grant proposal that will directly benefit *that* citizen is not legal; and Sorenson appeared upset.

65. Sheboygan’s City Clerk is Meredith DeBruin (“Ms. DeBruin”).

66. Ms. DeBruin is the main contact for public records requests under Wisconsin Open Records Laws and all officials have named DeBruin as custodian, but Ms. DeBruin does not authorize nor disclose any records without the express authorization of the City Attorney. *See* Wis. Stats. § 62.09(11); Sheb. Muni Code 2-838(d).

67. Ms. DeBruin takes the official “minutes” for all Common Council closed sessions.

68. In the 8+ years Mr. Wolf served as an Alderman and City Administrator, Ms. DeBruin has always taken “handwritten” minutes in council’s closed sessions and stored those minutes in her files.

69. The City Attorney has repeatedly advised all City officials to not “re-type” any handwritten minutes because both documents (the handwritten notes and typed notes) would be subject to public records requests.

70. Defendant City Attorney Charles Adams (“Adams”) is elected, but his annual budget is determined by the City Administrator, who, until recently, was Mr. Wolf.

71. Adams helped draft the City Administrator ordinance stating Mr. Wolf could only be removed for “cause,” as well as Mr. Wolf’s employment agreement, that expressly states it does not “contravene” the City Administrator Ordinance. *See* Ex. H ¶ 16.

72. On multiple occasions, Mr. Wolf approached Adams and asked that he provide legal advising for the City department heads to help them and the employees, but Adams responded, "I only advise the Mayor and Common Council."

73. Adams told Mr. Wolf that department heads and City employees needed to retain their own legal counsel if they had questions or legal concerns.

74. The City Attorney's office under Adams has one full time Assistant City Attorney ("ACA"), one part time ACA, and two employees classified as professional full-time paralegals or legal assistants solely for Adams' "advising the Mayor," Council, ordinance enforcements, and reviewing contracts.

75. On at least two occasions, Adams declined to provide any legal representation or advise City departments in need of legal counsel when Mr. Wolf requested his assistance and Adams felt that Mr. Wolf was "questioning" his capabilities.

76. Adams asked Mr. Wolf for additional attorneys and a larger budget for the City Attorney's office, but Mr. Wolf declined Adams' requests given Adams' refusal to advise or represent City department heads on legal matters and the City's consistent need to retain outside counsel despite Adams' high salary and tenure with the City.

77. The Director of Sheboygan's Department of Planning and Development is Chad Pelishek—a nearly sixteen-year veteran city employee.

78. Mr. Pelishek's main duty is to approve how and to whom the City will spend all Community Development Block Grant (CDBG) money that it obtains from the state and federal government pursuant to various regulations.

79. Another area under Mr. Pelishek's purview is Sheboygan's "Community Meetings" where each Sheboygan community neighborhood arranges a monthly meeting to discuss neighborhood issues, concerns, events, or ideas together ("Community Meeting").

80. To support these Community Meetings, one City employee acts as a "liaison" for the citizens who lead the meetings to help them find speakers, guests, attendees, or venues for their monthly meetings ("city liaison").

81. This City liaison works under Mr. Pelishek and is part of the Planning and Development Department.

Mr. Wolf Turns Down Requests by Donohue and the Sheboygan DEIB

82. On information and belief, Donohue believed Mr. Wolf would do whatever she asked after she supported his appointment as City Administrator.

83. Within days of Mr. Wolf being named City Administrator in 2020, Donohue told Mr. Wolf to fire Chad Pelishek, who oversees government grant funding, saying, "you gotta get rid of that Chad guy."

84. Mr. Wolf declined this request, and then Donohue asked Mr. Wolf to introduce for Council passage a new RFP for the City to hire a DEIB "diversity consultant" referencing the "Sheboygan DEIB" umbrella and Donohue's "Sheboygan Justice Equity" group. A true and accurate copy of Donohue's drafted RFP that was emailed in October 2022 to Council is attached to this complaint as Exhibit L.

85. Mr. Wolf refused to introduce Donohue's RFP request on at least two occasions in 2020 and 2021. *Id.*

86. After Mr. Wolf refused Donohue's RFP requests, Donohue helped run Sorenson's Mayoral campaign to help him get elected in 2021.

87. On information and belief, Donohue told Sorenson that she intended to help him get elected as Mayor to help him “take back power” from the “City Administrator” (Mr. Wolf).

88. Sorenson has repeatedly referred to Donohue as his “mentor.”

89. On information and belief, the day after Sorenson was elected Mayor, the City’s (then) Human Resources Director, Vicky Schneider (“Ms. Schneider”), exclaimed that the “power” was finally “going to go back to Ryan” and would be taken away “from Todd [Wolf].”

90. During training for the new incoming Alderpersons in 2021, Defendant Amanda Salazar also stated that the powers needed to go back to the Mayor (away from the City Administrator).

91. In October and November 2021, Sorenson told Ms. Schneider on multiple occasions that Mr. Wolf “had a target on her back,” and that Mr. Wolf sent people to “spy on her.”

92. In January 2022, Ms. Schneider filed a complaint with the Wisconsin Department of Workforce Development (“DWD”) naming Mr. Wolf as “discriminating” and “retaliating” against her relying almost entirely on Sorenson’s statements to her about Mr. Wolf. A true and accurate copy of Schneider’s Rebuttal to the City’s Response to her complaint is attached as Exhibit M.

93. Listed in Schneider’s complaint *against the City of Sheboygan* as “corroborating witnesses” are Defendants Adams and Sorenson—the current City Attorney and Mayor of Sheboygan. *Id.* at p. 9.

94. The City retained attorney James Macy (“Attorney Macy”) to defend against Ms. Schneider’s DWD complaint, and Macy agreed to conduct a full investigation into her factual allegations.

95. On information and belief, in the summer of 2022, Attorney Macy reported to Sorenson, Adams, and the Council that Mr. Wolf did nothing wrong, and Ms. Schneider's factual allegations against Mr. Wolf were inaccurate following his internal investigation.

96. The DWD dismissed all but one of Schneider's claims on November 10, 2022, with the remaining claim resting almost exclusively on Sorenson's comments and comments from Adams' employee. A true and accurate copy of the DWD's Initial Determination is attached to this complaint as Exhibit N.

97. Following Attorney Macy's investigation report and Mr. Wolf's "Employ Humanity" award nomination, Director of Senior Services Emily Rendall-Araujo (Ms. Rendall-Araujo) and Sorenson became very "close" and left City Hall almost daily to take "walks" and would constantly text one another on their cell phones or using the app "Signal" during business hours.

98. On information and belief, Defendant Mayor Ryan Sorenson prohibited the City from publishing Mr. Wolf's "Employ Humanity" award nomination in August 2022 on any public website or City platform. *See Ex. F.*

99. On August 17, Donohue emailed the Council members to express her displeasure against Mr. Wolf's denying wage increases for the part-time library "Pages" based on a City-wide wage study Mr. Wolf authorized by the firm Carlson Dettmann, calling Mr. Wolf's decision "nasty." A true and accurate copy of Donohue's email to the Council is attached as Exhibit O.

100. On August 16, at the City's "Community Meeting," an unknown man entered the meeting and used a derogatory racial slur. *Supra* ¶ 79.

101. The incident with the unknown man was reported by the City liaison to her supervisor, Chad Pelishek ("Mr. Pelishek").

102. Sorenson refused to respond to Mr. Pelishek's requests for guidance or assistance, so Mr. Pelishek raised his concerns about the incident at the City's department head meeting on August 22, to obtain guidance and help from other department heads on how to address racism at the City's Community Meetings.

103. Mr. Wolf retained an HR expert consultant to be present at the department head meetings to advise on any HR-related concerns.

104. Present at the August 22 meeting were all 15 City department heads, the HR consultant, Mr. Wolf, and one other City employee.

105. At the meeting, Mr. Pelishek told the attendees about the August 16 "slur" incident stating *only* that the unknown man used "a derogatory racial slur" and Mr. Pelishek wanted help on how to address racist behaviors by citizens during the City's Community Meetings.

106. Ms. Rendell-Araujo asked Mr. Pelishek to tell her what the derogatory phrase was, and Mr. Pelishek said, "what he said was..." in response to Rendell-Araujo's request to hear the racial slur that was used.

107. The official "minutes" of the August 22, 2022, meeting did not disclose any information or details about the "slur exchange," nor did it describe the August 16 incident that Mr. Pelishek had raised. A true and accurate copy of the official August 22 department head meeting "minutes" is attached to this complaint as Exhibit P.

108. Several hours after the meeting, Sorenson told Mr. Wolf that Rendell-Araujo disclosed the August 22 exchange to the public, and Sorenson asked if Mr. Wolf was going to "talk to" Rendell-Araujo about her disclosures, and Rendell-Araujo admitted to Mr. Wolf that she disclosed the "slur exchange" to the public.

109. Following Sorenson's statements, Mr. Wolf called an "emergency meeting" on August 26 to be led by a qualified HR diversity advisor to address what occurred and the disclosures of the meeting.

110. At the August 26 meeting, Sorenson and Adams joined all 15 department heads and Mr. Wolf in training on maintaining a "safe space" for employees like Mr. Pelishek to report concerns about racism.

The Final Steps to Remove Todd Wolf as City Administrator

111. On information and belief, Donohue, Sorenson, and Adams agreed in September 2022 to use Rendall-Araujo's public disclosures to have Sheboygan Press's Maya Hilty make it appear as though Mr. Wolf had "leaked" the confidential meeting information to the public to generate enough public outcry that would lead to Council finally removing him with "cause."

112. On information and belief, Hilty became personally involved with Donohue's associates and leaders affiliated with the Sheboygan DEIB collective in 2022.

113. Hilty has used her platform as a reporter for the Sheboygan Press to advocate for DEIB ideologies and promote BLM and other social justice initiatives. A true and accurate copy of an article about DEIB initiatives in Sheboygan is attached to this complaint as Exhibit SS.

114. Hilty has used Sheboygan DEIB individuals in her articles on several occasions between January 2022 – October 2022. See e.g. *id.*

115. Hilty knew the "slur exchange" was confidential information that was disclosed without authorization or via a lawful public records request. Ex. P.

116. Hilty emailed *only* Mr. Wolf on September 12, 2022, to request an "interview" with him about Mr. Pelishek using a racial slur. A true and accurate copy of Hilty's email requesting comment from Mr. Wolf is attached to this complaint as Exhibit Q.

117. Mr. Wolf blind-copied Adams on his response to Hilty because Mr. Wolf knew that Adams' job was to assess authorizations about confidential information that Hilty had been provided. *Id.*

118. Mr. Wolf stated that he *and* Sorenson would meet with her together based on a directive from Council President and Vice President Felde and Filicky-Peneski that the Mayor and City Administrator should be present together for Hilty's interview.

119. Mr. Wolf arranged the interview with Hilty, himself, and Sorenson to be on September 20, which Hilty claimed was her article deadline.

120. Without his knowledge, Mr. Wolf discovered that Sorenson separately arranged a *private* meeting with Hilty outside of City Hall on September 16, when Mr. Wolf would be out of the office. A true and accurate copy of emails between Hilty and Mr. Wolf about her separate meeting with Sorenson is attached as Exhibit R.

121. On September 16 when Mr. Wolf was out of the office, Sorenson obtained several confidential City documents related to diversity initiatives *that Mr. Wolf had implemented* and left City Hall.

122. On information and belief, Sorenson took these confidential documents to his private meeting with Hilty.

123. Mr. Wolf asked Hilty for her questions in advance, and she provided 5 questions that would pertain to the job duties of both Sorenson and Mr. Wolf.

124. Prior to the September 20 interview, Mr. Wolf sought legal counsel from Adams, Felde and Filicky-Peneski about Hilty's email regarding Mr. Pelishek and what he should say to Hilty in the interview.

125. Neither Felde, Filicky-Peneski, nor Adams told Mr. Wolf not to comment on, nor confirm Hilty's information; and Adams only response was, "less is more."

126. At the September 20 interview with Sorenson and Hilty, Hilty asked several additional questions that she had not previously disclosed to Mr. Wolf, and the vast majority of her questions were specifically targeted at Mr. Wolf.

127. Mr. Wolf pled with Hilty not to publish the information about the August 22 "slur exchange" to harm "the director" (Pelishek) because he was concerned that the information was leaked to harass Mr. Pelishek and stated to Hilty that people should feel "safe" to report racism instead of scared that they will be retaliated against and harassed as "racist."

128. Mr. Wolf never once mentioned a single employee name to Hilty on September 20, and Hilty followed up on September 26 asking Mr. Wolf to "be specific."

129. By October 5, Mr. Wolf thought that Hilty had decided not to publish her article after pleading with her to refrain from harassing Mr. Pelishek for reporting racism.

130. Mr. Wolf remained concerned about Pelishek and other employees who had tried to report racism and discrimination but were all ignored by Adams, Sorenson, and Felde.

131. Following the pressure from Sorenson, Felde, Donohue and others to do more with the Sheboygan DEIB, Mr. Wolf had a City employee, Abby Block, arrange a meeting with them because he knew Ms. Block had their contact information.

132. Mr. Wolf had been told by two other DEI professionals that the Sheboygan DEIB had a "list of approved experts" in "DEIB" matters that they would be able to share with the City to help in the community meetings.

133. Ms. Block arranged a lunch on October 5, outside of City Hall for Mr. Wolf, Chad Pelishek, and Ms. Block to meet with two Sheboygan DEIB representatives, Ale Guevara (“Guevara”) and Jamie Haack (“Haack”), at Sheboygan’s “Black Pig” restaurant on 8th Street.

134. Ms. Block warned Mr. Wolf and Mr. Pelishek that Guevara and Haack would likely “ask for money” prior to the lunch meeting.

135. Present at the October 5 lunch meeting was Mr. Wolf, Chad Pelishek, Abby Block, and the Sheboygan DEIB’s Guevara and Haack.

136. At the lunch, Mr. Wolf asked if the women would provide their “list of approved experts” to help the citizens address racism issues at the “Community Meetings,” and the women said they did not have a list and would need to be paid to create their “list.”

137. One of the women asked Mr. Wolf what the budget was for “DEI” funding, and Mr. Wolf declined to provide that information.

138. They said their budget to do “DEI” work for the City was \$70,000.00 and then told Mr. Wolf that “their time was valuable,” and they “have to get paid.”

139. Neither Guevara nor Haack provided Mr. Wolf with any proposals, paperwork, nor information related to how their operation would work with the City budget they were looking for.

140. Mr. Wolf told them that he would not pay them City money, and Guevara responded that if he didn’t pay the Sheboygan DEIB, they would “oppose” him, his policies, and anyone he used for diversity that was not with them.

141. Hilty decided to publish her article five days after the October 5 lunch with the title, “City Leader Uses Racial Slur,” with several quotes and comments from Guevara. A true and accurate copy of Hilty’s 10-10-2022 article about Mr. Wolf is attached as Exhibit S.

142. In Hilty's article, Guevara stated that community members had "already been concerned about equity and inclusion issues in [Sheboygan's] government" and called on "city leaders" to "do something" about it. *Id.*

143. Hilty characterized Mr. Wolf as caring more about the unauthorized disclosure than "a white department head repeat[ing] the racist term." *Id.*

144. In the article, Hilty implied that Sorenson was responsible for the diversity training that Mr. Wolf had implemented, the details of which were contained in the confidential documents that Sorenson took on September 16 prior to his meeting with Hilty. *Id.* at p. 6. *Supra* ¶ 140.

145. Immediately following Hilty's article, Sorenson told the public to email the Common Council about Mr. Wolf's position as City Administrator in response to Hilty's article. A true and accurate photograph of a copy from an email affirming Sorenson's request is attached to this complaint as Exhibit T.

146. Following Hilty's article, Defendants Felde, Filicky-Peneski, and Sorenson ordered Mr. Wolf "not to speak to the media" about anything.

147. In addition to Sorenson asking the public to send emails to the Council members about Mr. Wolf, Sorenson also encouraged the public to show up to speak at the Council's Public Meeting about Mr. Wolf and Hilty's article on October 17, 2022.

148. Hilty, Jamie Haack, Vicky Schneider, and many other people affiliated with Donohue and the Sheboygan DEIB were present at the October 17 Council meeting.

149. Prior to the meeting, Sorenson ordered Mr. Wolf to sit directly in front of Schneider and had Adams sit in Mr. Wolf's seat at the Council table.

150. Jamie Haack from the October 5 Black Pig lunch gave a public speech at open session asking Council to “re-evaluate” Mr. Wolf’s position in “response” to Hilty’s article.⁶

151. Donohue’s associate on the SASD Board, Sarah Ruiz-Harrison, also gave a public speech asking Council to terminate Mr. Wolf in response to Hilty’s article.⁷

152. During the closed session on October 17, 2022, Haack spoke for several minutes with Defendant Alderwoman Angela Ramey.

153. On October 17, the Council met in closed session to discuss action against Mr. Wolf and Mr. Pelishek. A copy of the 10-17 closed minutes that Defendant Adams authorized for release is attached as Exhibit U.

154. On October 24, the Council met again in closed session to discuss action against Mr. Wolf related to Hilty’s articles. A copy of the 10-24 closed minutes that Defendant Adams authorized for release is attached as Exhibit V.

155. On October 26, 2022, Hilty published a *second* article about the “outrage” against Mr. Wolf and Pelishek because of the “racism” in City Hall. A true and accurate copy of Hilty’s 10-26-2022 article about Mr. Wolf is attached as Exhibit W.

156. In her October 26 article, Hilty admitted that her articles alone were generating the public outcry to remove Mr. Wolf. *Id.*

157. On October 27, Hilty published a *third* article about Mr. Wolf describing Schneider’s DWD complaint from January 2022. A true and accurate copy of Hilty’s 10-27-2022 article about Mr. Wolf is attached to this Complaint as Exhibit X.

158. On October 28, Donohue sent all the Council members her RFP that Mr. Wolf had rejected to consider requesting funding and policy initiatives from the Sheboygan DEIB. A true

⁶ <https://youtu.be/3T9nkJknLCI>.

⁷ *Id.*

and accurate copy of Donohue's email to the Council about her RFP is attached as Exhibit Y. *See also* Ex. L for the attachment to Donohue's email.

159. On November 1, Defendant Filicky-Peneski told Mr. Wolf, at that time, there were only five Council members in favor of removing Mr. Wolf because of twelve (12) emails from the "public" that Sorenson had requested.

160. Filicky-Peneski told Mr. Wolf that Sorenson was "hanging his hat" on the Sheboygan DEIB and that they were gaining a lot of "power" in the City.

161. Between October 17 and November 1, Defendants Felde and Filicky-Peneski told Mr. Wolf that the pressure to act against him and Mr. Pelishek was *not* in any way "about his performance" but purely because of Hilty's articles.

162. On November 1, Sorenson met with Guevara and another Sheboygan DEIB representative in his office.

163. On information and belief, Adams stated during this time that he "would do anything to get rid of Todd [Wolf]."

The City Publicly Announces an Investigation into Mr. Wolf's "Conduct" on November 7

164. Mr. Wolf began to suffer severe emotional and physical distress in October and early November due to the harassment of Mr. Pelishek and the trauma that other City employees were experiencing after witnessing the retaliatory efforts against Mr. Pelishek for reporting racism.

165. Mr. Wolf wanted City officials to be aware that their actions against Mr. Pelishek (and himself for defending Pelishek) would lead to employees never reporting racism incidents or other inappropriate behaviors for fear of that being leaked or them being harassed and targeted the way Mr. Pelishek was.

166. In wanting to address these concerns, Mr. Wolf sent all ten Alderpersons on the Council a confidential email and letter on November 7, 2022, at approximately 3:00 PM (“confidential council letter”). A true and accurate copy only of Mr. Wolf’s *email only* is attached to this complaint as Exhibit Z.

167. Mr. Wolf marked his email and the attached letter as “confidential” to ensure that information about specific employees or individuals’ names would be protected. *Id.*

168. The “confidential council letter” stated that Haack and Guevara had requested money from the City, and Mr. Wolf expressed his suspicions that Hilty may have been told by the Sheboygan DEIB to publish her article about the August 22 “slur exchange” *after* the Black Pig meeting to see whether he might finally pay them.

169. Mr. Wolf’s “confidential council letter” was to express his concern that Guevara and Haack had been so involved in the “public efforts” to remove him given Guevara’s quotes in Hilty’s article and Haack’s public speech and communications with Alderwoman Ramey *and Hilty* during closed session at the October 17 Council meeting.

170. Mr. Wolf did not receive any response or communication from the Common Council following his email.

171. At 6:00 pm on November 7, 2022, the Council held their next public meeting and went into closed session for approximately two hours. A true and accurate copy of the Agenda from the November 7 Council meeting is attached as Exhibit RR.

172. At approximately 9:00 pm, Council returned from closed session, and in open session via livestream, Defendant Barbara Felde publicly read the following motion:

“I am making a motion to place Administrator [Todd] Wolf on paid administrative leave effective immediately, for the purpose of investigating allegations and concerns regarding his conduct with

direction to authorize the city attorney to hire outside counsel to conduct the investigation.”⁸

173. The vote succeeded with Alderpersons Felde, Filicky-Peneski, Salazar, Ramey, Perrella, Rust, Ackley, and Dekker voting in favor, and Sorenson voted to adjourn the meeting.⁹

174. Mr. Wolf was given no prior notice of the “allegations” related to his “conduct” prior to the Council’s public announcement on November 7, 2022.

175. Immediately following the meeting, Adams approached Mr. Wolf, asked him to turn over his City laptop, and personally escorted Mr. Wolf out of City Hall without giving him an opportunity to gather any of his personal belongings in his office.

176. Adams did not give Mr. Wolf any other information about Council’s public motion, the “allegations” against him, or what alleged “conduct” he was being investigated for while Adams’ escorted Mr. Wolf from City Hall.

177. No Council member present at the November 7 meeting gave Mr. Wolf any details about the alleged “conduct” that he was to be investigated for.

Mr. Wolf’s Recorded Statement for a Sheboygan Radio Station

178. Mr. Wolf arrived at his home at approximately 9:30 pm on November 7, 2022, and was contacted by a local Sheboygan radio station, WHBL, to see if he wanted to respond or make a statement in response to the Council’s public announcement investigating his conduct following the meeting.

179. Mr. Wolf recorded a short statement at approximately 10:00 pm from his private home on November 7 that would air on November 8, during their morning radio news show.

⁸ Sheboygan Common Council Public Meeting, WCSC YouTube, November 7, 2022, *available at* <https://youtu.be/RniRbk67aG0>.

⁹ *Id.*

180. Mr. Wolf stated that he “denied a request for \$70,000 of taxpayer money to members of the Sheboygan DEIB group” who stated they would “oppose” him if he didn’t give them money and that these individuals went to the Common Council and “they listened.”

181. Mr. Wolf stated that that he was “blindsided” to learn of his suspension “without any notice, details, allegations or cause against [himself]” and “escorted out of the City like a criminal.”

182. Mr. Wolf also expressed concern about the way this was handled so surprisingly without any notice “in the dark of the night.”

183. At the time Mr. Wolf recorded his statements, not a single City ordinance nor anything in the employee handbook referenced an “administrative leave” as distinguished from a “suspension.”

184. In November, the “Sheboygan DEIB” was not a registered entity in any form under the Wisconsin Department of Financial Instruction.

185. Mr. Wolf did not state Guevara or Haack’s name in any public statement nor to any private individual third party while he was City Administrator.

186. Mr. Wolf’s statement was questioning whether the City was effectively being “run” by members and affiliates of the Sheboygan DEIB.

The City’s “November Directives” on Mr. Wolf & the Republican Event

187. At approximately 11:30 pm on November 7, 2022, Adams’ ordered a Sheboygan police officer to serve a letter (“November 7 directive”) on Mr. Wolf at his private home in front of his family.

188. The November 7 directive ordered Mr. Wolf to “not speak with any city employees or individuals.” A true and accurate copy of the November 7 Directive letter to Mr. Wolf is attached as Exhibit AA.

189. The letter did not state which “individuals” Mr. Wolf was not to speak with nor did the letter state any exception for the City’s police and fire department employees in case of an emergency during his “leave.”

190. The November 7 letter from Adams to Mr. Wolf stated in relevant part:

“Henceforth, you are not authorized to speak with any city employees or individuals conducting city business. This prohibition applied to all means of communications. You are not authorized to speak to the media about City matters. You are not allowed within all City facilities except upon invitation by council leadership, Mayor Sorenson or the City Attorney. You may not access City emails or computer systems. Failure to abide these restrictions will be deemed insubordination and may subject you to discipline. If you would like to retrieve any of your belongings, please contact Attorney Adams to coordinate that. Mayor Sorenson, council leadership or the City Attorney’s office may contact you in the near future regarding the investigation and related issues. Please make yourself available for those discussions.” *Id.*

191. Mr. Wolf was not given this letter during the Council meeting on November 7.

192. The letter was served at 11:30 pm the night before the Wisconsin November midterm elections.

193. Mr. Wolf’s voting precinct is in the City of Sheboygan and every poll worker on November 8 is considered a “City employee or individual.”

194. The letter did not provide any exception for Mr. Wolf to “speak” to poll workers at his voting precinct during the November 8 midterm elections.

195. The November 7 letter from Adams did not specify which “City” properties he was not to “step foot on.”

196. Both the Sheboygan Police Department and the Sheboygan Fire Department are considered City properties.

197. On or around November 23, the Chairman of the Sheboygan County Republican Party reached out to Mr. Wolf and asked if he would speak at their annual caucus meeting on November 28.

198. Mr. Wolf agreed to provide a short speech addressing general concerns about “DEIB” efforts within City governments several days prior to the November 28 Republican annual caucus meeting.

199. By November 28, 2022, Mr. Wolf had not received a single letter, record, or document from the City giving him details about the investigation into his “conduct.”

200. Indeed, almost one month after he was placed on leave, Mr. Wolf was not given a single ounce of information about the investigation or the “allegations” that Council publicly referenced into his “conduct.”

201. On November 28, at 12:00 pm, the Chairman of the Sheboygan County Republican Party sent out a Press Release announcing that Mr. Wolf would be speaking at the annual caucus at 6:45 pm that evening. A true and accurate copy of the email from the Sheboygan County GOP announcing Mr. Wolf as a speaker at the event is attached as Exhibit BB.

202. At approximately 4:45 pm on November 28, 2022, Mr. Wolf was, again, personally served at his home, in front of his family and neighbors, by the City of Sheboygan Police Department with another letter from Adams telling Mr. Wolf that “Council” was informed of his intention to speak at the Sheboygan County Republican event (“November 28 Directive”). A true and accurate copy of the “November 28 Directive” served on Mr. Wolf is attached to this complaint as Exhibit CC.

203. The November 28 Directive on Mr. Wolf further ordered that he was also not allowed to speak “at any event” about “City matters.” *Id.*

204. The “November 28 Directive” did not define what constituted “City matters.”

205. Mr. Wolf feared the Council’s threat of “discipline” based on the content of what he spoke about at the Republican event, so Mr. Wolf declined giving the public address that he had prepared within one hour of the meeting.

206. Mr. Wolf attended the November 28 Republican caucus meeting and spoke to various people in the back of the room but did not provide any public address based on the City’s “directive” threatening him with discipline.

207. At the caucus meeting, a woman named Lauren Hofland, wife of the former City Administrator, attended and recorded the event and Mr. Wolf.

208. Hofland left the Republican event early and, on information and belief, Hofland provided the details of the Mr. Wolf’s speaking to persons at the Republican event to one or more of the Defendants.

209. On information and belief, shortly after the Republican event, a post was published on the “Progressive Women of Sheboygan” Facebook page calling for immediate “retaliation” against Mr. Wolf and the Sheboygan Republican Party of Mr. Wolf’s attendance.

210. The Facebook post was deleted after several minutes.

The “Investigation” Into Mr. Wolf

211. Within 24 hours of Mr. Wolf being placed on leave, Sorenson met with Wisconsin Watch reporters in his office. True and accurate photographs from City Hall security camera footage on November 8 along with the resultant photograph from the Wisconsin Watch website of Sorenson is attached to this complaint as Exhibit DD.

212. Mr. Wolf later discovered that Sorenson disclosed confidential City information to Wisconsin Watch and painted Mr. Wolf in a false light with that information.

213. On November 9, 2022, Sorenson and Adams authorized the disclosure of Mr. Wolf's *entire* "confidential council letter" to Maya Hilty. A copy of the disclosure that Hilty shared with Mr. Wolf's attorney on December 2, 2022, and a screen shot showing the attachment of Mr. Wolf's "confidential council letter," is attached to this complaint as Exhibit EE.

214. On November 10, without any knowledge that the City had already released his "confidential council letter" to Hilty, Mr. Wolf signed an authorization allowing the City to release his "confidential council letter" *only to his attorney* in its entirety for the limited purpose of representing him during the "investigation." A true and accurate copy of Mr. Wolf's authorization and release only for his attorney from November 10, 2022, is attached as Exhibit FF.

215. The City stopped reimbursing and paying for some of Mr. Wolf's benefits in November 2022 including his WCMA fees and his mileage reimbursements for his college courses.

216. In November, Mr. Wolf requested, through his attorney, just a few of Mr. Wolf's personal documents and contemporaneous handwritten notes from his office, but Adams stated that neither Mr. Wolf nor his attorney were allowed to enter Mr. Wolf's office.

217. Adams said that he would gather any documents that Mr. Wolf wanted, but Mr. Wolf felt uncomfortable about that and decided that he would wait until he was allowed to enter his office again.

218. To date, Adams has never allowed Mr. Wolf any access to his office, work files, or personal belongings since he was placed on leave.

219. Adams did not allow Mr. Wolf to obtain a single work or City related document from his office even for the purposes of preparing for the “investigation.”

220. Prior to the City authorizing the release of Mr. Wolf’s “confidential council letter” to his attorney for the purposes of his investigation, Hilty sent Mr. Wolf a single-spaced, nearly two page, “interrogation” disguised as a “request for comment” that contained lots of confidential information contained within Mr. Wolf’s “confidential council letter” on November 7.

221. Hilty’s demanded that Mr. Wolf tell her why he was lying and “what evidence he had” against the defendants and the Sheboygan DEIB.

222. Mr. Wolf declined to comment on any of Hilty’s questions.

223. On November 30, 2022, Mr. Wolf’s attorney sent public records request pursuant to Wis. Stat. 19.356 to the city for all records, communications, emails, and information about the investigation into Mr. Wolf including details relating to the allegations against him and any other information. A true and accurate copy of an email request for investigation information is attached to this complaint as Exhibit GG.

224. The City never provided a single responsive document to this request during the investigation into Mr. Wolf but Hilty was given the exact date that the City retained the investigator, Jill Hall, based on Hilty’s December 16 article that further attacked Mr. Wolf’s credibility. A true and accurate copy of Hilty’s 12-16-2022 article about Mr. Wolf is attached to this complaint as Exhibit HH.

225. The only information Mr. Wolf received about the “investigation” was on December 6, 2022, when Adams orally stated that Defendant Attorney Jill Pedigo Hall (“Hall”) was conducting the “investigation,” and it related to emails that Mr. Wolf sent to Hilty.

226. In following up on Adams' statement that the "allegations" about Mr. Wolf's "conduct" related to an email Mr. Wolf sent to Hilty, Adams provided Mr. Wolf's attorney with the email exchanges between Mr. Wolf and Hilty in September 2022 when they were arranging the interview. A true and accurate copy the email from Adams is attached to this Complaint as Exhibit II.

227. On information and belief, Sorenson met with a Sheboygan *County* employee at Paradigm Coffee shop on December 9, 2022, on 8th Street in Sheboygan to discuss ways to "remove" Chad Pelishek by public petition now that Mr. Wolf was "out of the way."

228. Hall arranged for an interview with Mr. Wolf to be held via Zoom on December 20 at 10:00 AM.

229. Hall stated to Mr. Wolf's attorney on December 16 that her interview would only include Mr. Wolf and herself without his attorney present. A true and accurate copy of the email from Hall is attached as Exhibit JJ.

230. At the time, Mr. Wolf thought the investigation was only about the emails between himself and Hilty from September, as stated in the December 7 email from Adams so he agreed to abide by the investigators orders and did not demand his attorney be present. *Id.*

231. On December 20, 2022, at 8:43 a.m.—*less than 90 minutes* before his scheduled interview with Hall—Adams sent Mr. Wolf a letter with instructions about the investigation and what he was ordered to do. A true and accurate copy of Adams' 12-20-2022 email and attached letter to Mr. Wolf is attached to this complaint as Exhibit KK.

232. The December 20 letter was the first, and only, document the City ever provided to Mr. Wolf related to the "investigation" and the "allegations" into his "conduct."

233. Neither Mr. Wolf nor his attorney saw the email prior to Mr. Wolf's interview with Hall at 10:00 AM on December 20.

234. Adams intended to send the letter the *day of* Mr. Wolf's interview, but Adams backdated the letter to December 19, 2022. Ex. KK at p. 2.

235. Adams' letter on December 20 stated, for the first time, that Mr. Wolf was being investigated for his alleged "communications, conduct and leadership and certain allegations of inappropriate and illegal conduct made by you."

236. Mr. Wolf has never, to date, received any further details about these "allegations."

237. Adams' letter to Mr. Wolf did not advise Mr. Wolf that he had the right to have his attorney present during the interview.

238. Adams' letter demanded Mr. Wolf cooperate with Hall's request for City "records," stating that Mr. Wolf was not to "modify, alter, delete, or destroy any records" related to his "employment, [or] any official ... City business" even though Adams knew Mr. Wolf had been denied all access to his employment records and all City properties since November 7 with no opportunity to gather even his personal belongings and possessions.

239. Hall's interview with Mr. Wolf lasted approximately five (5) hours, and Hall never once told Mr. Wolf exactly what the "allegations" were that she was investigating.

240. At several points during Hall's interview with Mr. Wolf, where she had denied his attorney be present with him, Hall appeared to be cross-examining Mr. Wolf to try and elicit specific responses to see whether he had "ever" committed any wrongdoing at all, including accusing Mr. Wolf of violations based on statements that *others* made in his defense after Council publicly placed him under "investigation" for his "conduct."

241. Hall implied to Mr. Wolf that Council wanted her report to be in “oral form” rather than “written form.”

242. Hall told Mr. Wolf that she had “known [Defendant Mary Lynne Donohue] for over thirty years” during the interview.

243. Mr. Wolf never received any other information about the “investigation” nor communications from the City about the “investigation” following his interview with Hall.

244. On information and belief, Hall was made aware of exonerating evidence that favored Mr. Wolf during her “investigation.”

245. On information and belief, Hall never disclosed any favorable or exonerating evidence to the Council.

The Oral “Investigation Synopsis” and Mr. Wolf’s Removal

246. On January 3, 2023, the Common Council posted a “special meeting” Agenda for a closed session on January 4 to discuss the investigation by Hall into Mr. Wolf. A true and accurate copy of the Agenda for the January 4, 2023, Council meeting is attached as Exhibit LL.

247. On information and belief, Hall appeared via Zoom video during the January 4 closed session.

248. During the January 4 closed session, Hall provided only a vague oral investigation conclusion (“investigation synopsis”) in which Hall stated that there was “evidence to suggest” Mr. Wolf violated the City’s Directives and laws. A copy of the January 4 Minutes that Adams released to the public is attached to this complaint as Exhibit MM.

249. On information and belief, Hall did not discuss what “evidence” she had found, what laws Mr. Wolf is alleged to have violated, nor whether there was any exonerating information that favored Mr. Wolf.

250. Following Hall's "investigation synopsis," the Council held a vote to decide whether to allow Mr. Wolf a hearing or deny him a hearing by terminating him "without cause." Ex. MM.

251. Council members were informed Mr. Wolf would have the option of requesting the hearing be conducted publicly if they voted to allow him a hearing. *Id.*

252. During the January 4 closed session, the Council also discussed an alleged "cease and desist" letter from Guevara and Haack against the City even though Mr. Wolf never disclosed their names publicly. *Id.*; *see also* Exs. EE & MM.

253. At the end of the closed session, Defendant Alderpersons Felde, Filicky-Peneski, Salazar, Ramey, Perrella, Ackley, Rust, and Dekker voted to deny Mr. Wolf any hearing and to remove him "without cause." *Id.*

254. Mr. Wolf was not allowed to attend the closed session where the investigator provided her "synopsis" on January 4.

255. On January 6, the Council posted an Agenda that they would be voting to remove Mr. Wolf without cause at the Council meeting on January 9. A true and accurate copy of the Agenda for the January 9, 2023, Council meeting is attached as Exhibit NN.

256. On information and belief, on January 7, Defendant Felde stated to a member of the public that Mr. Wolf had "no chance of defending the allegations against him." A true and accurate copy of a contemporaneous text message about a conversation with Felde is attached as Exhibit OO (REDACTED).

257. During the January 9 open session, Alderman Dean Dekker made the following statement in open session:

"After concerns were brought forward...the majority of the council decided to hire an independent investigator. That investigation has

concluded. ...[A]fter hearing [Hall's Jan. 4 investigation] synopsis, [I] have come to the conclusion that this is in the best interests of our employees...one employee doesn't stand over the rest of our employees. To put our employees through something like this is not right. So that is why I support [terminating Mr. Wolf without a hearing]."¹⁰

258. On January 9, 2023, Alderpersons Felde, Filicky-Peneski, Salazar, Ackley, Ramey, Parella, Rust, and Dekker voted to remove Mr. Wolf as City Administrator with no opportunity for a pre termination or post termination hearing.

259. Defendant Dekker publicly stated in open session on January 9 that his decision to remove Mr. Wolf was based on Hall's oral "investigation synopsis" from January 4.

260. Immediately following the Council's vote to remove Mr. Wolf as City Administrator, Sorenson made several public comments to the media suggesting Mr. Wolf was permanently removed based on the investigation determined he lied and violated laws and directives.¹¹ A true and accurate copy of the Sheboygan Press article on 1-10-2023 about Mr. Wolf's Removal is attached to this complaint as Exhibit PP.

261. On January 9, 2023, Sorenson stated to the media that Mr. Wolf had "interfered in [the] investigation by leaking details of the investigation" which Sorenson knew was not true because Mr. Wolf has never received a single requested record or communication related to the details or even knowledge of the specific charges against him. *Id.*

262. Sorenson told the media that Mr. Wolf was fired in part because the "investigation" found that Mr. Wolf was dishonest and kept "doubling down on" lies that Mr. Wolf "knew [weren't] true" noting that Mr. Wolf's previous statements "could be proven false with other documentation." *Id.*

¹⁰ Sheboygan City Council Meeting, WCSC YouTube, January 9, 2023, available at <https://youtu.be/8bFMX8xqeuU>.

¹¹ WHBL ARTICLE FROM JAN 10 WOLF FIRED URL (they won't delete theirs..)

263. Sorenson told the Sheboygan Press that Mr. Wolf was warned about his dishonesty many times, even though Sorenson knew that Mr. Wolf had never been accused of dishonesty nor told that he was being investigated for “dishonesty.” *Id.*

264. At no point during Mr. Wolf’s tenure as City Administrator, Alderman, nor in the private sector, has anyone ever accused Mr. Wolf of “dishonesty.”

265. Sorenson also told the Sheboygan Press that Mr. Wolf’s termination resulted in part because Mr. Wolf was unlawfully retaliating against employees by stating, “people should feel safe to come to work...[and not] have to be fearful of retaliation,” even though Sorenson knew that Schneider’s complaint was based mainly on *Sorenson’s* statements to her. *Id.*

266. Sorenson intended for his public statements to be exclusively connected to Mr. Wolf’s removal as City Administrator on January 9, 2023 stating he hopes the “investigation” report against Mr. Wolf would “come[] sooner than later,” despite Mr. Wolf never being provided the “investigation synopsis,” report, evidence, or details about the “allegations” against him. *Id.*

267. Mr. Wolf was informed by at least one municipal recruiter that based on the many articles and new claims about the investigation from Sorenson’s statements and Hilty’s articles, it would be impossible to secure Mr. Wolf any municipal position for a long time.

268. Following his firing and removal as City Administrator, the City has refused to respond to Mr. Wolf or allow access to his previous office to collect his personal belongings.

269. On January 13, 2023, without any response allowing Mr. Wolf to gather his personal belongings from his office, Adams emailed Mr. Wolf’s attorney that he was authorizing the “public release” of the closed session minutes from the Council meetings related to Mr. Wolf from October 17, October 24, November 7, and January 4. A true and accurate copy of Adams’ email is attached to this complaint as Exhibit QQ.

270. Despite the City Clerk always handwriting her closed session minutes, the Minutes that Adams decided to release to the public were *typed*. See Exs. U, V, MM, all obtained from Adams' release authorization following Mr. Wolf's removal.

271. On information and belief, Adams edited, altered, or removed information from the Ms. DeBruin's original closed session minutes in their handwritten form.

272. To date, Mr. Wolf has never been told what "laws" he is alleged to have violated nor what the "allegations" against him were.

273. To date, Mr. Wolf has never been told what "evidence" was used in Hall's determining his "guilt" and "violations" of law during her January 4 "investigation synopsis."

274. To date, Mr. Wolf has not been subpoenaed by the District Attorney, questioned in relation to any alleged criminal wrongdoings, or otherwise under criminal investigation.

CAUSES OF ACTION

CLAIM ONE: 42 U.S.C. § 1983

VIOLATION OF MR. WOLF'S FIRST AMENDMENT RIGHTS FREEDOM OF SPEECH & RETALIATION

*BY CITY OF SHEBOYGAN, SORENSON, ADAMS, FELDE, FILICKY-PENESKI, SALAZAR,
ACKLEY, RAMEY, DEKKER, RUST, PERRELLA*

275. Plaintiff repeats and realleges each of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

276. The First Amendment of the United States Constitution protects Mr. Wolf's ability to speak on his own time as a private citizen on matters of public concern.

277. Mr. Wolf did not forfeit his Constitutional right to speak on matters of public concern on his own time solely because he was employed by the City of Sheboygan.

278. The First Amendment of the United States Constitution prohibits the government from retaliating against a public employee who speaks on matters of public concern as a private citizen.

279. Mr. Wolf's administrative duties did not involve expressing concerns about lawful compliance of private activist groups and their influence over City officials.

280. Mr. Wolf's statements were made in his capacity as a private citizen within his private home, while on "administrative leave," and outside of work hours.

281. Mr. Wolf's statements aired on November 8, 2022, related to a matter of political and social concern that the Sheboygan DEIB group had been targeting him publicly throughout October after he refused to fire Chad Pelishek for reporting racism and after he denied their request for taxpayer money.

282. Mr. Wolf believed that an objective and fair investigation would easily prove his innocence; and his statement was a furtherance of his concerns about the harassment from Sheboygan DEIB group for City money.

283. At the time of his statements, Mr. Wolf believed the only way that he could be forced out of his office temporarily was with a suspension since there was no directive in any City handbook or ordinance distinguishing a "leave" from a "suspension."

284. Mr. Wolf's November 8 statements addressed a matter of public concern.

285. Indeed, few things are less concerning to the public than government funding of private activists that have control over elected officials.

286. Mr. Wolf's conversations at the Sheboygan County GOP event on November 28 involved general concerns about the Sheboygan DEIB collective and the reach they had over businesses and City officials.

287. Mr. Wolf did not discuss with any event attendees any confidential city information nor information about the investigation because, on November 28, 2022, the city had refused to provide Mr. Wolf any details about the “investigation,” what the exact “allegations” against him were, nor whether the city had even retained an investigator.

288. The defendants waived their right to oversee Mr. Wolf’s statements pertaining to his leave and his confusion about what the “allegations” were when *the Council* publicly announced an “investigation” into Mr. Wolf’s alleged “conduct” and placed him on leave during a live and public Council meeting on November 7, 2022.

289. Mr. Wolf’s interest in addressing the Sheboygan DEIB targeting City employees who denied their money requests far outweighed the City’s interest in managing an efficient workplace and/or promoting effective and efficient public service.

290. Mr. Wolf’s interest in responding to the City’s public announcement of his involuntary leave for “an investigation” based on alleged “allegations” into his “conduct” far outweighed the City’s interest in maintaining effective services or promoting effective and efficient public service since it was the City’s decision to make the surprise public announcement without any prior notice to Mr. Wolf nor City employees that reported to him.

291. The Council’s “November 7 directive” to Mr. Wolf that he was not allowed “to step foot on city properties” the *day before the November 2022 midterm election* amounted to a severe Constitutional deprivation policy of his First Amendment rights because the defendants knew Mr. Wolf was a resident of the City of Sheboygan.

292. The City knew Mr. Wolf’s voting precinct was located in the City of Sheboygan.

293. The “November 7 directive” on Mr. Wolf that he was “not allowed to talk to employees or individuals” without any further details on the nature or subject of his speech was a

clear violation of Mr. Wolf's First Amendment rights even while he was on leave or under "investigation."

294. The "November 28 directive" to Mr. Wolf to "not speak about City matters" at "any event where the media might be present" under threat of "discipline" was an unreasonably vague and was a clear infringement on Mr. Wolf's First Amendment rights that resulted in Mr. Wolf declining his public address at the Republican event.

295. The "November 28 directive" restricting speech about "City matters" was unlawfully vague because the directive did not define what constituted a "City matter" since so many "City matters" had already been made public by other City officials starting in August 2022.

296. Mr. Wolf was fired as City Administrator on January 9 based on the January 4 "synopsis" that suggested Mr. Wolf had violated the City's "directives," which included the order that Mr. Wolf not "speak to employees or individuals."

297. Mr. Wolf's speech as a private citizen on November 8 and 28 on matters of public concern was, at least in part, a direct motivating factor in his being fired as City Administrator.

298. In both "November directives" to Mr. Wolf, Adams stated that he was instructed to draft and serve the letters at the instruction of the "[common] Council."

299. The Common Council in Sheboygan consists of ten alderpersons and Mayor Ryan Sorenson as presiding officer.

300. The Common Council has final decision-making power to enact administrative policies over employees, and the Mayor is considered the "presiding officer" over the Common Council.

301. Adams ratified the “November Directives” to Mr. Wolf when he authored both “directive” letters and ordered the Sheboygan Police Department to serve them on Mr. Wolf at his home as a show of public force.

302. On information and belief, Filicky-Peneski has admitted to at least one person that she knows the “November 7 Directive” to Mr. Wolf was unlawful.

303. On information and belief, the City has also imposed “gag order directives” on all City employees that testified to Mr. Wolf’s innocence during the “investigation.”

304. As City Attorney, Adams’ failure to properly advise the Common Council (including the Mayor) has directly resulted in policy and practice of the City’s constitutional violations against Mr. Wolf and other City employees.

305. The City’s “November 7 directive” banning Mr. Wolf, a City resident, from setting foot on all “City properties” and to not speak to “City employees or individuals” the day before the November midterm elections showed a deliberate indifference to Mr. Wolf’s Constitutional rights.

306. The City’s November directives ordering Mr. Wolf to not speak “to employees or individuals” without narrowing instructions, while he was on leave during the holiday season and unable to communicate with the City’s Police or Fire Departments in case of emergency, amounted to a deliberate indifference to his Constitutional rights.

307. The City’s November “directive” ordering Mr. Wolf not to speak about “City matters” at any public “event where the media might be present” while he was on leave was unlawfully vague and amounted to a deliberate indifference to his Constitutional rights.

308. The “November Directives” on Mr. Wolf were the moving force behind his being fired and removed as City Administrator on January 9 based on the “investigation synopsis” that

stated, in part, Mr. Wolf violated the “directives” and according to statements from Dekker and Sorenson related to Mr. Wolf being fired because of the “investigation.”

309. The defendants took an adverse action by ceasing all reimbursement benefit payments for his education expenses and cancelling Mr. Wolf’s WCMA membership fees payments in November 2022.

310. The Defendants took an adverse employment action and retaliated by firing and removing Mr. Wolf as City Administrator on January 9 based, at least in part, on Mr. Wolf’s statements on November 8 and 28 that, according to the City, was a “violation” of their “directives.”

311. Adams knew that the November 7 and 28 letters were violations of Mr. Wolf’s Constitutional rights, but Adams facilitated, directed and participated by drafting the letters and supporting Council’s vote to remove Mr. Wolf.

312. Adams acted willfully and maliciously because he wanted to “get rid of [Mr.] Wolf.”

313. Sorenson knew the Council’s vote to remove Mr. Wolf, in part, based on Mr. Wolf’s purported “violations” of the unconstitutional November directives was a Constitutional violation, but Sorenson facilitated and approved Council’s vote based on his statements to the media supporting Mr. Wolf’s removal based on those “violations.”

314. Sorenson acted intentionally and maliciously based on his multi-year effort to slander Mr. Wolf and ensure his removal based on his friendship with the Sheboygan DEIB individuals and Donohue.

315. As members of the Common Council, Alderpersons Felde, Filicky-Peneski, Salazar, Ramey, Ackley, Dekker, Rust, and Perrella directly participated in the deprivation of Mr.

Wolf's rights by "instructing" Adams to send the November Directives and then directly participating in the vote to remove Mr. Wolf based, in part, on Hall's "synopsis" that Mr. Wolf violated the November Directive letters.

316. All Defendant Alderpersons acted intentionally and willfully in directing and causing the deprivation of Mr. Wolf's clearly established rights.

317. Mr. Wolf has suffered severe financial and emotional damage and injuries as well as the deprivation of his job, title, reputation, and position.

CLAIM TWO: 42 U.S.C. § 1983
VIOLATION OF MR. WOLF'S FOURTEENTH AMENDMENT
DUE PROCESS RIGHTS (PROPERTY)
BY SORENSON, ADAMS, FELDE, FILICKY-PENESKI, SALAZAR, PERRELLA, RAMEY,
RUST, ACKLEY, DEKKER

318. Plaintiff realleges and incorporates each of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

319. The Due Process Clause of the Fourteenth Amendment to the United States Constitution prohibits government actors from "depriv[ing] any person of life, liberty, or property, without due process of law."

320. The Due Process Clause generally requires notice and a hearing before, or reasonably promptly after, a deprivation of an individual's property rights.

321. Wisconsin state law allows a municipality to create property interests in specific jobs by city ordinance. Wis. Stat. 17.12(1)(c)(2)(b).

322. Sheboygan's General Ordinance 41-20-21 controls the City Administrator position ("City Administrator Ordinance") and includes a provision that states a City Administrator can only be removed for "cause." *See* Sheb. Mun. Code Sec. 2-341.

323. The City Administrator Ordinance “cause” provision was in effect when Mr. Wolf signed his Employment Agreement in June 2020. Ex. G.

324. Mr. Wolf’s Employment Agreement Section 16 expressly states, “nothing in the agreement shall contravene the [City Administrator] ordinance.” Ex. H, p. 4 ¶ 16 & Ex. G.

325. The Agreement does not state that Mr. Wolf’s removal without cause would be considered valid, effective, or lawful nor that Mr. Wolf agrees to any waiver in exchange for the automatic “severance” payment from the City.

326. Mr. Wolf had a protected property interest in his position under state law.

327. Defendants acted in violation of the due process rights inferred upon Mr. Wolf by Wis. Stats. § 17.16(3), and both State and Federal Constitutions.

328. This is no statutory mechanism for Mr. Wolf to address or appeal the City’s violation of his due process rights to notice and a hearing; indeed, defendants have failed to ever provide written charges.

329. The City had no legitimate reason to deny Mr. Wolf a hearing based on Sorenson’s statement that a *Loudermill* hearing would cost the City money in legal fees since the vote to deny Mr. Wolf a hearing included an agreement to pay Mr. Wolf benefits and severance under the terms of the Agreement.

330. Defendant Alderpersons Felde, Filicky-Peneski, Salazar, Ramey, Rust, Perrella, Ackley, and Dekker acted knowingly and consented by voting to deny Mr. Wolf a hearing on January 4.

331. On information and belief, Adams and Sorenson advised and directed the Council to deny Mr. Wolf any hearing.

332. As Presiding Officer over the Common Council, Sorenson facilitated and approved Adams' advising and the Alderpersons voting to deny Mr. Wolf due process.

333. Sorenson facilitated, approved, and turned a blind eye towards the Council's unconstitutional vote to deny Mr. Wolf any hearing or notice of the charges against him when they removed him as City Administrator.

334. Sorenson acted with malice and intent in advising the Council to deny Mr. Wolf's Constitutional rights to conceal evidence of his own involvement and protect Hilty, Donohue, and the Sheboygan DEIB.

335. Adams allowed the City to engage in a pattern or practice of violating the Constitutionally protected rights to Due Process as afforded by both State and Federal Constitutions.

336. Adams knew a vote denying any hearing before or after his removal would violate Mr. Wolf's due process rights, and he facilitated, approved, and condoned the violation of Mr. Wolf's Constitutional rights to any hearing.

337. Adams acted willfully and with malice and intent because he hated Mr. Wolf, and he knew the Agreement did not "contravene" the "cause" provision in the City Administrator Ordinance.

338. Felde and Filicky-Peneski acted with malice and intent by voting to deny Mr. Wolf a hearing and removing him as City Administrator because they knew Mr. Wolf was innocent of any "allegations" and they wanted to conceal from the public all exonerating information.

339. Alderpersons Salazar and Ramey acted with malice and intent because of their personal ties and connections with Sorenson and the Sheboygan DEIB.

340. Alderpersons Dekker, Ackley, and Rust acted willfully and intentionally by voting to remove Mr. Wolf from his position without any hearing.

341. In efforts to protect Mr. Wolf's right to any hearing, only two Aldermen, Trey Mitchell and Joe Heidemann, voted in favor of a hearing on January 4.

342. Defendant Alderpersons Felde, Filicky-Peneski, Salazar, Ramey, Ackley, Perrella, Rust, and Dekker directly caused the deprivation of Mr. Wolf's due process rights by voting against a hearing for Mr. Wolf on January 4.

343. The direct and intentional actions by Sorenson, Adams, Felde, Filicky-Peneski, Salazar, Ramey, Perrella, Rust, Ackley, and Dekker resulted in the deprivation of Mr. Wolf's clearly established rights.

344. Mr. Wolf has suffered severe emotional and mental distress over the previous three months directly because of the intentional acts and omissions by the Defendants herein.

345. Mr. Wolf has suffered severe financial injuries, including having to cover the full cost of his *two* college certifications related to his position as City Administrator.

CLAIM THREE: 42 U.S.C. § 1983
VIOLATION OF MR. WOLF'S FOURTEENTH AMENDMENT
DUE PROCESS RIGHTS (LIBERTY)
BY CITY OF SHEBOYGAN, ADAMS, SORENSON

346. Plaintiff realleges and incorporates each of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

347. The Due Process Clause of the Fourteenth Amendment to the United States Constitution prohibits government actors from "depriv[ing] any person of life, liberty, or property, without due process of law."

348. The government is prohibited from stigmatizing a public employee that has been removed from a protected position without due process.

349. Mr. Wolf's position was guaranteed under state law and pursuant to the City Administrator Ordinance ("Ordinance") in Sheboygan that stated he could only be removed for "cause."

350. Mr. Wolf's employment Agreement did not "contravene" the Ordinance.

351. Mr. Wolf had a property interest in his position as City Administrator.

352. Mr. Wolf had a liberty interest in his excellent reputation, honesty, and integrity throughout the Sheboygan public and private sector from his years serving as an Alderman and on various City Commissions.

353. Mr. Wolf had a liberty interest in his reputation as an award-winning Manager, City Administrator, and "Inspirational Leader" in the City of Sheboygan. *See Exs. A & F.*

354. Mr. Wolf was entitled to notice and an opportunity to be heard about any "allegations" that the city publicly lodged against him on November 7 and January 9, when he was removed from his position following the public announcement of an "investigation" into his "conduct."

355. Mr. Wolf's position was permanently extinguished when the Council voted to remove him without any hearing on January 9.

356. Mr. Wolf's firing and removal on January 9 was a direct result of the public "investigation" into his alleged "conduct" that the City announced on November 7 based on Sorenson and Dekker's public statements on January 9.

357. Mr. Wolf suffered a deprivation of his Constitutional rights when Felde, as President of Council, read the motion on November 7 calling for an investigation into "allegations" and "concerns" about Mr. Wolf's "conduct" without previously giving Mr. Wolf any notice of the allegations or opportunity to be heard by the Council.

358. Felde's public announcement was made within the context of Mr. Wolf's firing because the "investigation" that was announced directly led to Mr. Wolf's removal on January 9.

359. Mr. Wolf suffered a deprivation of his Constitutional rights when Alderman Dekker stigmatized him at public session on January 9 stating that his decision to remove Mr. Wolf was based on the oral "investigation synopsis" related to Mr. Wolf's "conduct" and Mr. Wolf remaining was not safe for employees without affording Mr. Wolf any opportunity for a hearing to clear his name.

360. Sorenson's public statements to the Sheboygan Press that Mr. Wolf had "leaked confidential" information related to the investigation was intentionally defamatory because Mr. Wolf never spoke about any investigation details because he was given no details and not even provided written notice about the investigation until December 20 from Adams' letter two hours before his interview.

361. Sorenson knew that Mr. Wolf never spoke about the investigation details in public outside of what the Council had already publicly announced, and he intentionally aimed to stigmatized and defame Mr. Wolf by stating that he unlawfully leaked confidential information.

362. Sorenson destroyed Mr. Wolf's reputation by stating to the media on January 9 that Mr. Wolf was "warned" many times about dishonesty and still continued to lie, which Sorenson knew was not true as Mr. Wolf had only been reprimanded for his honesty in defending Pelishek for reporting racism and reporting his concerns about the Sheboygan DEIB collective funding.

363. Sorenson defamed Mr. Wolf when he suggested Mr. Wolf was fired so employees could be safe from "retaliation," even though Sorenson knew that Mr. Wolf never unlawfully retaliated against any employee.

364. Sorenson is aware that no employee was disciplined other than Mr. Wolf based on the inaccurate articles written by Maya Hilty.

365. All of Sorenson's public statements on January 9 were made in connection to Mr. Wolf's removal as City Administrator.

366. Mr. Wolf's suffered multiple and egregious deprivations of his liberty rights within the context of the "investigation" and his ultimate removal as City Administrator without any opportunity to be heard between November 7 and January 9.

367. The City's custom and policy of depriving Mr. Wolf's of his Constitutional rights was established in their "November Directives" that prohibited him from speaking to the media, "individuals," or at any event "where the media might be present," even though the City intended to defame and destroy Mr. Wolf at his removal on January 9.

368. The City also approved the policy to deny Mr. Wolf any opportunity to be heard when they voted *against* a hearing on January 4 immediately prior to their removal of him as City Administrator violating his Constitutional rights protected by both State and Federal Constitutions.

369. Sorenson had final decision-making power in determining statements published to the media about internal personnel matters within the city on January 9 following Mr. Wolf's removal.

370. Sorenson ratified the public defamation and stigmatization of Mr. Wolf's character on January 9 in connection with his termination as City Administrator without any opportunity for Mr. Wolf to clear his name publicly or even know the details of the charges against him.

371. Sorenson, as Mayor, and Felde, as Council President, both had final decision-making power over whether Council would read the November 7 motion related to the "allegations" and "investigation" into Mr. Wolf.

372. Adams' poor legal advising to Council led to Felde publicly reading the November 7 motion about the investigation into Mr. Wolf's "conduct" despite the Wisconsin Open Meetings Laws that provide a clear exception allowing Council to vote in closed session for personnel matters or internal investigations.

373. The City's policy denying Mr. Wolf a public name-clearing hearing or know the actual "charges" against him in order to conceal their own involvement and fabricated evidence amounted to a deliberate indifference to Mr. Wolf's Constitutional liberty rights.

374. The City's policy of denying Mr. Wolf a public name clearing hearing prior to his removal directly caused Constitutional deprivation when Sorenson expressly inferred that Mr. Wolf was fired because of his continued dishonesty and unlawfully leaking information .

375. As Mayor who oversees compliance with City Ordinances, Sorenson knew or should have known, that Mr. Wolf could only be fired for "cause" with a name-clearing hearing.

376. Sorenson knew about and facilitated the violation of Mr. Wolf's liberty rights and then directly engaged in the public defamatory statements in connection with Mr. Wolf's removal after advising the Council to deny Mr. Wolf a hearing.

377. Sorenson's public statements on November 8 that Mr. Wolf was dishonest, and his many statements on January 9 were intentional efforts to defame and destroy Mr. Wolf's reputation in connection with his removal as City Administrator.

378. Sorenson acted with malice and intent to defend and protect his own involvement and the Sheboygan DEIB he affiliates with and whom had demanded taxpayer monies.

379. As City Attorney, Adams knew that Mr. Wolf could only be removed for cause and was entitled to a hearing, but Adams intentionally advised the Council to publicize the

investigation on November 7 and then to vote to deny Mr. Wolf a name-clearing hearing on January 4.

380. Adams knew or should have known that Sorenson and Dekker's public statements on January 9 about Mr. Wolf's conduct, honesty, and integrity were unlawful without affording Mr. Wolf an opportunity to be heard, and he facilitated, condoned, and turned a blind eye to Sorenson's and Dekker's statements.

381. Adams' authorized the public release of the January 4 "oral investigation synopsis" minutes that stated "evidence suggested Mr. Wolf violated the law without ever affording Mr. Wolf an opportunity before the investigation synopsis to publicly clear his name.

382. Adams' authorization of the records release with a Wisconsin records notice allowing Mr. Wolf to file an appeal was meant to further stigmatize Mr. Wolf as "trying to hide the investigation report" in furtherance of Adams' facilitating the deprivation of Mr. Wolf's Constitutional rights.

383. Adams and Sorenson acted with malice and intent.

384. The defamatory statements by the defendants have made it nearly impossible for Mr. Wolf to find another job in his chosen profession.

385. Mr. Wolf has suffered extreme and severe emotional distress because of the defendant's defamation of his character to the public within the context of the "investigation" into his "conduct" that led to his removal and firing.

386. Mr. Wolf has suffered severe financial damages and has almost no chance of obtaining gainful employment in any municipality or as a public servant (and even the private sector) based on the defendants' public statements about him without a chance to clear his name.

387. The defendants conspired to violate Mr. Wolf's clearly established liberty rights.

CLAIM FOUR: 42 U.S.C. § 1983
CONSPIRACY TO VIOLATE MR. WOLF'S FOURTEENTH
AMENDMENT DUE PROCESS RIGHTS (LIBERTY)
BY DONOHUE, HILTY, HALL, SORENSON, ADAMS

1. Plaintiff realleges and incorporates each of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

2. The Due Process Clause of the Fourteenth Amendment to the United States Constitution prohibits the government from “depriv[ing] any person of life, liberty, or property, without due process of law.”

3. The Fourteenth Amendment prohibits government officials from working in conjunction with private individuals to deprive another of their constitutional liberty and property interests without due process of law.

4. Mr. Wolf’s position as City Administrator was established under State law and pursuant to Sheboygan’s City Administrator Ordinance that stated Mr. Wolf could only be removed for “cause.”

5. Mr. Wolf had a Constitutional right to not be deprived of his position without a single hearing or opportunity for a hearing following his removal.

6. Mr. Wolf had a Constitutional right to not be publicly stigmatized within the context of his removal as City Administrator on January 9, 2023, without an opportunity to view the evidence against him or clear his name in a public hearing.

7. Mr. Wolf was deprived of his right to his position and reputation by being subjected to a “sham” investigation through fabricated evidence, and then being slandered and stigmatized when he was permanently removed as City Administrator on January 9.

8. Donohue, Sorenson, Adams, and Hilty devised a single agreement in September 2022 to frame Mr. Wolf for leaking confidential information and inciting a “public outcry” and fabricating false “cause” to remove him as City Administrator with eight Council votes.

9. On information and belief, Hall agreed to assist this plan in mid-November 2022 to manipulate Mr. Wolf into finding *any* wrongdoing on his part and then report falsely to Council that Mr. Wolf had violated laws to ensure his removal.

10. This plan was devised to remove Mr. Wolf as City Administrator to ensure funding and implementation of Sheboygan DEIB affiliated persons that Mr. Wolf had not supported by destroying his credibility and reputation in creating “cause” to fire him.

11. The plan also aimed to destroy Mr. Wolf’s respected standing and influence throughout the Sheboygan government and private businesses that he had built over the previous twenty years so that Mr. Wolf could not undermine the efforts of the Sheboygan DEIB to obtain funding and influence throughout the public and private sectors in Sheboygan.

12. On information and belief, Sorenson has admitted that Mr. Wolf was targeted for removal because of Sorenson’s connection to the Sheboygan DEIB individuals.

13. On information and belief, Adams admitted in December 2022 to being “on the mayor [Sorenson]’s team” in “doing anything in his power” to get rid of Mr. Wolf because he believed Mr. Wolf questioned Adams’ capabilities and budget requests.

14. In furtherance of this plan, Hilty intentionally wrote articles to generate “public outcry” against Mr. Wolf so that he would be removed, which she took credit for in her October 26 and December 16 articles. *See Exs. S, W, X, & HH.*

15. Hilty harassed Mr. Wolf and Chad Pelishek by printing intentionally misleading articles from unlawfully leaked information to make it appear as though Mr. Wolf had leaked the August 22 meeting details by omitting the true source of her articles.

16. In furtherance of the plan, Hilty wrote false and misleading articles targeting Mr. Wolf and anyone who defended Mr. Wolf to fabricate “evidence” that Mr. Wolf had leaked information and committed wrongdoing to ensure his removal.

17. In furtherance of the plan, Sorenson or Adams authorized the City Clerk to release Mr. Wolf’s entire “confidential council letter” to Hilty on November 9 to publish the letter as if Mr. Wolf disclosed the confidential matter to claim that Mr. Wolf was unlawfully disclosing confidential information.

18. In furtherance of the plan, Sorenson asked “people in the public” affiliated with the Sheboygan DEIB to write outraged emails to the council members demanding Mr. Wolf be terminated after Hilty’s October 10 article, which led to Council meetings in closed session starting on October 17 to determine how to remove Mr. Wolf.

19. On information and belief, Sorenson destroyed and ordered the destruction of public records after Mr. Wolf’s attorney requested them for the “investigation,” to conceal the defendants’ involvement in the plan.

20. In furtherance of this plan, Adams refused Mr. Wolf access to his office to gather his personal notes and belongings during the investigation to allow him and Sorenson to fabricate or destroy evidence during the “investigation.”

21. In furtherance of the plan, Adams and Hall ensured a “sham investigation” by refusing to (1) allow Mr. Wolf his attorney during the interview, (2) provide details of the

allegations against Mr. Wolf, (3) advising Council to remove Mr. Wolf without cause to conceal their false evidence and deny Mr. Wolf a chance to be heard.

22. On information and belief, Adams edited the City Clerk's handwritten minutes of the January 4 closed session to fabricate the appearance that Hall's synopsis showed Mr. Wolf's dishonesty and "violations" of "law."

23. In furtherance of the plan, Donohue ensured that her associate of "more than thirty years," Jill Hall would conduct the "investigation" to solidify Mr. Wolf's removal and funding for her Sheboygan DEIB RFP, that she sent to Council after Hilty's October articles. Exs. Y & L.

24. On information and belief, Sorenson, Adams and Donohue advised that protection from public open records may be obtained through attorney-client privilege and an attorney-investigator (Hall) who would provide an oral opinion could accomplish this objective.

25. In furtherance of the plan, Donohue and Sorenson arranged for Guevara and Haack to issue a "cease and desist" letter against the "City" based on Mr. Wolf's "confidential council letter" to fabricate evidence that Mr. Wolf was a "legal liability" for the City as Sorenson stated to the Sheboygan Press.

26. Adams intentionally authorized the public release of Guevara and Haack's names to the public so that Hilty could publish those names on December 16 from Mr. Wolf's confidential email and imply that Mr. Wolf was a legal liability for the City based on Hilty's publication.

27. On information and belief, one or more defendants arranged for Lauren Hofland to spy on the Republican event on November 28 and report back to them that Mr. Wolf had violated the November directive.

28. On information and belief, Hall used her “employee interviews” to determine and report to the defendants which employees’ testimonies would exonerate Mr. Wolf so that Adams could assess whether to allow Mr. Wolf a hearing.

29. In furtherance of the plan, Hall intentionally concealed evidence that exonerated Mr. Wolf when she gave her “oral investigation synopsis” to the Council on January 4 on orders from Adams or Sorenson.

30. As a direct result of the willful and intentional acts by the named defendants, Mr. Wolf was deprived of his Constitutional property rights without due process of law.

31. As a direct result of the willful and intentional acts by the named defendants, Mr. Wolf was deprived of his Constitutional liberty rights without due process of law.

32. Donohue, Hilty and Hall acted as private citizens in conjunction with the City official defendants to deprive Mr. Wolf of his clearly established due process rights to liberty and property.

33. Donohue, Hilty, Hall, Sorenson, and Adams willfully participated in carrying out a single agreement to stigmatize Mr. Wolf as a liar and criminal within the context of his removal as City Administrator by Council.

34. Donohue, Hilty, Sorenson, and Adams acted maliciously and intentionally in carrying out the plan to remove Mr. Wolf without due process and destroying his reputation based on Hilty’s many articles, regular weekly private meetings with Sorenson, and their overall hatred of Mr. Wolf.

35. Hall intentionally facilitated and turned a blind eye by knowing the plan to deprive Mr. Wolf of his constitutional rights and denying Mr. Wolf legal counsel while concealing

exonerating information to create the appearance of his alleged “guilt” that would convince eight alderpersons to vote for his removal without a hearing.

36. The defendants plan to conjure false allegations against Mr. Wolf to convince eight Council members to remove him and publicly stigmatize his reputation, and their many combined acts in furtherance of that plan, directly resulted in the deprivation of Mr. Wolf’s clearly established due process rights.

37. Based on the defendants’ many overt acts, Mr. Wolf has suffered severe emotional, mental, and financial injuries including the loss of his position, severe damage to his reputation, and no ability to provide financially for himself or his family.

CLAIM FIVE: STATE LAW CLAIM: WIS. STAT. § 895.446
UNLAWFUL CONVERSION OF MR. WOLF’S PERSONAL PROPERTY BY
THE CITY OF SHEBOYGAN

38. Plaintiff realleges and incorporates each of the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth herein.

39. Wisconsin state law holds that it is unlawful to refuse to turn over control of property that was previously lawfully in ones possession without the owner’s consent.

40. The City of Sheboygan had temporary control over Mr. Wolf’s personal property, notes, records, photographs, artwork and other valuable personal items that Mr. Wolf stored in his City Administrator office in City Hall during his tenure.

41. When the Council placed Mr. Wolf on involuntary administrative leave, Mr. Wolf was entitled to sufficient time to collect any personal belongings if he chose during his leave.

42. Adams’ deprived Mr. Wolf of access to his personal property by refusing to allow Mr. Wolf an opportunity to collect his personal belongings on November 7 based on the City’s November 7 Directive letter that Adams’ would provide Mr. Wolf his personal belongings.

43. When Mr. Wolf asked that his legal representative be granted access to gather some of his personal and private notes and records in November 2022, Adams stated that neither Mr. Wolf nor his legal representative were allowed in his office.

44. During Mr. Wolf's involuntary leave, he was under investigation for vague "charges" and ordered by the City Attorney (Adams) to "furnish all records" requested by the investigator related to his position despite knowing that Mr. Wolf had been prohibited by the City from accessing his office, any City electronic devices and/or technology(ies), contemporaneous handwritten notes, or other valuable personal belongings.

45. The city's refusal to allow Mr. Wolf access to his personal belongings as well as his own personal contemporaneous handwritten notes caused Mr. Wolf to be unprepared for the investigation interview that led to his removal and firing.

46. Mr. Wolf was removed as City Administrator on January 9, 2023.

47. On January 10, Mr. Wolf, through his legal representative, emailed Adams and the City's outside legal counsel requesting that they grant immediate access to Mr. Wolf's City Administrator office to gather his personal belongings.

48. To date, neither Adams nor any representative from the City has ever responded to Mr. Wolf's requests to obtain his personal belongings, and Mr. Wolf's deprivation of these items had led to severe loss, time, deprivation of resources, and ultimately his position because he could not access nor remember some of his personal detailed notes and information.

49. On information and belief, Adams and Sorenson trespassed into Mr. Wolf's office and removed, altered, destroyed, or fabricated information to harm Mr. Wolf during the investigation and their actions have harmed, damaged, and injured Mr. Wolf's personal property and belongings within his previous office.

50. The city of Sheboygan unlawfully converted Mr. Wolf's personal property and belongings and caused him injury by depriving him of his personal property.

REQUEST FOR RELIEF

Plaintiff Todd Wolf therefore requests the following relief:

1. A declaration that the City of Sheboygan violated Mr. Wolf's First Amendment rights;
2. A declaration that Defendants Sorenson, Adams, Felde, Filicky-Peneski, Salazar, Ramey, Ackley, Dekker, Rust, and/or Perrella violated Mr. Wolf's First Amendment rights;
3. A declaration that Defendants Sorenson, Adams, Felde, Filicky-Peneski, Salazar, Ramey, Ackley, Dekker, Rust, and/or Perrella violated Mr. Wolf's Fourteenth Amendment Due Process property rights;
4. A declaration that the City of Sheboygan violated Mr. Wolf's Fourteenth Amendment due process liberty rights;
5. A declaration that Defendants Sorenson and Adams violated Mr. Wolf's Fourteenth Amendment due process liberty rights;
6. A declaration that Defendants Sorenson, Donohue, Adams, Hilty, and/or Hall conspired to violate Mr. Wolf's Fourteenth Amendment due process rights;
7. A declaration that the City of Sheboygan unlawfully converted Mr. Wolf's personal property and belongings by refusing to allow him to access, acquire, or possess his personal belongings during his leave and following his termination;
8. An immediate preliminary injunction requiring Defendants to retain, preserve, and keep all emails, text messages, documents, calendars, handwritten notes, and other records including all electronica and/or other media, in whatever native formats related to Mr. Wolf's and

the Defendants' plans, investigation, and termination of Mr. Wolf while he was employed by the City, including, but not limited to, all such records and documents that were requested by Mr. Wolf's legal counsel through Wisconsin public records laws between November 7 – January 6, 2023 and all original handwritten notes from City Clerk DeBruin related to the closed sessions from October 17, October 24, November 7, and January 4 for the purposes of discovery in this civil action;

9. An injunction requiring Defendants to allow Mr. Wolf to enter his former City office to gather his personal belongings and photographs in his office to assess the extent of any further conversion of his personal belongings, including but not limited to, his artwork, decorations, personal items, personal and sensitive notes, and other such personal property;

10. An injunction prohibiting Defendants from making further false, misleading and otherwise unlawful public disclosures related to Mr. Wolf's termination and the defendants' "investigation";

11. Compensatory damages, including, but not limited to, damages for lost income and benefits, severe mental and emotional distress, loss of reputation, humiliation and inconvenience;

12. Punitive damages against Defendants Sorenson, Adams, Donohue, Hilty, Felde, Filicky-Peneski, Salazar, Ramey, Dekker, Rust, Perrella, Ackley, and/or Hall;

13. Nominal damages;

14. Costs and attorneys' fees under 42 U.S.C. § 1988; and

15. Any other relief that the Court deems appropriate.

16. Plaintiff requests a trial by jury.

Dated: February 6, 2023

Respectfully Submitted,

/s/ Jennifer DeMaster

Jennifer DeMaster

Wis. Bar No. 1124201

attorney@jenniferdemaster.com

DEMASTER LAW LLC

361 Falls Rd # 610

Grafton, WI 53024

Phone: (414) 235-7488

Fax: (262) 536-0515

Attorney for Plaintiff

CURT G. JOA, INC.
100 CROOKER AVE
PO BOX 903
SHEBOYGAN FALLS WI 53085-0803
USA



PROFESSIONAL ENGINEERS - MACHINE DESIGNERS AND MANUFACTURERS

PHONE (920) 467-6136 FAX (920) 467-2924 E-MAIL joa@joa.com

June 1, 2020

Dear Sir or Madam,

Todd Wolf and I have been colleagues at Curt G. Joa, Inc. since early 2016. Through these years, I've had the opportunity to work with Todd on several projects and to learn his character.

Todd was a project manager when I was hired by the organization as Sales and Marketing Director to implement selling process and establish a marketing organization. We worked together during the design and build of the high speed baby diaper production machine intended for market promotion, research and development, and production. Todd led the project with focus on project deliverables and awareness of team dynamics, ensuring deadlines were met and all team members managed their responsibilities to the project. In my experience, I've seen many leaders drive teams to complete due dates and was impressed Todd achieved success by motivating members through insights into their personal drivers. The project succeeded because Todd created a shared vision and motivated the team to embrace it and achieve it.

When I had the opportunity to expand the sales department and hire a business development manager, Todd was the top of the list. He was the ideal candidate for those customer accounts that had grown stagnant due to the deterioration of relationship. I'm pleased with Todd's success in the role. He secured the relationship and expanded sales from the declining accounts, growing both the revenues and the margins. In addition, he created a new selling process that reduced the administrative demands of processing orders and gave him more time for developing sales with other divisions within customer accounts.

My role was expanded with additional marketing activities by removing the sales responsibilities but I continue working closely with Todd. His drive for results and enthusiasm for team dynamics never diminish, despite the natural cycles of business and industry.

I recommend Todd for roles that require business development, sales or project management based on his multiple successes I've observed in the years I've known him. I'm available for more information as desired.

Regards,

Paula M. Inda
Corporate Director, Global Marketing
pinda@joa.com
+1 920 467 7312

SINCE 1932 --- LEADERSHIP THROUGH INNOVATIVE THINKING

June 01, 2020

To Whom It May Concern:

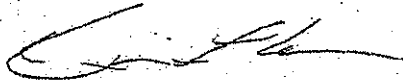
I am writing this letter of recommendation for Todd Wolf. It was a privilege to work with Todd from January 2014 – September 2019 at Curt Joa Inc. When Todd started, I was the cost accounting manager and he was a project leader. After 2 years, Todd was promoted to Business Development Manager in the Sales department. As a member of the finance team, I worked extensively with Todd in both his roles on many multi-million-dollar capital projects.

Todd always demonstrated excellent leadership and communication skills; he could always be counted on to make sure these projects went smoothly. Todd and I worked very closely together in all aspect of these projects, whether it was creating customer quotes, establishing budgets, executive reporting, customer service, monitoring costs throughout the project, or coordinating with other departments to meet difficult deadlines.

I am confident Todd will excel in whatever endeavor he pursues. He is the type of person who cares for the team and is a go-getter that delivers driven results.

I highly recommend Todd without reservation. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Dennis L. Gass, CPA
Domestic Controller
American Orthodontics Inc.

Phone: 920-323-0963

Email: dlgass.cpa@gmail.com

Jen DeMaster

From: Paul Weaver [REDACTED]
Sent: Wednesday, November 9, 2022 6:20 PM
To: Attorney Jennifer DeMaster
Subject: Todd Wolf

d d r d r d r d d dd
r r dd r r r

Paul C. Weaver

Project 4 Services, LLC.

[REDACTED]

Jen DeMaster

From: Jac iebi [REDACTED]
Sent: Tuesday, November 8, 2022 2: 8 PM
To: Attorney Jennifer DeMaster
Subject: Todd...

Dear attorney DeMaster –

I have known Todd for about 30 years and worked with him for at least 20... a good man and honest as the day is long. I was horrified to learn yet not too surprised by the past events of the day. We certainly live in bizarre times! Todd will ALWAYS look out for whom he is working for. In this case it is the voters. Please give him your best and let him know I give him mine.

Thanks!

Jack Liebl
Director and former CEO (retired)
Sheboygan Paper Box Company



PRESS RELEASE

For Immediate Release: June 23, 2020

Mayor Mike Vandersteen and the City of Sheboygan Common Council are pleased to announce the appointment and approval of the new City Administrator, Mr. Todd Wolf.

Former Alderperson for District 2 in the City of Sheboygan, Mr. Wolf brings years of public and private sector leadership experience to the position. Mr. Wolf was elected to the common council in 2015, serving as Council President since 2016. He also served as Chair of the Transit Commission and Public Works committee, serves on the Finance and Personnel, RDA, Marina/Parks and Forestry and Capital Improvements committees. He holds a Master's of Science in Technology Management, and is black-belt certified in Lean Six Sigma. He will build upon a strong foundation set by previous leadership. He will begin his role on July 7, 2020.

EXHIBIT

B

exhibitster.com

Hi Todd [REDACTED] I don't know if you are allowed to have conversations with city employees now, so if you can't feel free to ignore this.

I've thought about reaching out to you for a while but obviously we were not able to have communication with you. I want to thank you for the

[REDACTED]
[REDACTED] I've heard so many great stories of the positive impact you have made on many employees here at the city. It's a true shame how things ended with you and the city. We were all hoping you would

be able to come back.. I wanted to wish you the best and if there's anything I can do to help, please let me know.

The atmosphere isn't the same without you here and it's been rough since you were suspended. But I know you will find something great because you are great, known and respected leader in this area and not just by the employees at the city. I'll never forget other managers at my last job telling me how great you were before I even came here and how they knew this was a great opportunity because I would get to work with you.

EXHIBIT

C

exhibitsfcker.com

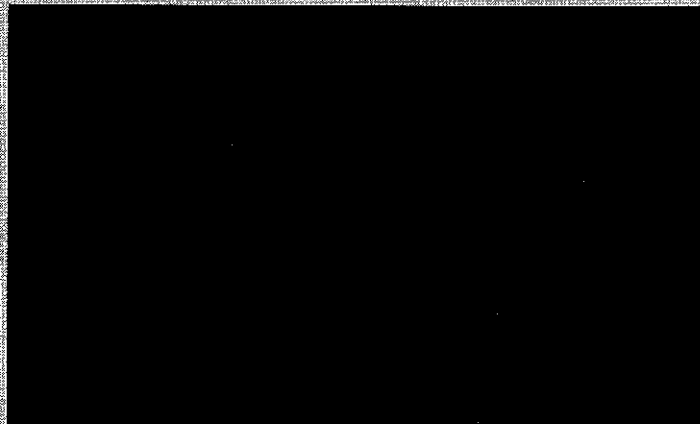
It's hard to come to City Hall without your presence. You will forever be a role model in my life and I will always look up to you and your family. You will always have my full support.

There are a lot of people here who love and support you, including myself.

I hope I can see you soon
Todd

I'd work for you any day.
You were a true leader.

Thank you for coming in tonight. Todd, from the moment I met you and how quickly you Took me under your wing to help me understand the processes of the city due to a lack of on boarding processes, I knew it was going to be a wonderful mentorship. I have learned more from you [REDACTED] in the past five months and have excelled, due to your specific guidance. All of





Non-Rep Employee Evaluation

EXHIBIT
 D

exhibiticker.com

Employee Name: Todd Wolf
Position Title: City Administrator
Department: City Management

Reason For Evaluation:
 Annual Other Month Review
Date of Evaluation: 01/22/21

S.T.A.I.R.S. Approach

S.T.A.I.R.S. aligns with the City of Sheboygan's core values of service, teamwork, accountability, innovation, respect, and stewardship (fiscal responsibility).

Check the appropriate rating column.

Exceeds Expectations (4)	Meets Expectations (3)	Opportunity for Development (2)	Unsatisfactory (1)	Exceeds Expectations	Meets Expectations	Opportunity for Development	Unsatisfactory
Consistently performs above role requirements	Competent in role	Working toward competency	Not meet role requirements				

Service	4	3	2	1
Knowledge of Work: Familiarity with job skills, policies, procedures, work area, duties, responsibilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Service Skills: Demonstrates Honesty, tact, courtesy, awareness of & sensitivity to customer needs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal Service Skills: Demonstrates Honesty, tact, courtesy, awareness of & sensitivity to coworker needs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversity: Treats all individuals fairly and respectfully, regardless of their values, beliefs, background, position, or status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Todd understands the service component of his job. He has a great understanding of his role and responsibility. Todd is beginning to take the steps to further grow and expand his knowledge in diversity and how we can do more.

Teamwork	4	3	2	1
Collaboration: Works with and assists others to achieve departmental and organizational goals and priorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication Skills: Articulate in expressing facts, ideas, & thoughts with clarity both orally and in writing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooperation: Cooperates with coworkers to ensure alignment with departmental and organizational goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trust Building: Shares information and knowledge readily coworkers and supervisors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Todd is a great team player and more importantly he is a team leader. Todd knows how to collaborate and work towards achieving collective goals.

Non-Rep Employee Evaluation

S.T.A.I.R.S. Approach				Exceeds Expectations	Meets Expectations	Opportunity for Development	Unsatisfactory
Check the appropriate rating column.							
Exceeds Expectations (4)	Meets Expectations (3)	Opportunity for Development (2)	Unsatisfactory (1)				
Consistently performs above role requirements	Competent in role	Working toward competency	Not meet role requirements				
Accountability				4	3	2	1
Ownership: Responsible for the results of one's actions to ensure they are of the highest quality and are delivered in a timely manner				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meeting Work Commitments: Plans work, meets commitments & deadlines, achieves desired results				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flexibility/Adaptability: Responds and adapts to changing situations, policies, practices, stress, and emergencies				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Todd sets a high standard when it comes to accountability. Ensuring that work is being done and task are being assigned properly.							
Innovation				4	3	2	1
Constructive Feedback: Is open and receptive to personal feedback and uses suggestions to modify behavior when appropriate				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Initiative: Self-motivated & makes effort to complete work with minimal supervision				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Problem Solving: Generates efficient approaches to addressing problems and opportunities and makes sound decisions after reviewing all relevant information				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Technology: Demonstrates ability to use technology effectively and productively and continually updates skills and knowledge				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Todd is the strongest advocate in the city for innovation. Todd knows that we need new technology to be more effective in the city.							
Respect				4	3	2	1
Attendance: Punctual to work, to meetings, and from breaks; does not abuse leave time				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attitude: Has "can-do" approach and strives to maintain an optimistic outlook				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety Consciousness: Acts with proper safety habits, maintains equipment, corrects unsafe conditions				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Todd brings great energy to city hall, and goes above and beyond when taking on projects at city hall. Todd needs to make sure he is taking time off to avoid burnout.							

Non-Rep Employee Evaluation

S.T.A.I.R.S. Approach				Exceeds Expectations	Meets Expectations	Opportunity for Development	Unsatisfactory							
Check appropriate rating column.														
Exceeds Expectations (4)	Meets Expectations (3)	Opportunity for Development (2)	Unsatisfactory (1)											
Consistently performs above role requirements	Competent in role	Working toward competency	Not meet role requirements											
Stewardship (Fiscal Responsibility)				4	3	2	1							
Resource Management: Uses city resources and work time wisely to avoid waste				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Quality of Work: Completed work is accurate, neat, well organized, articulate, thorough & effective				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Quantity of Work: Amount of work produced as compared to quantity standards of the position				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Comments: Todd understands the role and responsibility to upholding strong fiscal management in the city.														
Overall Performance Rating Totals														
Service	Teamwork	Accountability	Innovation	Respect	Stewardship	Total Average								
15	16	12	16	12	12	3.96								
<input checked="" type="checkbox"/> I agree with this Evaluation. <input type="checkbox"/> I do not agree with this Evaluation. <small>*Written explanation should be attached</small>				<div style="text-align: right;"> Supervisor Signature & Date <u>1/22/2021</u> </div>										
Initials: Employee Signature & Date <u>1-22-2021</u>				Director Signature & Date _____										
Overall Comments:						<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left;">Rating scale for Percentage Increase:</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Score 3.0 - 4.0 = 2%</td> </tr> <tr> <td style="text-align: center;">Score 2.5 - 3.0 = 1.75%</td> </tr> <tr> <td style="text-align: center;">Score 2.0 - 2.5 = 1.50%</td> </tr> <tr> <td style="text-align: center;">Score Below 1.99 = 0 to 1.25%</td> </tr> <tr style="background-color: #cccccc;"> <th style="text-align: left;">Overall Increase:</th> </tr> <tr> <td style="text-align: center; font-size: 2em;">2 %</td> </tr> </tbody> </table>		Rating scale for Percentage Increase:	Score 3.0 - 4.0 = 2%	Score 2.5 - 3.0 = 1.75%	Score 2.0 - 2.5 = 1.50%	Score Below 1.99 = 0 to 1.25%	Overall Increase:	2 %
Rating scale for Percentage Increase:														
Score 3.0 - 4.0 = 2%														
Score 2.5 - 3.0 = 1.75%														
Score 2.0 - 2.5 = 1.50%														
Score Below 1.99 = 0 to 1.25%														
Overall Increase:														
2 %														
Overall, I agree with Todd's self-evaluation. Todd is doing a wonderful job as our city administrator. 2020 has been a challenging year, but he has been able to tackle all our issues head on. I do believe that Todd has taken on more work than we all anticipated. However, he has adapted and making plans to move forward to address all our issues. Keep up the great work.														

Non-Rep Employee Evaluation

Performance and Development Goals
Performance Goals: (attach additional documentation as necessary) Examples- form updates, process documentation, procedure enhancements
1. Working with the Finance Dept, clean up our finance and accounting challenges. Lead a transition to Munis. Find and hire a Finance Director that can lead our dept forward.
2. Continue to fix issues in our HR Dept related to payroll, and benefits. Ensuring that we have a better practice at record retention and tracking.
Other: Develop a plan and identify key areas to fill our business park and other areas throughout the city.

Development Goals: (attach additional documentation as necessary) Examples- CPR Certification, Microsoft Office skills coursework, cross-training within department.
1. Working with WCMA and ICMA for continued trainings for professional growth and development.
2. Focus on financial processes and practices, and working with CLA for the annual audit. Understanding the issues from our past, and ensuring those areas are not over looked in the future.
Other: Working on LEAN strategies with the LEAN team in the city

Coaching Dates	
Coaching #1: <input type="text"/>	Coaching #3: <input type="text"/>
Coaching #2: <input type="text"/>	Coaching #4: <input type="text"/>

Case 2:23-cv-00149-LA Filed 02/06/23 Page 4 of 8 Document 1-4



Non-Rep Employee Evaluation

Employee Name: <u>Todd Wolf</u> Position Title: <u>City Administrator</u> Department: <u>Administration</u>	Reason For Evaluation: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other _____ Date of Evaluation: <u>7/16/2021</u>
--	---

S.T.A.I.R.S. Approach

S.T.A.I.R.S. aligns with the City of Sheboygan's core values of service, teamwork, accountability, innovation, respect, and stewardship (fiscal responsibility).

Check the appropriate rating column.

Exceeds Expectations (4)	Meets Expectations (3)	Opportunity for Development (2)	Unsatisfactory (1)				
Consistently performs above role requirements	Competent in role	Working toward competency	Not meet role requirements	Exceeds Expectations	Meets Expectations	Opportunity for Development	Unsatisfactory

Service	4	3	2	1
Knowledge of Work: Familiarity with job skills, policies, procedures, work area, duties, responsibilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Service Skills: Demonstrates Honesty, tact, courtesy, awareness of & sensitivity to customer needs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal Service Skills: Demonstrates Honesty, tact, courtesy, awareness of & sensitivity to coworker needs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Diversity: Treats all individuals fairly and respectfully, regardless of their values, beliefs, background, position, or status	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Work at listening more and talking less eg. repeating others' presentations.

Teamwork	4	3	2	1
Collaboration: Works with and assists others to achieve departmental and organizational goals and priorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication Skills: Articulate in expressing facts, ideas, & thoughts with clarity both orally and in writing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cooperation: Cooperates with coworkers to ensure alignment with departmental and organizational goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trust Building: Shares information and knowledge readily coworkers and supervisors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Be cautious of using acronyms that aren't defined.

Non-Rep Employee Evaluation

S.T.A.I.R.S. Approach				Exceeds Expectations	Meets Expectations	Opportunity for Development	Unsatisfactory
Check the appropriate rating column.							
Exceeds Expectations (4)	Meets Expectations (3)	Opportunity for Development (2)	Unsatisfactory (1)				
Consistently performs above role requirements	Competent in role	Working toward competency	Not meet role requirements				
Accountability				4	3	2	1
Ownership: Responsible for the results of one's actions to ensure they are of the highest quality and are delivered in a timely manner				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meeting Work Commitments: Plans work, meets commitments & deadlines, achieves desired results				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flexibility/Adaptability: Responds and adapts to changing situations, policies, practices, stress, and emergencies				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <div style="font-family: cursive; font-size: 1.2em; margin-top: 5px;"> Good job in meeting January 2021 review goals. </div>							
Innovation				4	3	2	1
Constructive Feedback: is open and receptive to personal feedback and uses suggestions to modify behavior when appropriate				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Initiative: Self-motivated & makes effort to complete work with minimal supervision				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Problem Solving: Generates efficient approaches to addressing problems and opportunities and makes sound decisions after reviewing all relevant information				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Technology: Demonstrates ability to use technology effectively and productively and continually updates skills and knowledge				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <div style="font-family: cursive; font-size: 1.2em; margin-top: 5px;"> (blank) </div>							
Respect				4	3	2	1
Attendance: Punctual to work, to meetings, and from breaks; does not abuse leave time				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attitude: Has "can-do" approach and strives to maintain an optimistic outlook				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety Consciousness: Acts with proper safety habits, maintains equipment, corrects unsafe conditions				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <div style="font-family: cursive; font-size: 1.2em; margin-top: 5px;"> Work to lead by example - making sure to take time to re-charge... at least one week away from the office. (Health & Safety issue) </div>							

Non-Rep Employee Evaluation

S.T.A.I.R.S. Approach				Exceeds Expectations	Meets Expectations	Opportunity for Development	Unsatisfactory							
Check appropriate rating column.														
Exceeds Expectations (4)	Meets Expectations (3)	Opportunity for Development (2)	Unsatisfactory (1)											
Consistently performs above role requirements	Competent in role	Working toward competency	Not meet role requirements											
Stewardship (Fiscal Responsibility)				4	3	2	1							
Resource Management: Uses city resources and work time wisely to avoid waste				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Quality of Work: Completed work is accurate, neat, well organized, articulate, thorough & effective				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Quantity of Work: Amount of work produced as compared to quantity standards of the position				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Comments: <i>Keep up the excellent work that you are doing with HR and finance.</i>														
Overall Performance Rating Totals														
Service	Teamwork	Accountability	Innovation	Respect	Stewardship	Total Average								
2.75	3.5	3.66	3.5	3.66	4.0	3.50								
<input type="checkbox"/> I agree with this Evaluation. <input type="checkbox"/> I do not agree with this Evaluation. <small>*Written explanation should be attached</small>				<i>Barbara Felde</i> 10/16/21 Supervisor Signature & Date										
Initials: Employee Signature & Date				_____ Director Signature & Date										
Overall Comments:														
<i>To align reviews with the city schedules (bet. Nov. Dec.) we will do a "check in" this year at year end, and schedule a formal review in Oct/Nov/Dec. 2022.</i>						<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left;">Rating Scale for Percentage Increase</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Score 3.0 - 4.0 = 2%</td> </tr> <tr> <td style="text-align: center;">Score 2.5 - 3.0 = 1.75%</td> </tr> <tr> <td style="text-align: center;">Score 2.0 - 2.5 = 1.50%</td> </tr> <tr> <td style="text-align: center;">Score Below 1.99 = 0 to 1.25%</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left;">Percent Increase</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">%</td> </tr> </tbody> </table>		Rating Scale for Percentage Increase	Score 3.0 - 4.0 = 2%	Score 2.5 - 3.0 = 1.75%	Score 2.0 - 2.5 = 1.50%	Score Below 1.99 = 0 to 1.25%	Percent Increase	%
Rating Scale for Percentage Increase														
Score 3.0 - 4.0 = 2%														
Score 2.5 - 3.0 = 1.75%														
Score 2.0 - 2.5 = 1.50%														
Score Below 1.99 = 0 to 1.25%														
Percent Increase														
%														

Non-Rep Employee Evaluation

Performance and Development Goals

Performance Goals: (attach additional documentation as necessary)
 Examples- form updates, process documentation, procedure enhancements

1. *Continue munis integration and training*

2. *Continue to monitor finance department changes and work to transition comptroller back to the department by the Spring of 2022.*

Other:

- a. *Coordinate department's annual report with the state of the city report given by the mayor*
- b.

Development Goals: (attach additional documentation as necessary)

Examples- CPR Certification, Microsoft Office skills coursework, cross-training within department

1. *Support the Mayor, the Council and the department heads by highlighting their work.*

2. *Commit to professional growth and development ~~etc~~ eg. diversity & inclusion, communication skill, city administrator protocols, technology*

Other:

Coaching Dates

Coaching #1: <input style="width: 90%;" type="text"/>	Coaching #3: <input style="width: 90%;" type="text"/>
Coaching #2: <input style="width: 90%;" type="text"/>	Coaching #4: <input style="width: 90%;" type="text"/>



As City Administrator, I am guiding the shift for staff to focus support the Strategic Plan's S.T.A.I.R.S. (S=Stewardship, T=Teamwork, A=Accountability, I=Innovation, R=Respect, S=Stewardship/Fiscal Responsibility) Core Values as we are trying to:

1. Shift staff focus on the City's Core Values in ALL city processes, actions & operations
2. Drive the City's Mission to steer toward the City's Vision
3. Provide Support to the Strategic Plan's Focus Areas & Goals
4. Improve and Innovate services provided to residents
5. Ensure tighter Fiscal and Process Controls
6. Encompassing Diversity, Equity, Inclusion and Belonging in all city Core Values, actions & operations
7. Create a "Gold Standard" in Operations
8. Make the City an "Employer of Choice"

In my role as City Administrator, I have worked transparently and diligently to create synergies among our departments to improve services, efficiencies, cost savings and morale. After decades of limited interactions between departments, I am helping manage the city staff as a cross-functional team to while implementing numerous long-overdue technology improvements. My background includes a LEAN Six-Sigma Blackbelt certification. (LEAN-a system of techniques & activities for operations to eliminate non-value-added activities & eliminate waste from the business). I have worked assiduously to create new relationships and mend old partnerships with multiple city businesses and their leaders to support growth within the City.

Listed below please find reference to the accomplishments which I have guided my staff to achieve. Our progress is representing some of the most significant internal and external achievements in the City's recent history.

July – December 2020-Accomplishments

1. Met all employees, in all departments on all shifts – literally, physically
 - a. Promote long-overdue cultural changes
 - b. Empowering employees to provide better service, seek positive, proactive changes
 - c. Promote our "Course Correction" showing the change for the future
 - d. Eliminate the "Status Quo" mentality – let staff know they have a voice
 - e. Prelim whistle blower policy setting "If you see something, say something"
 - f. Declare City officially Open for Business by working with businesses to provide support which was previously lacking and/or sporadic
2. Investment in Employees
 - a. Re-aligning employee work focus to support the Strategic Plan's S.T.A.I.R.S. (Service, Teamwork, Accountability, Innovation, Respect, Stewardship-Fiscal Responsibility) Core Values
 - b. Collaborative Job Description revisions to accurately reflect duties performed
 - c. Develop positions goals and personal development goals
 - d. Expand employee training, collaboration & team building

Todd Wolf – July 2020 through November 2022 Accomplishments



- e. Improve communication & synergies between departments
 - f. Annual Employee Survey form revised
 - g. Finance & Human Resource Departments' realignment
 - h. Provided 1st Employee picnic with 100% participation (14% prior)
 - i. Audit & document decades-old or non-existent policies & procedures
 - j. Identify segregation of duties to provide checks & balances
 - k. Provide direct support for Munis Version 2019 upgrade – most recent upgrade in 2017 to Munis Version 11.3. Support for 11.3 expired on 12/31/2020.
 - l. Establish cross-training protocols
 - m. Provide coaching & mentoring opportunities
 - n. Help employees develop within their positions
 - o. Outline career paths for those employees desiring future growth
 - p. Ensure healthy work environments – implement Go365 interactive wellness plan
 - q. Initiate core “LEAN” Team to begin process improvement & save taxpayer dollars
3. Investment in Business Infrastructure
- a. Information & Business Systems assessment completed
 - b. IBMi (AS400 DOS-based mainframe computer system) migration planning for outdated systems – 60% of cities business operations completed on this 30+ year old system.
 - c. Provided professional Project Management for Business & Info Systems upgrade (Baecore).
 - d. Provided additional laptop computers to promote working access during pandemic
 - e. Virtual connectivity for Municipal Court & numerous conference rooms throughout city facilities
 - f. EAM (Enterprise Asset Management) Software exploration – future 5% data reduction from IBMi (AS400 system)
 - g. Begin active management of Loan program – not actively managed in 30+ years
 - h. Neighborly Loan software implementation – collaboration between Development & Finance departments. *Important note: The City's Loan program was operating in two computer systems, with no management, oversight & reconciliation. Loans decades old were unpaid with no penalties/fees assessed and/or collection attempts made. This problem was costing the City tens of thousands of dollars of lost revenue annually. Neighborly Loan software contains an external user interface; now both departments and the customer have access to the loan information as the loans are now actively managed.*
 - i. Creation of Munis upgrade test scripts (internal Munis Procedures) were documented and completed in preparation for the upgrade.
 - j. Microsoft (MS) Office upgrade – began for completion over 2-year period. Phase 1 completed during Spring 2021.
 - k. Covid 19 Business infrastructure upgrades
 - i. New computers & connectivity to support remote work access when/where applicable
 - ii. Safety-related upgrades

Todd Wolf – July 2020 through November 2022 Accomplishments



- iii. Enhanced cleaning protocols to protect employee/visitor safety
- iv. Disinfectant fogging machines purchased & utilized
- v. Filters for improved internal air quality installed
- I. 2021 Budget
 - i. Provided additional Tax Levy support to Library Operations
 - ii. Completed fiscally-responsible budget during health pandemic with unanticipated key leadership change mid-year
 - iii. Maximized closure of TID 11 (Tax Incremental District) & ERP (State of Wisconsin's Expenditure Restraint Program)
 - iv. At the request of the 2020-2021 Common Council, left behind unused Tax Levy for minimal tax increase
- m. Human Resources Department Restructuring
 - i. Process-Procedures review
 - ii. Benefit update & audit
 - iii. Staff changes – additions
- n. Fire Department Contract Negotiations tentative agreement for a 3-year reached December 2020
- o. Process & Control auditing
 - i. Reviews began in 2020
 - ii. Many non-existent processes/controls not reviewed for decades
 - iii. Streamlining & strengthening controls
 - iv. Establish an approval process to vet separation of duties.
- p. Finance Department restructuring
 - i. Audit & document processes & procedures
 - ii. Implement efficiencies (LEAN)
 - iii. Mentorship with a consultant
 - iv. Staff changes/additions

2021 Accomplishments

- 1. Finance related
 - a. Oversee efforts to streamline processes, manage clean-up efforts, strengthen financial controls, establish policies and procedures noted as missing/inadequate per 2020 & 2021 CLA Studies related to Finance and HR Departments
 - b. Hired Baker Tilly as new audit firm after decades with CLA
 - c. Policy Creation and/or Update including; Fund Balance, Tax Incremental Financing, Code of Ethics
 - d. Consolidate internal "monthly" charge entries to "annual" – 2,148 entries reduced to 79, savings of 22 work days, or \$7,700 annually, per staff completing the task
 - e. Streamline Accounts Payable (AP) check-runs from weekly to semi-monthly – improved cash-flow management
 - f. Cross-training for Finance & HR staff for efficiency, continuity and separation of duties.

Todd Wolf – July 2020 through November 2022 Accomplishments



- g. Begin active management of Accounts Receivable (AR Aging not managed prior) – notably Delinquent Personal Property Tax Penalty payments (2021 Budget=\$4,000 / 2021 Actual=\$37,700, 942% increase)
- h. Ambulance rates updated – 1st time in 13 years
- i. Implemented a collections agent to managed the city's delinquent AR accounts
- j. AP vendor transfer from checks to ACH payments (Automated clearing house) – 66 vendors initially transferred, \$55 total print/handling cost per check vs. ACH payment \$0.05 cost per payment; 1,000 fewer checks, \$55,000 annual savings plus significant time savings for Finance staff
- k. AP Vendor information packet – fillable PDF (Portable Document Format) forms for electronic submission now available on City website
- l. AP Vendor virtual credit card rebate implementation – potential \$40,000 annual rebate
- m. Introduction of check scanning software – reducing staff time & expenses associated with daily bank deposits
- n. Auto insurance deductible increase from \$1,000 to \$2,500 = \$19,300 annual savings (historical average of 3 claims per year with average cost of \$2,100 per claim)
- o. Monthly "close" for financial accounts – beginning January 2021 – never "closed" monthly in the City's history – monthly close & "tie-out" completed from January-June 2021
- p. Annual close completed March 15 – 3 months earlier than historical June-July close
- q. Development of long-term General Obligation (GO) debt management plan
- r. Updated the City's Long-Term Investment policy, which dated back to 1995, with the most recent update in 2011
- s. City's Long-Term Investment funds review & update completed
 - i. 1st update in over 5 years
 - ii. Established ongoing periodic review process
- t. Reaffirm Moody's Aa2 rating with positive commentary regarding the City's new GO debt management plan
- u. Adopted 2022 Capital Improvements Program (CIP) with less than \$2 million GO debt related projects.
- v. Hired experienced municipal Finance Director
- w. Began creation of the City's first 5-year Fiscal Strategic Plan with Ehlers, Inc. to better manage valuable financial resources and maximize the plan & management of TID closures for the City's future CIP needs.
- x. Arrange for the City's 5-year revaluation with Grota Appraisals – City's equalized to assessed ratio was non-compliant for 5 consecutive years
 - i. Phase 1 of 5 implemented in Q4-2021
- y. Employee Life Insurance reconciliation and Retiree Health Insurance audit completed (1st time comprehensive reviews ever in city's history) and ongoing audit implemented; 12 ineligible participants removed from the plan
- z. Utilizing Baker Tilly Recruitment Services for HR Director Search

Todd Wolf – July 2020 through November 2022 Accomplishments



2. Employee-related

- a. Initiated mandatory employment practices liability training sessions
 - i. Initiated and completed annual Anti-Harassment Training for all staff
 - ii. Initiated and completed ADA (American Disability Act) FML (Family Medical Leave)-WC (Workers Compensation) training for all managers, supervisors, time-sheet approvers
- b. 10 city employees completed the Lean Government Training – 13 total city employees educated
- c. Began Carlson-Dettmann compensation study – Job descriptions questionnaires completed by employees as part of the review process
- d. Non-represented employee handbook under review – 1st update in 6 years
- e. Increased staff participation at Munis conference by 400%
- f. Expanded annual Munis direct training (PACE) program capacity by 66%
- g. Wellbeing Committee restructured
- h. Implemented Go365 Program for health insurance participants
- i. Reinstated health screen (physical exam) for insurance discount
- j. Continued annual employee HSA Contribution (\$750/\$1,500)
- k. Initiated city's internal education program to support DEIB in the workplace
 - i. Creating & Sustaining Authentic Relationships in the Workplace (all employees)
- l. Increased training & professional development in 2022 Budget by \$40,000
- m. 2021 Employee Holiday gifts completed

3. Business infrastructure related

- a. Completed Munis version 2019 (v2019) upgrade within 4 months and on schedule – at upgrade, 477 users converted, 1,035 remain
- b. Planning for next upgrade, fall 2022
- c. MyCivic electronic community information & engagement platform project approved
- d. Enterprise Fleet management program initiated - \$1 million savings in GO debt for 5-year program
 - i. 1 of 47 statewide entities participating in program
- e. IBMi (AS400) – 40% data reduction
 - i. Parking Stall Rentals & billing moved to Munis
 - ii. Code Enforcement & Permitting moved to Munis
- f. EAM planning/software implementation underway (DTSVueWorks)
 - i. Savings of \$1 million in GO debt for the 5-year CIP program
- g. Neighborly loan program fully implemented, integrated & managed collaboratively by the Finance & Development departments. Neighborly Loan Program online applications implemented – Prior-state (In-Person only applicants) = 5-7 annually; Current state (Online or In-Person applicants) = 50 annually; 714 % increase
- h. MS Office upgrade Phase 1 (version 2010 to version 2019) completed for all servers and computers

Todd Wolf – July 2020 through November 2022 Accomplishments



- i. AT & T phone line consolidation audit completed; 36 unused lines cancelled = \$9,000 annual savings
 - j. New equipment secured
 - i. Fire-Rescue Pumper Truck
 - ii. Ambulance
 - iii. Initiated South lakeshore sewer project
 - iv. Multiple wastewater treatment plant upgrades
 - v. 10 new Fixed-route transit buses
 - 1. In 2019 fleet = 75% past useful life
 - 2. 2022 deliveries = 0% past useful life
4. Strategic Plan related
- a. Strategic Plan extension from 2021 through 2022 in process
 - b. Utilizing professional Strategic Planning services to properly engage residents for direct input (Baker Tilly)
 - c. Build upon Focus Areas with the addition of Diversity/Equity/Inclusion/Belonging
 - d. Completed the City's membership to GARE (Government Alliance for Race & Equity) for additional resources, ideas, support
 - e. Promoting Sheboygan as a premiere community – both business & residential
 - f. Housing Advancement strategy
 - i. Creative advancement of housing study
 - ii. Senior housing-option exploration
 - iii. Single family housing development
 - iv. Multi-family & Veterans housing options
 - g. Business Advancement strategy
 - i. Small Business Emergency Assistance Program – COVID-19 Relief Grant Program
 - 1. ARPA funds up to \$10,000 per business with less than 20 employees

2022 Accomplishments (January – November 3, 2022)

1. Finance related
- a. Continuation of process streamlining, oversight of management of clean-up efforts, strengthen financial controls, establish policies and procedures noted as missing/inadequate per 2020 & 2021 CLA studies related to Finance & HR Departments
 - b. Munis Chart of Accounts conversion completed
 - i. 13,800 accounts reduced to 3,600
 - ii. Now in proper alignment with state & federal reporting requirements
 - c. Completion of city's first 5-year Fiscal Strategic Plan with Ehlers Public Finance Advisors, Inc.
 - i. Improved strategic management of valuable financial resources, maximize the fiscal program and timing of TID closures
 - ii. Extending TID closures by 1 year to maximize funding for housing development expansion

Todd Wolf – July 2020 through November 2022 Accomplishments



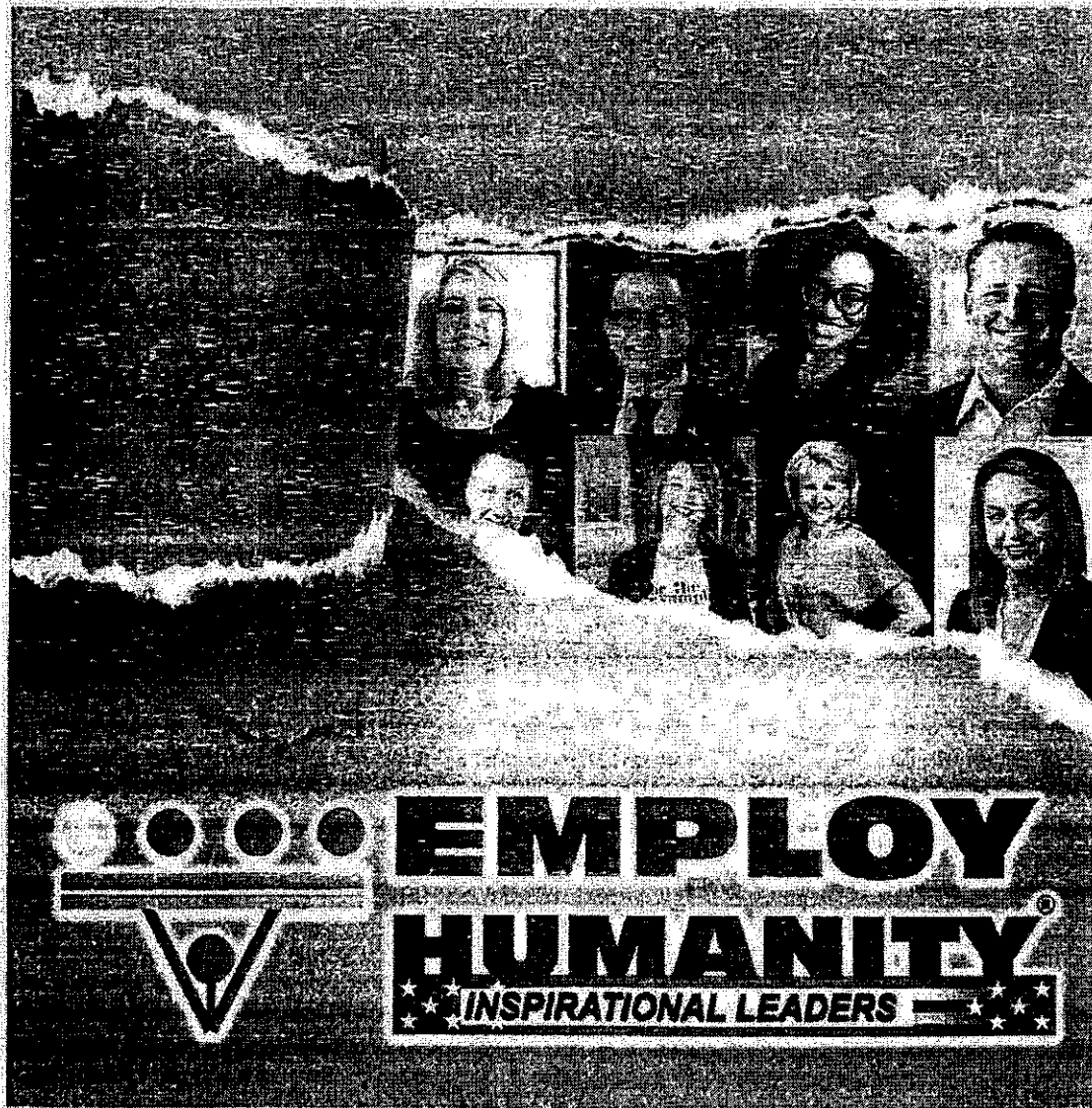
- d. Grota Appraisals Re-Valuation – Phase 2 of 5 underway
 - i. Bringing city into compliance with State Department of Revenue (non-compliant since 2018)
- e. Reaffirm Moody's Aa2 rating
- f. Tyler Payments Credit Card processing module implementation approved & in-process
- 2. Employee-related
 - a. Continued annual employee HSA Contribution (\$750/\$1,500)
 - b. Mandatory employment practices liability training sessions
 - i. Initiated and completed annual Anti-Harassment Training for all staff
 - ii. FLSA Overtime Training for all Managers-Supervisors-Time Approvers
 - c. Leadership Development Training program implemented
 - i. 40 managers/supervisors – 4 sessions completed
 - 1. Leadership: People Skills
 - 2. Inclusivity for Leaders
 - 3. Coaching & Performance Feedback
 - 4. Succession Planning
 - ii. Emotional Intelligence Training (5 sessions) beginning Nov 2022
 - iii. Optional training for Management Team
 - 1. Microaggressions/Macroaggressions training
 - 2. Intersectionality Q & A
 - 3. Uncovering Myths About Disability training
 - d. Expansion of DEIB employee education
 - i. Leading Change – DEIB The Foundation
 - 1. Sep – Oct 2022
 - 2. All-employee training
 - e. Employee Evaluations Revisions
 - i. 2022 Form modified to include DEIB-related measurements
 - ii. Clear instructions on completion of self-evaluations provided
 - iii. Spanish translated document available
 - f. Cross-functional team attended Veterans Summit – Q3
 - g. Tyler-Munis Annual Conference
 - i. Largest representation – 8 staff from 4 departments
 - h. Carlson-Dettmann Compensation Study
 - i. Completed & implemented Q3
 - i. Flores & Associates – FML & ADA 3rd Party Contractor implemented for employees
 - i. Improved process & confidentiality
 - j. Employee Handbook & Policy Update
 - i. In process
 - ii. Inclusivity considerations
 - k. Employee Educational Opportunities implemented:
 - i. EAP Info Sessions completed at 2 city buildings
 - ii. Active Shooter Training at City Hall
 - iii. Fire Drills & Tornado Drill completed

Todd Wolf – July 2020 through November 2022 Accomplishments



- iv. 457 Plan Employee-Advisor individual meetings completed & in-process
 - 1. 1st meetings since 2018
 - v. Fire Extinguisher & AED Training – planning for 2023
3. Business infrastructure related
- a. Munis 2021.3 upgrade completed – Aug 2022
 - i. 2021.4 upgrade scheduled – Nov 2022
 - b. FortiClient upgrade & Darktrace Antigena Email Filtering – Q3
 - c. Shoreline Metro HotSpot mobile app implemented – digital fares & payments
 - d. New Harbor Centre Express Trolley received
 - e. MyCivic/Tyler 311 – electronic community information & engagement platform completed & implemented
 - f. Language Line translations services available to all city departments to improve services to community
 - g. Municipal Code revisions underway – including gender-neutral language
 - h. Host Compliance software implemented – collaboration between City Development, City Clerk & Finance
 - i. Uptown Social building completion (Nov 2022)
4. Strategic Plan related
- a. Strategic Planning in process with Baker Tilly
 - i. 1st Plan that engaged residents for direct input
 - b. Build upon the addition of Diversity/Equity/Inclusion/Belonging initiatives
 - c. Work with community partners for education and advancement of the city's DEIB initiatives
 - i. Lakeshore Technical College – Lakeshore DEI Advisory Council
 - 1. Advisory Council member
 - 2. 2022 Diversity Summit participant
 - ii. Sheboygan County Chamber of Commerce
 - 1. Chambers Board – DEI Assessment participant
 - iii. Sheboygan DEIB – Collective
 - 1. Seeking educational resources for city issues

From: Bill Marklein <sayhello@employhumanity.com>
Sent: Sunday, August 7, 2022 2:22 PM
To: Arenz, Carrie
Subject: Meet the 2022 Employ Humanity Inspirational Leaders!



In the spirit of recognizing excellence, Employ Humanity announces the following inspirational leaders for their extraordinary ability to lead, serve and inspire:

Andrew Kamla, Cell.Plus II Inc.

EXHIBIT

F

Calson Bynoe, Employment Resource Group Inc.
Charm Der, Sargento Foods Inc.
Cindy Moen, Shopko Optical
Dr. Diane Chapman, North Carolina State University
Diane Gadzalinski, Walbec Group
Dr. Fred Rachman, AllianceChicago
Gary Picard, Town of Madawaska
Greg Sabel, C.D. Smith Construction
James McGregor Jr., McGregor Metal
Kathryn Poehling Seymour, First Supply
Sharon Hulce, Employment Resource Group Inc.
Todd Wolf, City of Sheboygan
Tom Genevich, Penn National Gaming
Tonya Coon, myCUMortgage
Zach Hodge, HODGE

VIEW MAGAZINE

ADVERTISE: Promoting your unique brand, support and celebrate these leaders with an interactive Full Page ad in the official 2022 Employ Humanity Inspirational Leaders magazine. [Email: sayhello@employhumanity.com](mailto:sayhello@employhumanity.com) for advertising info. This annual digital magazine is heavily promoted for a full year—August to August.

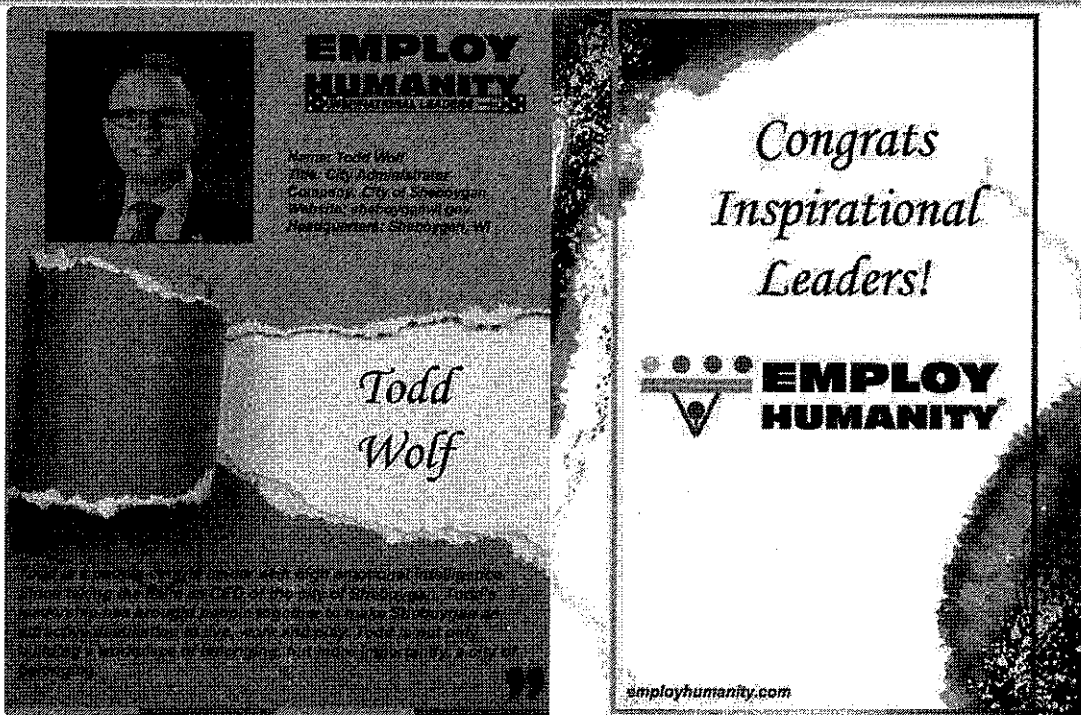
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Gen. Ord. No. 34 - 14 - 15. By Alderpersons Donohue, Dassler, Hammond and VanderWeele. November 3, 2014.

AN ORDINANCE amending Section 2-341 of the Municipal Code so as to extend the expiration date of the initial Chief Administrative Officer appointee's term to August 23, 2016.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 2-341 of the Sheboygan Municipal Code is hereby amended in the second sentence thereof so as to change the expiration date of the initial appointee's term from August 22, 2015 to August 23, 2016, so that, as amended, Section 2-341 shall read as follows:

"Section 2-341. *Appointment and term.*

The chief administrative officer shall be appointed by the common council with input from the mayor. The initial appointee's term shall expire August 23, 2016, and said appointee may be removed only for cause by a three-fourths vote of the common council. The term "cause" as used in this subsection is defined as inefficiency, neglect of duty, official misconduct or malfeasance in office."

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Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20_____.

Dated _____ 20_____. _____, City Clerk

Approved _____ 20_____. _____, Mayor



EMPLOYMENT AGREEMENT

This Agreement is made and entered into this 23 day of JUNE, 2020, by and between the City of Sheboygan, a municipal corporation, (hereinafter called the "City") and Todd Wolf, (hereinafter called the "Employee"). The City and the Employee agree to the following terms for the Employee's employment as the City Administrator.

1. The Employee's starting salary shall be \$150,000 per year, prorated in 2020 based upon the starting date of employment. In addition, in each consecutive year the Employee shall receive an increase commensurate with the guidelines of the City of Sheboygan Non-Represented Compensation Program ("Program"). However, notwithstanding the guidelines of the Program, the merit portion of the increase shall not be less than 1.7% should the Employee achieve the council's defined goals and expectations.
2. Upon commencing employment, the Employee shall be credited with 168 hours of Vacation Paid Time Off (PTO). Effective January 1, 2021, and each year thereafter, the Employee shall be eligible for 200 hours of Vacation PTO. In addition, the Employee shall be eligible for 80 hours of Discretionary PTO, prorated to 40 hours for 2020, with the same provisions applicable to other Non-Representative Employees. The Employee may bank up to a total 160 hours of unused PTO for use in years after the year(s) in which such hours were earned.
3. Except as otherwise provided in this Agreement, the Employee shall be entitled, at minimum, to the highest level of benefits available to other Non-Represented Employees of the City as provided by the City's policies, ordinances, personnel rules, and regulations.
4. In recognition that the Employee shall participate in frequent meetings outside of City Hall, the City agrees to provide the Employee with access to a municipal vehicle. The City shall reimburse the Employee at the IRS standard mileage rate for any business use of the Employee's private vehicle.
5. Membership dues in the International City/County Management Association and the Wisconsin City/County Management Association shall be provided by the City.
6. Professional development is encouraged, and the City shall pay expenses incurred by the Employee to attend the annual conference of the International City/County Management Association or an equivalent conference. In addition, the City shall

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pay expenses incurred by the Employee to attend other conferences of professional and educational organizations within the State of Wisconsin. The Employee shall be bound by City policies related the attendance of such conferences (including the city's travel and meals policies.) Notwithstanding the provisions of this paragraph, the City shall not be bound to pay for professional development expenses in excess of \$5,000.00 without the prior approval of the Common Council.

7. In order to enable the Employee to perform his duties as a representative of the City, the City shall provide an expense account of \$2,500.00 per year. The Employee shall document his expenditures and follow all applicable policies of the City.
8. The Employee is encouraged to participate and be directly involved in appropriate local service or community organizations. Accordingly, the City shall pay for the reasonable membership fees and/or dues to allow the Employee to become an active member in a local service or community organization.
9. Recognizing the importance of constant communication and maximum productivity, the City shall either provide the Employee with a mobile phone including a service contract for adequate call, text, and data or provide the Employee with a mobile phone allowance per City policy.
10. The employment provided for by this Agreement shall be the Employee's primary employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Employee and the community, following consultation with and agreement by the mayor and council president, the Employee may accept limited teaching, consulting, or other business opportunities. No such arrangements may interfere with or create a conflict of interest with the responsibilities of the Employee as set forth in his job description, City ordinances, and this Agreement. The provisions allowing the Employee to accept additional opportunities shall be effective August 1, 2021.
11. The Employee cannot be reassigned from the position of City Administrator to another position without the Employee's express written consent.
12. For the purpose of this agreement, termination shall occur:
 - a. If 80% of the City Council votes to terminate Employee in accordance with a properly posted and duly authorized public meeting.
 - b. If the City or its citizens successfully acts to amend the provisions of Chapter 2, Article III, Division 5 of Sheboygan Municipal Code (the

enabling ordinance relating to the duties, authority, and powers of the City Administrator) or the City Administrator job description in such a way as to substantially reduce the role, powers, duties, authority, and responsibilities of the City Administrator's position in a manner that makes significant changes to the form of government. The Employee shall have the right to declare that such amendments constitute termination.


- c. If the City reduces the base salary, compensation, or any other benefit of the Employee, unless it is applied in no greater percentage than the average reduction of all department heads.
- d. If the Employee resigns following an offer to accept resignation, whether formal or informal, made by a representative of the City in response to action by a majority of the Common Council authorizing such an offer. In such a case, the Employee may declare a termination as of the date of the said offer.

13. Severance shall be paid to the Employee when employment is terminated as defined in Section 12 as follows:

- a. The City shall provide a minimum severance payment equal to six (6) months' salary at the then current rate of pay. This severance shall be paid in a lump sum or in a continuation of salary on the existing biweekly basis, at the Employee's option.
- b. In the event the Employee is terminated prior to the time that he is fully vested in the Wisconsin Retirement System (WRS), the City agrees to pay to the Employee the sum of all payments made on his behalf as the Employer-Required Contribution to the WRS, in addition to the severance payment described in subparagraph a. If the Employee is fully vested at the time of termination, the severance payment shall be as outlined in subparagraph a.
- c. The City shall compensate the Employee for all earned but unused PTO leave, including up to 160 hours of banked PTO.
- d. For a period of six months following termination, the City shall pay the cost to continue the following benefits for the Employee: life, health, and dental insurance. The Employee will be provided access to health insurance pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA") beyond six months, at the Employee's expense.

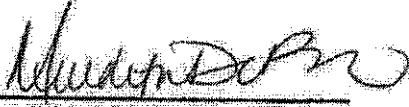
- e. If the Employee is terminated for cause with due process or because of a felony conviction, then the City is not obligated to pay severance under this section.
14. If the Employee voluntarily resigns his position, he must provide the City a minimum of 60 calendar days' written notice unless the City and the Employee agree otherwise.
15. The starting date of employment shall be no later than 20 calendar days after the offer of employment is extended by the City Council.
16. This employment agreement is in addition to any and all conditions of employment defined set forth in the Sheboygan Municipal Code and city policies, including any conditions set forth in the ordinance creating the City Administrator position. Nothing in this agreement shall contravene the ordinance.


Michael Vandersteen, Mayor


Todd Wolf

6-23-2020
Date

6-23-2020
Date


Attest: Meredith De Bruin, City Clerk

6-24-2020
Date

This agreement is authorized pursuant to Res. 40-20-21

Gen. Ord. No. 41 - 20 - 21. By Alderpersons Donohue and Bohren.
March 15, 2021.

AN ORDINANCE amending the Municipal Code to assign the statutory duties of comptroller to the City Administrator.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2, Article III, Division 5 of the Municipal Code is hereby amended to read as follows:

"DIVISION 5. CITY ADMINISTRATOR

Sec. 2-340. *Position established.*

- (a) The position of city administrator is established for the city service, which position shall be under the direction of the common council with input from the mayor.
- (b) All references to chief administrative officer in this Code shall be changed to city administrator.

Sec. 2-341. *Appointment and term.*

The city administrator shall be appointed by the common council with input from the mayor. Said appointee may be removed only for cause by a four-fifths vote of the common council. The term "cause" as used in this subsection, is defined as inefficiency, neglect of duty, official misconduct or malfeasance in office.

Sec. 2-342. *Duties.*

The city administrator shall perform the duties and shall have the authority and powers prescribed by the common council and prescribed by state statute for the comptroller.

Sec. 2-343 - 2-365. *Reserved."*

Section 2. Section 2-937 of the Municipal Code entitled "Finance director/treasurer" is hereby amended in subsection (b) thereof to read as follows:

"Sec. 2-937. *Finance director/treasurer.*

....

- (b) *Duties and authority.* The finance director/treasurer shall be:

- (1) The administrative head of the finance department and as such shall supervise the work of all the officers and employees thereof for the effective and efficient operation of the department and the city's fiscal affairs.
- (2) The finance director/treasurer shall perform the duties and shall have the authority and powers prescribed by the common council and prescribed by state statute for the treasurer.
- (3) Responsible for reports required by state statutes and such others as may be required by law and the common council.

.... "

Section 3. Section 2-225 of the Municipal Code entitled "Bonds generally" is hereby amended to read as follows:

"Section 2-225. *Bonds generally.*

- (a) The various city officers and employees shall be bonded in the following amounts:

....

- (6) City administrator, \$20,000.00

...."

Section 4. Section 2-938 of the Municipal Code entitled "Contracts for tax incremental financing projects" is hereby amended to read as follows:

"Section 2-938. *Contracts for tax incremental financing.*

No contract for tax incremental financing district projects or change orders to such contracts shall be executed on the part of the city until the city administrator shall have countersigned the contract of change order and made an endorsement thereon, showing that sufficient funds are in the treasury to meet the expense thereof, or that provision has been made to pay the liability that will accrue thereunder."

Section 5. Section 2-966 of the Municipal Code entitled "Approval" is hereby amended to read as follows:

"Section 2-966. *Approval.*

(a) An alternative system of approving financial claims against the municipal treasury, other than claims subject to Wis. Stat. § 893.80, is established under Wis. Stat. § 66.0609. Payments may be made from the city treasury after the city administrator audits and approves each claim as a proper charge against the treasury and endorses his or her approval on the claim having determined that the following conditions have been complied with:

- (1) Funds are available therefor pursuant to the budget approved by the common council.
- (2) The item or service covered by such claim has been duly authorized by the proper official, department head or board or commission.
- (3) The item or service has been actually supplied or rendered in conformity with such authorization.
- (4) The claim is just and valid pursuant to law.

The city administrator may require the submission of such proof and evidence to support the conditions as in his or her discretion he or she may deem necessary.

- (b) The city administrator shall file with the common council, not less than monthly, a list of the claims approved, showing the date paid, the name of the claimant, the purpose and the amount.
- (c) The common council shall authorize an annual detailed audit of its financial transactions and accounts by the department of revenue pursuant to Wis. Stat. § 73.10 or by a public accountant licensed under Wis. Stat. ch. 442, the designation to be made by the common council.
- (d) Such system shall be operative only if the city administrator is covered by a fidelity bond of not less than \$20,000.00.
- (e) With the adoption of this section, the claim procedure required by Wis. Stat. §§ 61.25(6), 61.51, 62.09(10), 62.11, and 62.12, and other relevant provisions, except Wis. Stat. § 893.80, is not applicable."

Section 6. Section 10-103 of the Municipal Code entitled "Retail 'Class B' licenses" is hereby amended in subsection (g) thereof to repeal subsections (1), (2), and (3) thereof, such that said subsection (g) reads as follows:

"Sec. 10-103. Retail "Class B" licenses.

-
- (g) The fee for an initial issuance of a reserve "Class B" license, as defined in Wis. Stats. § 125.51(4)(a)4, shall be \$10,000.00, except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in Wisconsin for at least six years is the fee established under section 10-104 for such a club or lodge. The fee under this subsection is in addition to any other fee required under this chapter. The annual fee for renewal of a reserved "Class B" license, as defined in Wis. Stat. § 125.51(4)(a)4 is the fee established in subsection (d) above."

Section 7. Section 34-273 of the Municipal Code entitled "Investment of fund" is hereby amended to read as follows:

"Sec. 34-273. *Investment of fund.*

Under this division, when any money in the perpetual care trust fund shall not have been transferred to another city fund, the city administrator, under supervision of the council and the finance committee, shall - to the extent permitted by the City's adopted Investment Policy - purchase securities issued or guaranteed as to the principal and interest by the United States government; bonds or securities of any county, city or drainage district; bonds or securities of any vocational, technical and adult education district, village, town or school district of this state; or may invest in the state local government pooled-investment fund. The interest on these investments shall be collected by the city administrator, and he or she shall make a semiannual report to the council in which he or she shall itemize the securities and the amount of interest received. The city administrator, council and the finance committee shall analyze such securities at least twice a year as to advisability of retaining any securities."

Section 8. Section 58-38 of the Municipal Code entitled "Audits" is hereby amended in subsection (a) thereof to read as follows:

"Sec. 58-38. *Audits.*

- (a) The library board shall audit and approve all expenditures of the public library and forward the bills or vouchers covering the expenditures, setting forth the name of each claimant or payee, the amount of each expenditure and the purpose for which it was expended, to the city administrator. The library shall include a statement, signed by the library board secretary or other designee of the library board, that the expenditure has

been incurred and that the library board has audited and approved the expenditure. The appropriate municipal official shall then pay the bill as others are paid.

...."

Section 9. Section 74-11 of the Municipal Code entitled "Audits and reports" is hereby amended to read as follows:

"Sec. 74-11. *Audits and reports.*

All claims and demands against the city pertaining to parks, parkways, boulevards or pleasure drives shall, prior to their allowance by the city, be audited and adjusted by the city administrator. Immediately after their allowance, a list of claims and demands so allowed shall be furnished to the finance director/treasurer stating the character of the materials furnished or services rendered to ensure appropriate payments are made."

Section 10. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20_____, _____, Mayor

CITY OF SHEBOYGAN
DEPARTMENTAL CORRESPONDENCE

TO: Todd Wolf
City Administrator

FROM: Charles C. Adams
City Attorney

SUBJECT: Powers of Mayor, Administrator, and Common Council

DATE: January 21, 2021

You asked to meet to discuss the respective powers of the mayor, administrator, and common council. In preparation for that meeting, I have drafted this memo as an outline for our meeting and as a document you can keep on hand for later reference.

I. FORMS OF MUNICIPAL GOVERNMENT IN WISCONSIN

A. Three Types of Municipal Governments

In Wisconsin there are many types of governments. Most people are aware of state, county, and municipal government, as well as school districts and technical college districts.

However, beyond that, there are many other types of special purpose governments, such as sewerage districts, housing authorities, and the Miller Park construction district. There are only three forms of local general-purpose ("municipal") governments: towns, villages, and cities.

1. Towns

Cities and villages are full municipal corporations, while towns are a lesser form of government, designed not to provide the full spectrum of services found in cities and villages. As such, towns have a very different form of government from cities and villages. For example, they hold an annual town meeting where residents can discuss and vote on many issues of town governance.

2. Villages

Villages are more like cities—they have a level of home rule under the state constitution and they are governed by elected representatives. Unlike cities, however, villages do not have separate executive and legislative functions. Villages are led by a board of trustees. One of those trustees is the Village President. Both executive and legislative functions are united

within the Village Board. A village may appoint a Village Administrator, who in many cases has rather broad authority both in executive and legislative functions.

3. Cities

Cities also enjoy a level of constitutional home rule. However, executive and legislative functions are generally separated. It may be helpful to think of the difference at the federal level between Presidential power (executive power) and Congress (legislative power.) This illustration isn't perfect, but it does provide a framework for thinking through the exercise of authority in Wisconsin cities.

B. Two Types of City Governance

1. Mayor-Council

Cities in Wisconsin generally operate under what is termed the Mayor-Council form of government. Mayors in this system are often called "strong mayors" and have a large degree of control and responsibility over the executive functions of municipal government. In fact, in Wisconsin, mayors are designated as the chief executive officer of a city with a Mayor-Council form of government. This form of government is set forth in Chapter 62 of the Wisconsin Statutes. That said, some commentators describe Wisconsin mayors as "weak mayors" because they do not have the nearly unfettered authority that mayors in some major U.S. cities have. Some powers are retained by the common council.

2. Council-Manager

Cities do have the option of two other forms of governance. One, the commission model, has disappeared in Wisconsin, though it is technically an option. The other is the Council-Manager form of government in which an elected city council appoints a City Manager to oversee day-to-day municipal operations, draft a budget, and implement and enforce the council's initiatives. This form of government is set forth in Chapter 64 of the Wisconsin Statutes.

3. Mayor-Council as the default form of city government

Unless a City specifically chooses to adopt the Council-Manager form of government, it must follow the Mayor-Council form of government. A 2016 survey suggests that only about 10% of cities

in Wisconsin have chosen to be governed under the Council-Manager form of governance.

4. Distinguishing the types of authority exercised by various municipal officials

Before moving on to the various roles and authorities granted to the mayor and the administrator under state law and city ordinances, it is worth discussing the difference between legislative powers (which are exercised or delegated by the common council), executive powers (which are exercised or delegated by the mayor), and administrative powers (which may be exercised or delegated in multiple ways.)

Legislative powers clearly include enacting legislation. As such, the common council retains authority over adopting a budget, determining the services a municipality will provide, or enacting land use regulations. Development of citywide policies may also be seen as a legislative function, one that is often delegated to an administrator or others.¹

Executive powers include directing staff; interpreting policies; creating procedures, internal guidance, and forms to assist with the execution of policies that have been approved by the legislative branch; determining the details of carrying out services the governing body has decided to provide; and making other decisions related to matters where legislation is silent as to the details.²

Administrative powers include such things as carrying out very specific instructions, signing checks, etc.³ Administrative powers are often described as "ministerial duties" and are often considered to be contained within executive authority.⁴

Legislative power, as opposed to executive power and administrative power, "is the authority to make laws, but not to enforce them, or appoint the agents charged with the duty of such enforcement."⁵ In drawing the difference between legislative power and executive power, the test for deciding what is legislative and what is executive or administrative "has been said to be whether

¹ Davis, Maria and Silverman, Claire: "Roles and Authority of Governing Body Members," published in the June 2019 issue of The Municipality, p. 19-20

² *Ibid.*

³ *Ibid.*

⁴ 2A McQuillin Mun. Corp. sec. 10:6 (3d ed.) (footnotes omitted).

⁵ *Ibid.*

the ordinance is one making a new law, or one executing a law already in existence."⁶

The line between legislative acts and executive acts is not always entirely clear. As such, the lines dividing the authority of a mayor and that of an administrator are also not always clear cut.

II. SHEBOYGAN'S FORM OF GOVERNMENT

A. Role of the Mayor

Sheboygan operates under the Mayor-Council form of government. As such, the mayor is the chief executive officer of the city, and the common council generally exercises legislative authority.

1. As chief executive officer of the city

The mayor is the city's chief executive officer.⁷ As such, the mayor exercises executive authority on behalf of a city by ensuring that city ordinances and state laws are observed and enforced, overseeing day-to-day operations, and making sure that all city officers and employees discharge their duties.

2. Relationship with the common council

The mayor is considered to be a member of the common council⁸, albeit a member with a different role and authority from an alderperson. The mayor cannot vote except in a case of a tie,⁹ but he or she presides over council meetings and can veto acts or decisions of the council.¹⁰ In Sheboygan, the mayor not only has general veto power, but can exercise a partial budget veto, thereby disapproving of any annual budget item.¹¹

Mayors also have the authority to provide any information and make such recommendations to the common council as he or she sees fit.¹² As presiding officer, the mayor also exercises control over the council agenda, though there are provisions in the city code to allow the common council to place items on the agenda over the objection of the mayor.¹³ The mayor makes the

⁶ *Ibid.*

⁷ Wis. Stat. §62.09(8)(a)

⁸ Wis. Stat. §62.11(1)

⁹ Sheboygan Municipal Code, §2-135

¹⁰ Wis. Stat. §62.09(8)(c)

¹¹ Code, §2-137

¹² Wis. Stat. §62.09(8)(b)

¹³ Code, §2-170

decision whether to call special meetings.¹⁴ The mayor makes most appointments to boards, commissions, and committees,¹⁵ and serves *ex officio*¹⁶ on a number of city boards and commissions, in some cases as the chair.

3. Emergency powers of the mayor

The mayor also has certain emergency powers. The mayor may declare an emergency if, due to the emergency conditions, the common council is unable to meet with sufficient promptness to declare the emergency¹⁷. (Though, such a declaration is subject to ratification, alteration, modification, or repeal by the common council once they can meet.)¹⁸ The mayor specifically has authority to declare snow emergencies or to issue emergency orders closing streets, sidewalks, and city parking areas.¹⁹

4. Ultimate head in charge of police and fire departments

Because Sheboygan has not granted the optional powers it could grant the Police and Fire Commission, the Mayor of Sheboygan is the ultimate head of the city's police and fire departments.²⁰

5. Other powers and duties of the mayor

Some lesser known powers of the mayor include the following: the mayor serves with the City Attorney and the Director of Public Works and Engineering on a board that determines compensation for all encroachments.²¹ The mayor may consent or withhold consent from the appointment of the cemetery and parks supervisor (and his or her assistants) as special police officers within the cemetery,²² as well as approve any auxiliary police officers.²³ The mayor must approve any gift or reward from a person (or friends or benefactors of such person) who was in

¹⁴ Code, §2-114

¹⁵ See, e.g., Code, §2-222

¹⁶ Note that many people misunderstand the term *ex officio* to mean "non-voting." The term does not mean "non-voting," but rather means that a person is serving in an office or position solely by virtue of their office. For example, the mayor serves *ex officio* as the chair of the capital improvements commission. He or she has a vote, but upon leaving the office of mayor, the new mayor takes that position with no need for appointment or confirmation.

¹⁷ Code, §42-101(a)

¹⁸ Code, §42-101(b)

¹⁹ Code, §42-104(a)

²⁰ Wis. Stat. §62.09(8)(d)

²¹ Code, §110-112

²² Code, §34-93

²³ Code, §54-68

custody or was discharged from custody.²⁴ The mayor may request that the required record of arrests to be provided to the common council be done so more than just quarterly.²⁵ The mayor must approve any parade permits issued in connection with a circus, a dog or pony show, or a menagerie.²⁶

B. Role of the City Administrator

City administrators are not statutorily-created positions. The position is created by a city under its home rule powers. As such, there is a wide variety of authority granted to such administrators.

1. History of the position

In Sheboygan, the position was first created in 2011.²⁷ The position was initially called "chief administrative officer," and that terminology still appears in some places in the Municipal Code.²⁸ The chief administrative officer was also the finance director and held the role of treasurer.

In 2016, when the first appointee decided to retire at the end of his term, the common council was divided on whether to continue the position. A proposal to eliminate the position and give all authority granted to the chief administrative officer to the mayor, except those already held by the treasurer²⁹ was defeated. Instead, the common council simply hired a new person to the position, but began to refer to that person as the City Administrator.

Some of the financial duties of the job were transferred to the finance director (including the duties of treasurer, along with the duties as comptroller she already had), and a number of city policies were changed to reflect the thought that the administrator should be involved more broadly in administering the day-to-day work of all of the departments.

As such, the common council, via resolution, authorized changes in policies that authorized the administrator to do performance

²⁴ Code, §54-106

²⁵ Code, §54-65

²⁶ Code, §14-164

²⁷ Ord. No. 24-11-12, passed October 3, 2011

²⁸ See, e.g., Chapter 2, Article III, Division 5 of the Code, which establishes the position, sets the method of appointment and term, and sets forth the duties of the position.

²⁹ The first chief administrative officer also exercised the role of treasurer and comptroller.

reviews for department heads.³⁰ Note, however, that said authority does not supplant the duty and authority of the mayor granted by statute to ensure that all city officers and employees discharge their duties.³¹

2. General role of administrator

Since the administrator is not an official with statutory authority, any determination of power is set forth by ordinance. City ordinances may not overrule state statutes. The administrator is a creature of the common council, and the common council may generally delegate its authority to the administrator, though it may not remove authority statutorily granted to the mayor. Where the statutes are not clear on what authority is granted to the common council versus the mayor, it may be possible for both officers to hold dual authority, especially when, as has been the case for the past eight years, there is general accord between the mayor and the administrator over who will primarily exercise certain types of authority. That said, where it is not clear that a particular power is granted solely to either the mayor or the common council, it can be helpful to recall that the mayor general fulfills the role of the executive branch and the administrator fulfills the role of the legislative branch.

The Sheboygan Municipal Code provides little guidance as to the duties and authority of the administrator in the specific portion of the statute that sets forth the duties, noting only that the person "shall perform the duties and shall have the authority and powers prescribed by the common council."³² However, other sections of the Code set forth specific duties and authority that have been delegated to the administrator.

The duties and powers delegated to the administrator by the common council include those set forth in the following paragraphs.

³⁰ Note that technically the city has both offices and departments. The elected heads of offices (City Clerk, City Attorney, and Municipal Judge) are also generally referred to as department heads, but their offices are not overseen by the City Administrator. The non-elected heads of offices (treasurer/comptroller, assessor, police chief, and fire chief) are also generally referred to as department heads and the City Administrator does performance reviews for these officers. As noted later in this memo, there are potential issues with this process, especially as it relates to the police and fire chiefs.

³¹ Wis. Stat. §62.09(8)(a)

³² Code, §2-342

3. Role of the administrator as relates directly to the common council or its committees

The administrator is one of several officials who have the privilege of the floor at common council meetings without the need for a special motion to open the floor.³³

The administrator is required to meet annually with the finance and personnel committee to project goals and objectives for the ensuing budget year.³⁴

The administrator has the duty to establish and maintain a purchasing policy, and notify the common council of any changes.³⁵ It is pursuant to that policy that the common council has delegated authority to the administrator to settle most claims (both by and against the city) without prior common council approval.

4. Role of the administrator related to appointments of department heads

While appointments to committees, commissions, and boards are all under the bailiwick of the mayor, the administrator has been granted some input into the appointment of some employees. The common council appoints the following positions after receiving recommendations from both the mayor and the administrator:

City assessor³⁶

Director of human resources and labor relations³⁷

Director of information technology³⁸

Director of planning and development³⁹

Director of public works⁴⁰

Finance Director/Treasurer⁴¹

5. Role of the administrator related to financial matters and the budget

The administrator is charged with reviewing departmental budget requests for the following year; obtaining and setting out the

³³ Code, §2-35

³⁴ Code, §2-901

³⁵ Code, §2-338

³⁶ Code, §2-415

³⁷ Code, §2-420(b)

³⁸ Code, §2-419(b)

³⁹ Code, §86-92

⁴⁰ Code, §2-397(b)

⁴¹ Code, §2-937(a); and note that currently this includes the comptroller role, as discussed above.

format for departmental and special fund receipts, disbursement, and estimates for the following year⁴²; submitting a preliminary budget to the finance committee⁴³; working with committee chairs to consider departmental estimates and budget requests; making budget recommendations to go to the committees overseeing each respective department, office, or fund⁴⁴; and preparing and submitting to the common council a proposed executive budget.⁴⁵

6. Role of the administrator related to employee and labor relations

The administrator is charged with maintaining the city's employee classification and compensation program.⁴⁶ This includes budgetary authority,⁴⁷ annual reviews of the table of organization⁴⁸, authority to approve mid-year-changes to the table of organization without common council approval,⁴⁹ and authority to approve modifications (including addition and deletions of positions) that do not require budgetary changes without common council approval.⁵⁰

The administrator must approve any substantive job description changes and salary grade changes.⁵¹ He or she also must approve paying any new hires at an initial rate greater than the midpoint of the wage or salary range for the position (but no higher than the top of said range.)⁵²

The administrator has an important role in dealing with temporary vacancies in job positions. When there is a temporary vacancy (between two weeks and six months) in a non-represented position, the administrator receives recommendations about how to fill those positions with subordinate employees, and has the authority to act on them.⁵³ He or she must then determine within six months of the vacancy beginning whether the opening shall remain or whether the table of organization needs changing. Unless it results in a change in the budget, he or she can

⁴² Code, §2-902(a)

⁴³ Code, §2-902(b)

⁴⁴ Code, §2-902(c)

⁴⁵ Code, §2-904

⁴⁶ Code, §82-1(a)

⁴⁷ Code, §82-1(b)(2)

⁴⁸ Code, §82-1(b)(4)

⁴⁹ *Ibid.*, see also Code, §82-24(b)

⁵⁰ Code, §82-1(b)(5)

⁵¹ Code, §82-66

⁵² Code, §82-62

⁵³ Code, §82-57(a)

implement that change and follow the rules for reclassifying the employee.⁵⁴

The administrator has authority to abolish certain positions in the interest of economy, lack of work or funds, or other just causes, resulting in the termination of an employee for other than cause.⁵⁵ Whenever that abolishment results in reduction of the number of employees in a class code to a number other than zero, the administrator has authority to consider factors to determine who is laid off, except when collective bargaining agreements control the determination.⁵⁶

The administrator has the authority to approve paid training leave of three weeks or less in a given year without common council approval, and must recommend to the finance and personnel committee any paid training leave of more than three weeks (with a maximum of 12 weeks in a calendar year.)⁵⁷ He or she must also recommend to the common council any "special leave" for attendance at extended courses at recognized universities or colleges.⁵⁸ The administrator may authorize leaves of absence without pay for up to three months in a calendar year without approval by the common council.⁵⁹

7. Role of the administrator related to the senior center

The administrator has the authority to establish and direct policy for the senior center, develop a mission statement, establish goals, be involved in the selection of the supervisor (but not, interestingly, the joint authority to appoint, which rests solely with the mayor), and to establish bylaws for the center.⁶⁰ The administrator may also set evening, Friday, and weekend hours for the center.⁶¹ The administrator oversees the management and operation as well as the budget and financial activities of the senior, with input from the senior activity center commission.⁶² The administrator is required to report annually to the common council on the status of the management

⁵⁴ Code, §82-57(b)

⁵⁵ Code, §82-25

⁵⁶ *Ibid.*

⁵⁷ Code, §82-93

⁵⁸ Code, §82-96

⁵⁹ Code, §82-92

⁶⁰ Code, §2-730(a)

⁶¹ Code, §2-730(b)

⁶² Code, §2-730(c) and (d)

and operation of the senior center⁶³ and shall encourage and promote gifts and donations to the senior center.⁶⁴

8. Other miscellaneous duties and authorities of the administrator

The administrator has the authority to set the normal working hours for city hall, though he or she must provide reasonable notice of any changes.⁶⁵

The administrator is the legal custodian of his or her records, as well as the records of his or her department.⁶⁶

The administrator has general authority to ask for advice from non-residents of the city had having them participate on a team of employees or persons with special expertise for the purpose of advising the administrator on issues over which he or she makes reports or recommendations to the mayor or common council.⁶⁷ Note that the mayor has similar authority, though the purposes may be broader. Note also that none of this necessarily absolves the members of those advisory panels from following public meeting or open records statutes--those issues would be determined on a case-by-case basis.

The administrator has the duty to post all city-owned, occupied, or controlled buildings as places where the carrying of a weapon or firearm is prohibited. However, he or she also has the authority to determine certain building or portions of building should not be so posted, keep a record of all such places, and report them to the common council as soon as he or she determines to remove the posting.⁶⁸

The administrator has the right to object to the issuance of commercial quadricycle licenses before they are issued by the clerk. The clerk must take such objections into account, but retains the authority to make the final decision.⁶⁹

⁶³ Code, §2-730(e)

⁶⁴ Code, §2-730(f)

⁶⁵ Code, §2-221

⁶⁶ Code, §2-838

⁶⁷ Code, §2-428

⁶⁸ Code, §70-251(c)(2)

⁶⁹ Code, §130-141(d)

C. Other officials with statutory authority

Several other officials are named city officials and granted specific authority in cities.

1. Alderpersons

Alderpersons, along with the mayor make up the common council. However, as individuals they have no authority. Except for the powers of the mayor noted above, all of the power of the common council must be exercised by the common council as a whole. Individual alders have no authority to do anything in particular. That said, committee chairs do have inherent authority to run their committees pursuant to the rules of order. This includes control of the agenda, though just as with the mayor, there are ways to bypass a recalcitrant committee chair that refuses to deal with a matter referred to his or her committee.

2. Clerk

The clerk has a lengthy list of duties in the statutes and city ordinances. Like many of the officers of the city, the duties of the position go far beyond the actual authority to take individual action. However, the clerk, like the other officers other than alders, does have some limited authority. For the clerk, that includes the power to countersign all ordinances and resolutions adopted by the common council, to administer oaths and affirmations, to correct minor errors in common council documents, to create a consent agenda for common council meetings and decide which items go on that consent agenda, to draft and countersign certain financial payments, to issue some licenses, and to appoint a deputy clerk.⁷⁰

3. Treasurer and Comptroller

The offices of treasurer and comptroller are separate offices in state statutes. However, those roles are commonly merged. (In fact in smaller Wisconsin cities, these roles are also merged with the role of the clerk.)

The treasurer collects and deposits funds, keeps accounts, makes reports to common council, must execute and file an official bond, and may appoint a deputy.⁷¹ The comptroller has additional statutory duties related to finances, contracts, claims, and

⁷⁰ Wis. Stat. §62.09(11)

⁷¹ Wis. Stat. §62.09(9)

sign contracts where funds have been provided to pay the liability of the contract.⁷²

It may be worth noting that pursuant to statute, it is the comptroller who has the authority to direct and approve all disbursements.⁷³ As such, the comptroller is the person with the authority under state law to issue checks and wire transfers, and does not require additional authority from another. This was the case when the comptroller role was separate from the chief administrative officer/finance director, and remains the case today with regard to the administrator, though the comptroller also has the authority to appoint a deputy, and there is no reason the administrator could not also be the deputy comptroller.

In Sheboygan, the role of both the treasurer and the comptroller is currently filled by the finance director.⁷⁴

4. Assessor

The assessor, who must be certified by the Department of Revenue, is responsible for all appraisal and assessment services to the City.⁷⁵ Cities may appoint a corporation or an independent contractor as the assessor.⁷⁶

5. City Attorney

The city attorney is responsible for all legal business of the city and must give written legal opinions when requested by city officers, which must be kept on file by the clerk. The attorney drafts all ordinances, bonds, and instruments. He or she also has access to and examines tax and assessment rolls and proceedings. He or she may appoint an assistant and may employ and compensate special counsel as needed. As the person in charge of the legal business, all legal matters of the city must pass through his or her office—departments may not hire their own counsel, though they may work with the city attorney to have him or her hire outside counsel when appropriate. The city attorney has authority to make non-policy determinations related to litigation—for example, while the attorney cannot approve global settlements that require funds, he or she can make decisions on the fly in court, choose outside counsel, and enter

⁷² Wis. Stat. §62.09(10)

⁷³ Wis. Stat. §62.09(10)(c)

⁷⁴ Code, §2-937(a) and (c)

⁷⁵ Wis. Stat. §62.09(1)(a)

⁷⁶ Wis. Stat. §62.09(1)(c)

into agreements related to how to conduct the legal business of the city.⁷⁷

6. Police and Fire Chiefs

The police chief and fire chief are designated officers appointed by the police and fire commission. The fire chief has no specific statutory duties, though the police chief does have duties related to reporting.⁷⁸ However, both serve under the direction of the mayor and must obey all lawful written orders of the mayor or the common council.

7. Constable

While rare, the office of constable is available to cities that have not abolished the position.⁷⁹ It is not clear whether Sheboygan ever abolished the position officially. However, the powers of constables (mostly related to service of process and dealing with disorderly or intoxicated people) have been granted to police officers and the police chief.⁸⁰

8. Other positions with authority

The Municipal Code creates several other specific positions within the City, most of whom are considered city department heads. Appointment to some is a joint role of the mayor and administrator; others may have other ways of being appointed. While outside the scope of this memo, it should be noted that there are some powers delegated by the common council to those other positions. While the mayor and the administrator may have some role in overseeing the work of those employees, the delegated powers set out in the code belong to them and not to others.

III. Open Questions

There are a few potential conflicts between the administrator's authority and the mayor's authority. Some of them are discussed above, others are set forth in the following section. This is by no means an exhaustive list of issues.

⁷⁷ Wis. Stat. §62.09(12)

⁷⁸ Wis. Stat. §62.09(13)

⁷⁹ Wis. Stat. §62.09(15)

⁸⁰ Code, §54-102

A. Appointing department heads

The mayor and the administrator have joint authority to recommend appointment of people to many department head positions. There is no clear path should the mayor and administrator disagree on who to appoint. On the one hand, the mayor controls the agenda. On the other, as the representative of the common council, the administrator certainly has the authority to present his or her opinion. There are likely procedural methods using common council rules to deal with this issue should it ever arise. But even common council procedural rules cannot prevent gridlock in case of a divided common council.

B. Budget preparation

The common council requires the administrator to prepare and submit a budget. In the past, there was a question as to whether that is properly the mayor's role, and a former mayor attempted to push an alternate mayoral budget. While the statutes do not specifically require or authorize the mayor to prepare and submit a budget, the mayor's executive authority would enable him or her to manage that budget. However, since passing a budget and setting budget policy is certainly within the purview of the common council, I am convinced that this power is properly delegated to the administrator.

C. Personnel matters

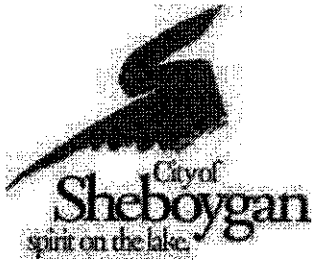
The administrator was recently granted significant authority over personnel regulations and benefits.⁸¹ At the time of said grant, the administrator, the human resources director, and the common council were all informed by legal counsel that the broad grant could potentially result in some level of conflict with the mayor's role as chief executive officer of the city and his or her authority to ensure that all city officers and employees are discharging their duties. The common council made the policy decision to go ahead with what an activist mayor could have perceived as a partial encroachment on his or her authority. That said, many of the duties set out in Chapter 82 could be said to be policy-related, not executive in nature. Because there is a wide range of authority granted in this chapter, potential conflicts may need to be dealt with on a case-by-case basis. However, it is clear that the mayor likely has statutory authority to insist on being involved in performance reviews of

⁸¹ See chapter 82, Sheboygan Municipal Code.

department heads and reviews with the elected officials within the executive branch (city clerk and city attorney.)

D. Senior Activity Center

While the common council has delegated authority to the administrator to direct and supervise management of the senior center and oversee the budget and financial activities of the senior center, the code does not carefully distinguish between policy and legislative matters, which are the purview of the common council and can thereby be delegated to the administrator, and those related to the day-to-day activities, execution of policies, and oversight of employees. Additionally, since the mayor has the authority to appoint the members of the senior activities center commission (subject to an up-or-down vote by the common council); the mayor could exercise some level of control through his or her appointees.



Employee Handbook



2016

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WELCOME

Welcome to the City of Sheboygan. Congratulations on becoming a City of Sheboygan employee. Your role as one of our employees is important because you have now become a "Public Servant". As a public servant, your role is to serve the public while performing services necessary to our City. Whether this is picking up garbage, putting out fires, solving crimes or driving buses, each job meets a need that our citizens have. The taxes paid by the citizens of Sheboygan pay the wages we earn. Therefore, in a very real sense, these citizens are our "employers" and we must remember that it is the citizens of Sheboygan that we need to satisfy.

As an employee you are in a unique position to serve our citizens. The way you treat them, the quality and quantity of the work you do and the attitude that governs your behavior all are a reflection of Sheboygan. Sheboygan is a city filled with citizens who have a tradition of hard work, strong ethics and a love for life and others. As you begin your career as an employee of the City, allow yourself to embrace these traditions as you unselfishly serve our citizens.

This Handbook has been designed to provide you an overview of the policies, procedures and plans that affect your employment. You will find policies and practices that govern the work that you do, a grievances and appeals procedure and an explanation of the benefits you are entitled to. Should questions/concerns arise, contact your immediate supervisor or the Human Resources Department.

Once again, welcome to the City of Sheboygan. We look forward to working with you.

ABOUT YOUR JOB

Municipal employment in the City of Sheboygan is conducted under the regulations of the Sheboygan Civil Service Commission, the Board of Police & Fire Commissions, the Sheboygan Transit Commission, and the Mead Library Board. (Each group has their own, unique regulations providing for the appointment, advancement, and retention of employees.) In recent years, there has been an ever-increasing demand for public services. This is requiring the City workforce to become more efficient and productive so as to provide the increased services without objectionable tax increases. All of us are responsible to give the taxpayer a fair return for the taxes they pay.

Often when you hear the need for improved productivity, you may think "they want me to work harder;" however, we can also improve productivity by adopting a "work smarter" philosophy. Each of you will know your job well enough to improve your efficiency and suggest changes. Put another way, here is what you as an employee can do to increase productivity:

1. Do the job you're being paid to do. Learn your job and put forth an honest effort to do it well.
2. Be receptive to new ideas and ways of doing things even though, at first, they may not coincide with your perception of what your job is supposed to be.
3. Think on the job. Perhaps there are better ways to do it. Don't be afraid to offer suggestions. Remember, it is possible to work smarter—not harder.
4. Recognize that your individual effort counts. It is you plus every other employee putting forth your best effort that creates the reputation of our city.
5. When vacancies occur, they are normally posted and filled by promotion of eligible, qualified employees. In the event that all candidates are equal in terms of qualifications and solid work performance, the most senior applicant will be offered the position.

6. The manner in which you apply yourself to your duties, your ability to get along with others, your capacity for greater responsibility and the extent to which you have prepared yourself for a better job are all important considerations.
7. Performance evaluation reports are considered in promotions as well as in other aspects of your employment. Your supervisor will complete the performance evaluation form and discuss it with you to suggest improvement and provide feedback. You may make comments on your performance evaluation form in the section provided.

SECTION I - CONDITIONS OF EMPLOYMENT

1. At-Will Employment

a) At Will

Employment with the City of Sheboygan is "at will" which means the City of Sheboygan retains the right to terminate an employee at any time with or without cause, except as prohibited by law. Just the same, an employee has the right to resign employment at any time, subject to giving notice to the City of Sheboygan as required.

Except as otherwise provided by law or applicable collective bargaining agreement, any other understandings or agreements between the City of Sheboygan and the employee must be in writing and signed by the proper City representative (typically a department head, the mayor, or the City Administrator). The Employee Handbook does not constitute an employment contract and may be changed at the City's discretion at any time with or without notice. If at any time there is a difference between the Handbook and source material such as City policies or plan documents, the source material that is current at that time will take precedence.

If an employee seeks more detailed information on anything in the handbook, they should contact the Human Resources Department.

b) Public Contact

There are many advantages to working for the City of Sheboygan. There are also responsibilities. Your major responsibility is to serve the public. The citizens of Sheboygan are considered your employers and are entitled to courtesy and prompt service. Always keep in mind that every time one of us has a business contact with the public, we register some kind of impression. All of these impressions, when combined, create the reputation of Sheboygan. Your interaction with the public will be a variable that is considered with your performance evaluations.

c) Work Schedule

Your work schedule will be designated by the department to which you are assigned. Each department has different hours for their employees due to the special nature of their operations. Working hours, lunch periods, and work breaks will be explained by your supervisor or the Human Resources Department. Work breaks are a privilege and not a right; if abused, breaks may be suspended.

d) Flex Time (Comp-Time)

The normal work schedule for full-time, non-exempt employees is five (5) - eight (8) hour periods, forty (40) hours per week. This schedule may be revised as necessary depending on customer and/or city requirements, as determined by each department or area supervisor. Each employee needs to work with their supervisor to define the expected hours of work. Employees may need to flex their schedule to maintain a forty (40) hour work week. The time flexed must be approved in advance by management and be contained within the week that it is earned. If an employee flexes their schedule during the 40 hour work week, time worked in excess of 8 hours a day can only be taken in an hour-for-hour basis. In other words, if an employee works 10 hours on Monday, the additional two (2) hours worked on Monday may be taken off later in the week at straight-time hours (not time-and-one-half). Employees may not save (bank) additional time off for use in another pay period.

Exempt employees are full-time employees who work a minimum of forty (40) hours per week. Due to the professional nature of these positions, however, exempt employees are paid a defined salary for their position rather than an hourly rate. Therefore, if the position requires additional hours (over 40) during the work-week, those who hold exempt positions are expected to perform the additional duties as part of their work-week. The additional time worked is considered part of the position expectations and is exempt from overtime pay.

g) Overtime

Non-exempt employees will be paid time and one-half of their hourly pay rate for hours worked in excess of 40 hours per week (a week is defined as Sunday at 12:00 a.m. – Saturday at 11:59 p.m.). Paid time off (vacation, discretionary or holiday hours) does not count towards overtime calculation. Advance notice will be provided for those expected to work overtime as soon as practicable. In emergency situations, advance notification provisions may not apply. All overtime must be authorized by your supervisor before the time is worked.

h) Punctuality and Attendance

The citizens of Sheboygan need your service. Your supervisor and co-workers depend on your work to do their own. It is necessary that you report to work regularly and on time. If you are ill, delayed, or cannot report for a specific reason, contact your supervisor before the start of your shift as soon as practicable, the more advanced time the better.

i) Safety

The City regards your safety on the job as a vital responsibility. Always be alert to unsafe conditions, faulty equipment or other on-the-job hazards. Don't neglect to use safety equipment in your work if required. You are responsible for reporting unsafe conditions or accidents to your supervisor immediately, complying with any laws or safety regulations, and maintaining concern for the safety of your co-workers and yourself. Failure to follow safety requirements is a serious offense, subject to corrective action and/or further discipline, including termination of employment, for even the first offense (depending on the degree of the violation).

j) Telephone Use and Courtesy

City phones, whether LAN lines or mobile phones, should not be used for personal calls. In addition, all employees are asked to inform their friends and family not to call during working hours except in cases of emergency.

k) Bulletin Boards / Employee e-notifications

It is the responsibility of each employee to check bulletin boards and/or intranet notifications for schedules of meetings, notices, new policies and job announcements.

l) Complaints

If you have a job-related problem or complaint, discuss the matter with your supervisor and/or department head. Complaining to a fellow employee might make you feel better for the moment, but that will not get the problem to the attention of those who can resolve it. If the complaint is about your supervisor, you may contact the Human Resources Director who will work to see if the problem can be resolved.

m) Employee Records

It is important that you keep your department and the Human Resources Department informed of any changes such as address and telephone number and keep the Human Resources Department

informed of any changes in personal data such as marital status, number of dependents, etc. This will insure that your personnel, payroll, and benefit records are up-to-date, a matter both important to you and your family. If you desire to view the contents of your personnel file, a written request should be submitted to the Human Resources Department. Arrangements will be made for you to view the file in the presence of a Human Resources Department representative. A personnel file may be viewed twice per calendar year. Additional requests need the approval of the Human Resources Department Head and/or the City Administrator.

n) Political Activity

For the purposes of this section, political activity shall mean activity calculated to improve or favor the chances of any political party or any person seeking or attempting to hold political office; such definition of political activities shall include but not be limited to campaigning for candidates or political parties, circulating nomination papers, registering voters, collecting contributions or selling fund-raising tickets, distributing campaign material, and organizing political rallies or meetings.

We urge you to vote regularly. Nothing in City policy shall affect the right of a City employee to hold membership in and support a political party, to vote as he or she chooses, to express privately his or her opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings. However, no employee shall engage in political activities during regular work hours, nor shall any employee wear his or her uniform, badge, or other form of employer identifier during personal participation in political activities.

No employee shall erect, construct, or post political posters on City property or buildings. Political posters shall not be displayed or posted on the private automobiles of employees when parked on City premises furnished to the employee by the City for the parking of such vehicle during regular work hours, except bumper strips on personal vehicles.

No person shall directly or indirectly solicit or receive subscriptions, assessments, contributions, or services for any partisan or nonpartisan political purpose from any employee in City service or use his or her influence to coerce the political action of any employee while such employee is on City premises during any regular working hours.

Any employee who is guilty of a violation of this policy shall be subject to disciplinary action up to and including dismissal.

SECTION II: POLICIES

1. Attendance Policy

The City expects prompt and regular attendance from all of its employees. This means that you must be at your appointed work station, on time, fully prepared and able to work at your starting time. Proper attendance and punctuality are essential to maintain a good record of performance. If for some reason, you are not able to come to work on time, it is your responsibility to notify your supervisor as early as possible before the start of your workday. If an emergency situation arises and contacting your supervisor is not possible, you must notify your supervisor as soon as practical.

Tardiness and/or absenteeism disrupt City operations and create additional work for your fellow employees. Absenteeism includes not only absence from work, but late reporting for your scheduled

start time, unauthorized extension of a lunch period, leaving work early without your supervisor's approval or improper use of other City-paid time. Your attendance record is reviewed regularly. If a problem arises, your supervisor will be discussing it with you. Tardiness or failure to come to work will result in discipline, up to and including termination of your employment with the City.

2. **Paid Time Off (PTO)**

PTO allows employees the flexibility to handle planned and unplanned absences. There are several types of PTO: vacation, discretionary and holiday. Vacation PTO is earned the previous year and is available to use during the current year. Discretionary and Holiday PTO is earned during the current year.

PTO Holiday: Holiday PTO is available to all regular, full-time and part-time employees from the day the employee starts in the regular position. (Holiday pay is not available for seasonal or part-time temporary employees, or employees on a leave of absence before and after the holiday.) Holiday pay for full-time employees must be used in 8-hour increments on the City designated holiday; part-time employees receive the applicable prorated time for their holiday.

PTO Vacation: This benefit is generally earned through productive work time. A value (in hours) of the benefit is determined as of January 1 each year, prorated for new employees. Employees with greater than one year of continuous employment as of January 1 are eligible to use their vacation beginning on the first calendar day of the year in which a milestone anniversary occurs and must be used in half or full-day increments. (For example, an employee who has 4 years of service on January 1 but will reach their 5th year of service during the year will be eligible for 120 days of vacation as of that January 1.) Those with less than one year of employment may be eligible for a prorated amount of vacation as of January 1 of the calendar year following their date of hire. See schedule below for the prorated amount of vacation.

Vacation PTO – New Employee

New full-time employees hired before January 1st of any given year are eligible for the following pro-rated vacation time as of January 1:

<u>Hired the previous</u>	<u>Eligible on the following January 1</u>
January 1 – March 31	40 Vacation Hours
April 1 – June 30	28 Vacation Hours
July 1 – Sept 30	16 Vacation Hours
October 1 – December 31	0 Vacation Hours

PTO Discretionary: This benefit is available to use in hourly increments (whole hours only) 1 to 8 hours in length. New full-time employees will be eligible for a prorated amount of Discretionary Paid Time Off (DPTO), available to take after 90 days. New employees pro-rated discretionary time schedule:

Discretionary PTO – New Employee

New full-time employees are eligible for DPTO, pro-rated as of January 1:

<u>Hired</u>	<u>Eligible after 3 months</u>	<u>Eligible the following January 1</u>
Jan 1 – March 31:	32 Discretionary Hours	40 Discretionary Hours
April 1 – June 30:	16 Discretionary Hours	40 Discretionary Hours
July 1 – Sep 30:	8 Discretionary Hours	40 Discretionary Hours
Oct 1 – Dec 31:	See note below	0* Discretionary Hours

** 40 Discretionary Hours eligible after 3 months of employment (issued on day 91 of employment, not on January 1 following date of hire)*

Thereafter following the schedule listed below. Full-time employees will be issued 80 hours of discretionary time during the month of January. Although the benefit is available to use in January, it is not “earned” as of January. The benefit is earned throughout the year, 1/10 eligible hours per month. Regardless of an employee’s tenure with the City, those who leave mid-year will not be paid out their unused discretionary PTO and may be required to repay the unearned amount.

PTO for permanent part-time employees is a pro-rated amount based upon the previous year’s total hours worked.

When requesting PTO, employees must schedule their absences in advance whenever possible to ensure the City’s smooth operation. Vacation time is always expected to be scheduled in advance and must be approved by the employee’s supervisor. Approval will depend upon the workload in the affected operational area.

Listed below is the PTO schedule effective January 1 of each given calendar year:

	Total PTO	Vacation	Holiday	Discretionary
< 1 Year	Prorated	See Schedule	80 hours	See Schedule
Years 1 – 4	240 hours	80 hours	80 hours	80 hours
Years 5 – 12	280 hours	120 hours	80 hours	80 hours
Years 13 – 20	320 hours	160 hours	80 hours	80 hours
Years 21 +	360 hours	200 hours	80 hours	80 hours

Discretionary PTO must be used during the calendar year. Hours not used will be forfeited.

Vacation must also be used during the calendar year. However, in the event that you are not able to use all of your vacation PTO, you may request a carryover of up to 40 hours of vacation to your supervisor. The head of each department and the Director of Human Resources must approve the carryover hours preferably by December 15th for the following year.

Sick Account Balance: Employees hired before January 2012 may have a Sick Account Balance. This benefit discontinued as of December 31, 2011. However, those with a balance were able to keep the balance and may be eligible for a post retirement benefit. This account is available to use for an employee's own serious health condition prior to retirement. However, generally speaking, all discretionary PTO and all but 80 hours of vacation PTO must be used prior to utilizing sick day balance. Exception to this practice exist for some qualifying Family Medical Leave conditions, in which an employee may qualify to use up to two weeks of pay from the sick bank account. Contact Human Resources for additional details.

3. Performance Reviews

Performance reviews will be completed by an employee's supervisor yearly. In most cases, the anniversary date of employment will be the review date, with any changes to pay effective the payroll following the anniversary date. In the cases of promotion or demotion that increase or decrease pay, the date the change in position becomes effective is the employee's new review date.

4. Pay Checks

Payroll checks (direct deposit only) are issued every other Friday. The recognized work week is Sunday through Saturday.

5. Voluntary Termination

An employee who plans to resign or retire should provide written notice to his/her supervisor at least two full weeks prior to leaving. The employee will be paid at his/her current rate for all unused accrued vacation time. Deductions will be made for any liabilities to the City such as tool purchases, uniforms, etc. Failure to provide two weeks notice may result in the loss of any accrued vacation. An employee is not entitled to use discretionary PTO during their two week notice.

6. Layoff

The City makes every attempt to provide regular, consistent employment. At times, city funding or budget constraints, customer demands or other factors affect work availability. If a lay-off should become necessary, factors such as overall work performance, skill and ability, productivity and attendance will be used in deciding which employees will be laid off. Length of service will be considered a factor in deciding which employees will be laid off when other factors are equal.

7. Use of City Property

Unauthorized possession or use of any City property, equipment, or materials, or removal of City property from the premises is prohibited. The employee's supervisor must approve any equipment transfer or movement.

8. Shift Premium

Shift premium for non-represented City employees (excluding Transit or Library employees) will be issued for hours worked outside of traditional office hours. Shift premiums apply as follow:

- 6:00 a.m. – 5:59 p.m. - No shift premium
- 6:00 p.m. – 11:59 p.m. - \$0.35/hour
- 12:00 a.m. – 5:59 a.m. - \$0.45/hour

9. Mileage Reimbursement

Employees may be required to use their own personal vehicle for travel while conducting city business (other than di minimis travel within the City of Sheboygan. When this occurs, the employee will be reimbursed at the current IRS rate for each mile driven.

10. Parking

In most City facilities, parking is provided for employees at no cost. Employees working in City Hall or the Library will be assigned parking in the municipal lot or given an off-street parking pass and the cost of parking will be covered by either the City or the Library.

11. Dress Code

Employees represent the City of Sheboygan when they are at work. Each person is expected to dress appropriately for their respective job. In an office setting, shorts, t-shirts or immodest apparel are not considered appropriate attire. The City reserves the right to send an employee home if he/she is inappropriately dressed. Time missed for this purpose would be unpaid (non-exempt / hourly employees).

12. Concealed Carry

Although the State of Wisconsin allows concealed carry of handguns, no employee is permitted to carry a handgun while on duty unless the employee is granted express authorization by the City of Sheboygan.

13. Workers Compensation

Employees who are involved in a work related injury resulting in full days off ("lost time injury") will be paid following the state approved schedule (the first 3 days off are non-compensable). The pay rate issued will be in accordance with state requirement.

14. Special Clothing/Accessory Allowance

Employees who are required to wear special clothing or use special equipment for their work will receive an allowance (paid no earlier than the 2nd payroll in January) of the following:

- a) Uniform Allowance: \$100 / paid at the beginning of the calendar year
- b) Safety Boot / Shoe / Equipment: \$100 / paid at the beginning of the calendar year
- c) Glasses with safety lens w/frames: \$50 / reimbursed every two years with purchase

15. Position Classification

Every City position is covered by an official job description. This description only lists the typical duties of the position. Employees may be assigned other duties by their supervisor / department head.

A salary range exists for every position, which includes a minimum and a maximum rate of pay. New employees with limited experience are normally hired at the minimum rate of pay and advance within the pay-range based on merit. New employees hired with proven skills and experience may be offered a starting salary based on their previous experience.

At least once per year each employee will receive a performance evaluation which will review their past performance and establish goals and objectives for the next 12 months. The performance evaluation results determine whether an employee receives a salary adjustment and the amount of that adjustment. Since the evaluation is discretionary, the supervisor also has discretion in the amount, if any, of a pay increase. Although an increase schedule will guide the supervisor, the supervisor remains eligible to veer from the schedule as he/she deems appropriate.

16. Pay Days / Direct Deposit

Employees are paid on a bi-weekly basis on alternate Fridays. Timecards must accurately reflect the hours you have worked each week and all time off. Your payroll check will show both your gross pay and your net pay which is your pay after deductions. Various deductions, both mandatory by law and voluntary, will be itemized on each pay check. Payroll checks will be directly deposited into a financial institution of the employee's choice.

17. Use of City Telephone / Personal Cell Phones

The use of personal cell phones is prohibited in the workplace except during break and lunch times. In order to keep City telephone lines open for necessary business calls, employees need to discourage incoming and outgoing personal calls except for emergency. Personal long distance calls on city phones are not to be made.

18. Use of Internet and E-mail

Internet and e-mail communication systems are to be used primarily for business purposes, meaning that use of such equipment and systems must be job related. Limited, occasional or incidental use of these systems for personal use is acceptable, if done in a professional manner that does not interfere with business use.

In addition to the system hardware and software, all electronic messages are the property of the City, whether composed, received or sent by the employee. The City reserves the right to retrieve, monitor, or review any message in the City computer system, and may disclose such messages for any purpose without notice to the employee and without seeking permission of the employee. In addition, as an employee of the City, all correspondence are subject to the open records statute. Citizens have a right to request access to information contained on City property.

The City does not permit Internet use or e-mail messages that contain foul, inappropriate, or offensive language. Those containing racial or ethnic slurs, or sexual innuendo, are prohibited. Employees who violate this policy will be subject to disciplinary action up to and including termination.

19. Safety

Safety regulations exist for an employee's protection and to avoid conditions that may result in accidents, disabling injuries, and lost time and money. All employees are required to comply with safety regulations. Each department supervisor or department head will inform employees of any specific safety regulations pertinent to their department. An employee is required to know and use the safety precautions for their particular type of work, machines, and equipment.

Horseplay, failure to use designated safety devices and/or procedures, any act or threat of physical violence toward another employee and any behavior which could result in personal injury is strictly prohibited at all times while on City property and will result in disciplinary action up to and including termination of employment. This includes time before and after the scheduled work hours and applies to all City property, indoors or out.

Because of the potential for serious and permanent injury, failure to comply with any of the above stated procedures or those procedures explained to an employee by their supervisor will result in disciplinary action up to and including termination. Employees working in or supporting a work area and certain other designated areas must familiarize themselves with the general safety procedures of that area. Employees must immediately report any work related injury to their supervisor and complete a First Report of Injury Form as soon as possible.

20. PROHIBITED HARASSMENT & SEXUAL HARASSMENT

It is City of Sheboygan policy that all employees enjoy a work environment free from all forms of harassment. Employees who engage in harassment not only hurt others, but also expose themselves and the City to potential legal liability. Harassment violates both State and Federal laws. Harassment infringes upon equal respect in work relationships and causes serious harm to the productivity, efficiency and stability in the work environment. Every person is entitled to be treated with common courtesy, dignity and respect. The City of Sheboygan specifically prohibits discrimination, intimidation and harassment.

I. COVERED INDIVIDUALS

1. Individuals covered under this policy include employees, applicants for employment, volunteers, elected officials, appointed boards and commissions, (hereafter referred to as "employees") and members of the public.
2. Conduct or inappropriate behavior described in this document will not be tolerated. Any employee who violates this policy will be subject to appropriate discipline, up to and including termination of employment. Any elected official or member of the public found to have violated this policy shall be subject to appropriate disciplinary action up to and including sanctions.

II. GENERAL POLICY

1. All employees are responsible for assuring that the work place is free from any unlawful form of harassment. This includes harassment based upon sexual orientation, race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. All employees and elected officials shall be familiar with and comply with the City policy, which prohibits harassment.
2. City policy prohibits any employee, elected official, or member of the public, male or female, from harassing another employee or other person while on or off the job, or from creating a hostile work environment, even if the harassment is not targeted at a specific person.
3. Harassment by an employee, supervisor, manager, elected official or any other person shall not be tolerated. All supervisors and administrators are responsible for preventing and eliminating harassment in their respective work areas, departments, or divisions.

III. SEXUAL HARASSMENT, LEGAL DEFINITION

Sexual harassment is unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Sexual harassment" includes conduct directed by a person at another person of the same or opposite gender. "Unwelcome verbal or physical conduct of a sexual nature" includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment.

Prohibited Conduct:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the employee; or
3. Such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating a work environment, which is intimidating, hostile, or offensive to the employee; or
4. All forms of unwanted physical sexual contact whether they are unwelcome sexual advances; unwanted hugs, touches, pinching, brushing against another's private body areas or kisses are assault. If assault is determined, the police or law enforcement will be involved and formal charges may be filed; or
5. Suggestive or lewd remarks; sexually oriented teasing or joking; displays of sexually explicit pictures, cartoons or other materials, requests for sexual favors; or any other unwelcome sexual behavior or attention.

IV. OTHER UNLAWFUL FORMS OF HARASSMENT

In accordance with the Equal Employment Opportunity Commission guidelines, this policy prohibits harassment on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Prohibited harassment includes, but is not limited to, behavior which:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunity.
4. Any act of harassment involving messages of hatred, physical threat, or violence requires immediate corrective action. Report any incident of this nature immediately to a supervisor. The police or law enforcement may become involved.

V. HARASSMENT COMPLAINT PROCEDURES

Employees are encouraged but not required to inform the person that his or her actions are unwelcomes and offensive. Politely but firmly confront the harasser and tell the individual to stop harassing you immediately. Do not respond in an inappropriate, rude or vulgar manner.

1. **If you are unable to confront the harasser** or if the harassment continues, talk to a supervisor you trust, a Department Head, Human Resources Director or City Attorney and report the harassment. The employee may go to any other person in authority with a complaint. It is not necessary for the victim to put the complaint in writing. It is recommended that the employee document all incidents of harassment in order to provide the fullest basis for investigation.
2. Any employee who believes he or she has been the subject of, or witness to harassment shall promptly report the matter.

VI. IF AN EMPLOYEE IS BEING HARASSED BY THE PUBLIC

Laws protect employees from harassment by outsiders. Employees may be harassed by customers, contractors, loiterers, service providers or the public who come into the workplace or into fieldwork areas. If you are harassed in this manner:

1. Politely but firmly confront the harasser and tell the individual to stop harassing you immediately. Tell the harasser that their language or behavior is inappropriate and in violation of the law. Do not respond in an inappropriate, rude or vulgar manner.
2. If you are unable to confront the harasser or if after speaking to the harasser, the harassment continues, contact a supervisor.
3. If the harassment continues after the supervisor arrives, call the police.

VII. INVESTIGATION OF HARASSMENT COMPLAINTS

- I. If an uninvolved third party provides management with information of harassment, then there is sufficient knowledge for management to investigate. Employees who become aware of possible harassment, even if they themselves are not victims, shall bring the matter to the attention of the appropriate supervisor.
- II. Supervisors are responsible for preventing harassment and other prohibited activities. Each supervisor shall:
 1. Monitor the work environment for signs that harassment may be occurring.
 2. Train and counsel employees on what constitutes harassment and sexual harassment, the City Policy and procedures for reporting and resolving complaints of harassment.
 3. Stop any action that may be considered harassment and take appropriate steps to intervene, whether or not the involved parties are within his or her line of supervision.
 4. Take immediate action to prevent retaliation towards a complaining party or witnesses.
 5. Eliminate the hostile work environment where there has been a complaint of harassment.
 6. Transfer or re-assignment of any party involved should be voluntary if possible. If compulsory, the transfer should be temporary, pending the outcome of the investigation.
- III. Supervisors shall not discourage employees from making complaints. Once made aware of an alleged harassment issue, the supervisor has a legal obligation to ensure that the complaint

is investigated. Any complaint of harassment shall receive the immediate attention of the supervisor to whom it is made. The supervisor shall contact and consult with their Department Head and Human Resources Director as soon as practical.

- IV. Under the direction of the Human Resources Director, an investigation shall ensure that all facts reviewed and documented, and that appropriate disciplinary action is taken, if warranted.
1. After appropriate investigation, any employee found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination of employment.
 2. After appropriate investigation, any elected official or member of the public found to have violated this policy will be subject to appropriate disciplinary action up to, and including sanctions.
 3. Corrective action must be taken if and/or when:
 - a) Upon completion, the investigation (if warranted) shall notify the Police Chief, City Attorney and the City Administrator if the complaint contains evidence of criminal activity, such as battery, assault or rape.
 - b) The investigation shall include a determination as to whether other City employees are affected by the harassment and whether City employees participated in or encouraged the harassment.
 - c) Files of harassment and discrimination complaints shall be maintained in a secure, central location.
- E. The City also recognizes that false accusations of harassment can have serious adverse effects. All employees shall act honestly and responsibly in complying with and enforcing this policy. Anyone who knowingly makes false accusations of harassment will be subject to appropriate disciplinary action up to an including discharge.
- F. The confidentiality and privacy of employees involved in an investigation will be respected, but cannot be guaranteed. Information shall be released on a need to know basis, by legal process, open records or subpoena.

V. **AFTER AN INVESTIGATION**

- A. The City of Sheboygan forbids retaliation against anyone who in good faith, reports or assists in the investigation of an alleged harassment complaint. Anyone who retaliates against a person who reports harassment or who assists in the investigation of a harassment complaint will be subject to appropriate disciplinary action up to and including discharge.

An employee must use the City's internal reporting procedures first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint as described below.

B. Discrimination may also be reported to the Equal Employment Opportunities Commission (1-800-669-4000), or State of Wisconsin Equal Rights Division, Milwaukee office, or

1. State of Wisconsin Equal Rights Agency
819 N 6th Street, Room 723
Milwaukee, WI 53203
Phone: (414) 227-4384
2. Equal Employment Opportunity Commission
310 West Wisconsin Avenue
Suite 500
Milwaukee, WI 53203-2292
Phone: (800) 669-4000

If an employee makes a report to any of the above agencies, that employee shall provide a copy of that report to the Sheboygan City Attorney's Office within forty-eight (48) hours of making the complaint.

SECTION III: HOLIDAYS, AND LEAVE OF ABSENCE

1. Holidays

The City recognizes the following paid holidays for its employees:

New Year's Day	Thanksgiving Day
Good Friday (Friday before Easter)	Day after Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
Labor Day	New Years Eve Day

For those on a Monday – Friday work schedule, when a scheduled holiday that falls on Saturday it will generally be observed on the previous Friday, if the department is closed on the holiday. A holiday that falls on Sunday will generally be observed the following Monday. The City retains the right to schedule holiday observance which best suits its operations schedule.

2. Family and Medical Leave Act (FMLA)

FML is a state and federally supported program created to allow employees time off for eligible reasons dealing with either the employee's own personal medical condition, or the employee's family member. If an employee feels he or she may qualify for FML, the employee should contact their supervisor or Human Resources. For more details, employees should refer to the official FML policy and/or the required posting throughout all locations.

- 1) If the leave is a qualified Wisconsin Family Medical Leave, the employee has the option to use any available PTO, including a sick bank, during the first two weeks of leave. After that, the City will issue all remaining PTO (Discretionary or Vacation) up to a balance of two weeks of vacation, at which time the employee may elect to use the remaining vacation, take the remaining leave unpaid, or request PTO from other employees. (Employees with a sick bank balance can only use that bank after the first two week for the employee's qualified medical condition.)

- 2) Employees who elect Voluntary Short Term Disability may apply for benefits in accordance with the plan document. FML will run concurrent with applicable STD. STD applies only after the employee exhausts any available sick bank balance.
- 3) An employee's health and dental benefits will be continued through a qualified FMLA, with the employee continuing to pay the employee portion of the monthly premium payment. Arrangements for premium payment should be made at the time leave is requested. Other insurance will be reinstated upon timely return from leave.
- 4) Leave may be utilized on an intermittent basis (such as reduced work hours due to physical restrictions).
- 5) Upon return from FMLA leave, the employee will be reinstated to his/her original position or a similar position of equivalent pay, benefits, and terms.

3. Sick / Medical / Personal Leave Of Absence

- a) If you are unable to come to work because you are sick, you must let your supervisor know before the beginning of the workday if possible so that proper arrangements can be made. If you are absent for more than three (3) consecutive days because of illness, you may be required to present a fitness for duty form, completed by a medical provider / doctor. With the exception of extreme situations, personal leave of absences require prior approval from the employee's supervisor.
- b) Failure to return from leave, or revocation of a leave by the City, shall be cause for separation from employment (employment termination) unless a justifiable reason is submitted within five (5) days after said expiration, disapproval, or revocation, which is acceptable by the City.

4. Jury Duty

Employees who are subpoenaed and serve on jury duty on any days which are considered their normal scheduled workdays shall receive pay continuation for the hours served, up to a maximum of 8 hours pay, or in the case of a part-time employee, up to the maximum hours they are normally scheduled to work, provided the following:

- a) The employee must present proof of jury duty service, stating the dates and hours per day served.
- b) The employee must turn in all compensation from the County for their jury service (excluding mileage).
- c) When the employee is excused from jury service, either temporarily or permanently, the employee shall report back to work within one hour to complete his/her shift.

5. Military and Other Leaves

- a) The City of Sheboygan follows USERRA rules regarding reinstatement of military members. For long-term military leave, any full-time, non-exempt employee who obtained a written leave of absence as a result of being inducted into the Armed Forces of the United States shall be reinstated according to the applicable laws governing such reinstatement insofar as they affect persons or positions included in the City Service. To be eligible for such reinstatement, the employee must be honorably discharged from required active service of not more than four years, plus one year extension of active duty if this is at the request of the government. All leaves of absence for military service shall be without pay and benefits. Upon return from the leave, the employee will retain his/her hire date for prospective calculations of paid

time off. However, only the actual hours worked on-the-job the previous year will be used in the calculation of a vacation benefits. For example, the employee who worked 6 months of the year and was called to duty the other six months will be credited with 50% of his/her vacation allotment for the following year.

- b) Exempt employees will receive pay continuation for short-term absences occasioned by jury duty, attendance as a witness or temporary military leave. However, the City will offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of exemption.

SECTION IV:

1. Grievance and Appeals Procedure

A grievance is defined as a difference or misunderstanding which may arise between the City and one of its employees regarding discipline, discharge or workplace safety. (Library employees need to refer to the Mead Library Progressive Discipline and Grievance Procedure.) Workplace Safety is defined as “conditions of employment affecting an employees’ physical health or safety, the safe operation of workplace tools and/or equipment, safety of the physical work environment, personal protective equipment, workplace violence and training related to same”.

In the event that an employee does not agree with disciplinary action taken against him/her; disagrees with his/her termination; or has an issue with workplace safety which affects him/her, the following grievance procedure shall be used:

Step 1 – Written Grievance Filed with the Department

The employee must prepare and file a written grievance with his/her Department Head within five (5) days of when the employee knows, or should have known, of the events giving rise to the grievance. The Department Head or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his/her decision, if possible within ten (10) days of receipt of the grievance. In the event the grievance involves the Department Head, the employee may initially file the grievance with the Human Resources Director, who shall conduct the Step 1 investigation.

Step 2 – Review by Human Resources Director [or City Administrator]

If the grievance is not settled at Step 1, the employee may appeal the grievance to the Human Resources Director [or City Administrator] within five (5) days of the receipt of the decision of the Department Head at Step 1. The Human Resources Director [or City Administrator] or his/her designee will review the matter and inform the employee of his/her decision, if possible within ten (10) days of receipt of the grievance.

Step 3 – Impartial Hearing Officer

If the grievance is not settled at Step 2, the employee may file, within five (5) days following receipt of the decision of the Human Resources Director [or City Administrator], a written appeal for review by an impartial hearing officer. The City shall select the impartial hearing officer, who shall not be a City employee. In all cases, the grievant shall have the burden of proof. The jurisdiction of the impartial hearing officer is limited to answering the following question: Based upon the preponderance of the evidence, has the Grievant proven that the action of the City was arbitrary and capricious?

This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. If a hearing is conducted, the impartial hearing officer may admit all evidence that he/she deems relevant to the issues raised, and may exclude immaterial, irrelevant or repetitious testimony or evidence. After the Grievant and the City have presented all relevant witnesses and evidence, the impartial hearing officer shall close the hearing. The impartial hearing officer may ask for oral or written closing statements.

The impartial hearing officer shall prepare a written decision within ten (10) days of the close of the hearing. The impartial hearing officer shall have no authority to issue a remedy, but the impartial hearing officer may recommend a remedy. Remedial action and authority shall be subject to the determination and approval of the City Council, and shall be addressed in the event a grievance is sustained.

Step 4 – Review by the Governing Body

If the grievance is not resolved after Step 3, the Grievant or the City may request, within five (5) days of receipt of the written decision from the hearing officer, a written review by the Governing Body. In most instances, the appeal shall be heard by the City Council. For Library, Transit and Water Utility employees, the appeal shall be filed with the Library Board, Transit Commission, or Water Utility Board.

The Governing Body shall not take testimony or evidence; it may only determine whether the impartial hearing officer reached an arbitrary or incorrect result based on a review of the record before the impartial hearing officer. The matter will be scheduled for the Governing Body's next regular meeting. If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date. The Governing Body shall not substitute its judgment for that of the impartial hearing officer. Findings of fact shall be upheld unless they are clearly erroneous. The Governing Body will inform the employee of its findings and decision in writing within ten (10) days of its meeting. The Governing Body shall decide the matter by simple majority vote and this decision shall be final and binding.

Employee Representation

An employee shall have the right to be represented by an attorney or other representative at Step 3 of the grievance procedure at the employee's expense. The representative may not be a material witness to the dispute. Employee discussion with his/her representative shall not take place during working hours.

Time Limits

The timelines provided in this policy must be strictly followed. If the Grievant fails to meet the timelines set forth above, the grievance shall be considered resolved. If the City fails to meet the timelines set forth above, the grievance shall advance to the next step of the process. The only exception to this policy is if the Grievant and the City mutually agree in writing to waive a timeline, but such waiver must occur in advance of the expiration of the timeline.

SECTION V: MISCELLANEOUS INFORMATION

1. Employee Fraternization Policy

The City of Sheboygan expects employees to work together as team members to efficiently provide for the needs of the City and its citizens. It is in the best interests of City employees to keep work relationships separate from personal relationships. All employees shall exercise good judgment and discretion in engaging in consensual social personal relationships.

Under no circumstances shall an employee in a management or supervisory position enter into a romantic relationship with a subordinate.

Provisions/Requirements

1. If employees choose to enter into a consensual social relationship, the relationship will not be allowed to disrupt City business.
2. If employees marry each other, they will not be allowed to report to the same immediate supervisor after they are married. One spouse will not be allowed to supervise the other.
3. If a manager/supervisor enters into a consensual social relationship with any City of Sheboygan employee, that changes into romantic involvement, the management level employee shall promptly and confidentially provide a written notice to his/her immediate supervisor and the Human Resources Manager. The supervisor and the Human Resources Manager will immediately review the duties and responsibilities between the employees to determine if their relationship may disrupt City business. Although the relationship is not prohibited (except as provided below), it will not be allowed to disrupt business.

The City expressly prohibits any consensual social relationship, including marriage, between a manager/supervisor and an employee in his/her line of authority.

4. If a consensual social relationship is either prohibited or disrupts City business, the City will take appropriate action to transfer one or both of these employees if possible and in the City's best interests. If transfer is not possible, termination of the employment of one or both employees may be necessary. Failure to promptly and voluntarily report a consensual social relationship as required above may result in immediate transfer or termination of one or both employees.

2. Employee Privacy

The City of Sheboygan is subject to the Wisconsin Public Open Records Law. Though an employee's personnel file is confidential, information relating to employment, such as an employee's pay and benefits, is considered an open record to the public and may be shared upon request. This includes electronic records such as e-mail messages and other electronic content on personal computers or cell phones (if used for work purposes).

3. Adverse Weather

In the event of severe weather, the City Administrator or Department Head or his/her designee may decide that the offices will not open. Managers will try to notify employees by telephone if they are not to report to work. A message will also be relayed to WHBL channel 1330 AM. Non-exempt (hourly) employees will not be paid for time missed unless they chose available discretionary or vacation PTO time.

4. Personnel Records

In order to maintain accurate personnel records, it is important that an employee notify the Human Resources Department of any changes such as name, address, phone number, dependent information, beneficiary changes, etc. While the City makes every effort to have correct records, the responsibility for making sure we have the most current information is the employees.

The City is periodically requested to verify dates of employment and salary information. Basic information (hire date, hourly salary, and full-time employment status) will be confirmed provided the requester verify the employee's social security number. Additional information will only be provided with a signed release from the employee.

5. Zero Tolerance Workplace Violence Policy

The City of Sheboygan maintains a zero tolerance policy towards violence in the workplace. Violence committed by employees or the public will not be tolerated. All violent behavior is inappropriate. The possession, use or threat of use of a weapon by employees is prohibited in the workplace. All employees shall notify their supervisor of any workplace violence they witness, experience, have knowledge of or have been notified about. Violations shall lead to disciplinary action, up to and including discharge. Violent acts or threats of violence may also result in arrest and criminal prosecution.

I. GENERAL

All employees have a responsibility to encourage and maintain a safe and secure workplace. When notified that an employee has been assaulted, threatened with bodily harm or has threatened to harm themselves or others, supervisors have the responsibility to respond in a timely manner. All employees are expected to adhere to specific security and safety procedures as prescribed by their department or division.

II. INCIDENT REPORTING AND INVESTIGATIONS

A. Employee Responsibilities:

1. Remove yourself from the threat as soon as possible.
2. Obtain emergency police intervention and/or medical response as required.
3. Immediately notify a supervisor and/or Department Head.
4. Assist management in the completion of all required incident reports.
5. Cooperate with all investigation efforts by management and/or the police.
6. If injured, complete all required medical reports as soon as practical.

B. Supervisor Responsibilities:

1. The Supervisor taking the complaint must ensure that the behavior is stopped.
2. Obtain police intervention and medical response as required.
 - a. If the workplace violence is a result of the actions of a non-employee, the supervisor or other available employee shall call 9-911 and request immediate police assistance.
 - b. Crime Scene Preservation:
Take no action to disturb the incident scene, which could jeopardize the outcome of an investigation. Do not move objects or allow clean up until police have given permission. Take steps to secure the incident area.
3. Notify/brief the Department Head & Human Resources as soon as possible.

4. Advise the Department Head of any corrective or preventive actions that can be implemented.
5. Expeditiously complete the Assault/Threat Report form.
6. Obtain copies of Police reports and/or written statements from witnesses and those persons involved within 24 hours, or as soon as possible.
 - a. Assist employees to complete medical, workers compensation, OSHA and other reports as required as soon as possible.
7. Forward copies of all reports to the Human Resources as soon as completed.
8. Conduct or assist in, and cooperate with all investigations.
9. Assist in the identification of risk factors and remedies to prevent reoccurrence.
10. Involve City Attorney to determine or initiate appropriate administrative or legal action.
11. Advise employees about the availability of assistance or counseling. Refer employees to the EAP services.
12. Obtain guidance from Department Head and/or Human Resources on disciplinary actions and procedures.
13. Ensure that proper corrective action is implemented.

III. INVESTIGATION

1. Human Resources, department/division management and police will receive, evaluate intervene and respond to reports of workplace violence, on a case-by-case basis.
2. Anonymity of employees reporting violence or threats of violence will be maintained during the investigation to the greatest extent possible.
3. Retaliation against any individual who reports an incident or threat of violence, or participates in an investigation will not be tolerated.

IV. FALSE REPORTS

Allegations or reports of workplace threats or violent acts will be taken seriously. Employees intentionally making false reports will be subject to discipline, up to and including discharge from employment.

V. ORDERS OF PROTECTION OR RESTRAINT

Employees shall notify their supervisor if they obtain a court/restraining order to protect themselves from an individual, if the order extends to the workplace. The employee shall provide a copy of any such order to their supervisor.

VI. COMMUNICATIONS

Copies of this policy shall be distributed to all current and future employees.

VII. CONFIDENTIALITY

Public information regarding any incident or alleged incident of workplace violence that involves an employee or occurs on City property shall be released only under recommendation by the City Attorney and consistent with open records laws.

VIII. DEFINITIONS

- A. Employee:** All regular full time, part time, seasonal employees, temporary employees, volunteers, elected and appointed officials.

- B. Weapon:** Any type of firearm, switchblade, knife, (excluding eating utensils), jack knife with a blade longer than 3", metal knuckles, whips, clubs, explosives or any other object commonly known as a weapon. Only law enforcement employees who are required to carry a weapon as part of their official job duties are exempt.
- C. Workplace:** All City owned or leased property, parking lot or building, including vehicles and equipment, and any other property where work is being performed by City employees in any official capacity.
- D. Workplace Violence:** Any act of written, verbal or physical aggression that occurs in the workplace, intended to physically harm an individual or that could cause a reasonable person to be in fear of imminent physical harm. Violence also includes the intentional unauthorized destruction, sabotage or abuse of property or systems. Examples of workplace violence may include: harassment, unwanted physical contact, obscene phone calls, threats (direct or implied), hitting, pushing, throwing objects, stalking, unauthorized possession or inappropriate use of weapons, assault, battery, robbery, kidnapping, murder, bomb threats or arson. Workplace violence does not include the use of reasonable force in the defense of oneself or others.

6. Employee Assistance Program (EAP)

The City of Sheboygan recognizes that a wide range of medical-behavioral problems not directly associated with one's job functions can affect an employee's job performance. Illnesses and emotional problems rank as some of the most serious health problems in the country affecting job performance. In addition, family relationship issues such as elder or child care, or financial problems also affect one's ability to perform their job. The City, therefore, has established an assistance program whereby employees and their families can obtain confidential medical and professional treatment. The City of Sheboygan believes it is in the interest of the City, the employee, and the employee's family to provide an employee service, whether the services are requested by the employee him/herself or required by the City. For a complete description of the City's policy, please see Human Resources.

SECTION VI: ALCOHOL AND CONTROLLED SUBSTANCE POLICY

The City of Sheboygan recognizes that the use and/or abuse of alcohol or controlled substances by City employees may present a serious threat to their safety, health and that of the general public.

As required by the Drug Free Workplace Act, Public Law 100-690, Title V, Subtitle D, the City of Sheboygan has implemented a Zero Tolerance On Duty Policy for alcohol and controlled substances for all City employees and volunteers.

The City of Sheboygan Alcohol and Controlled Substance Policy incorporates by reference, the "City of Sheboygan Civil Service Rules", "City of Sheboygan Police Department Drug Free Workplace Policy", and the "City of Sheboygan Department of Public Works Alcohol and Controlled Substance Testing Policy & Corrective Action Guidelines". Employees are expected to report to work free from any illegal substances and legal substances that affect their ability to perform their job duties. Failure to comply with this policy will lead to disciplinary action up to and including discharge, consistent with related rules and policies incorporated by reference herein.

a) Purpose

The purpose of this policy is to help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances by City employees. This policy is in compliance with testing rules and regulations contained in Federal Regulations Title 49 CFR and the Drug Free Workplace Act.

b) Reporting of Conviction

As required by the Drug Free Workplace Act, Public Law 100-690, Title V, Subtitle D, all City of Sheboygan employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, drug paraphernalia or alcohol is strictly prohibited in the workplace. This law makes it a condition of employment that all City of Sheboygan employees adhere to this policy. Furthermore, employees must notify the City (Department Head/Supervisor or Human Resources Director), of any criminal drug statute conviction no later than 5 days after such conviction.

c) Prevention and Rehabilitation

The City of Sheboygan encourages employees who have alcohol or controlled substance problems to seek help from a qualified alcohol and/or substance abuse professional. The goals of this policy are prevention and rehabilitation whenever possible. Help is available through the City's Employee Assistance Program (EAP). For more details on the EAP program, contact the Human Resources Department, a supervisor, or call the EAP directly at (800) 236-3231. All calls are held in strictest confidence.

An employee shall be permitted to use Family Medical Leave time for the purpose of undergoing treatment in an approved program for alcohol or drug use. The leave must be requested prior to the commission of any act subject to disciplinary action, and will be provided only in accordance with the FML policy.

d) Prohibited Conduct for All City Employees

- 1.) Reporting for duty or remaining on duty while under the influence of alcohol and/or controlled substances or with any measurable amount of alcohol, intoxicants, illegal drugs or other controlled substances in their system.
- 2.) Providing false information in connection with a test or falsifying test results through tampering, contamination, adulteration or substitution.
- 3.) Reporting to work under the influence of a prescription drug, unless the employee's physician determines that the use of the prescription drug will not adversely affect the employee's ability to perform essential functions of their job.
- 4.) Obstruction of a test or refusal to submit to testing will be considered a positive test

e) Prescription Drugs

- 1.) Before performing work related duties, employees must notify their supervisor if they are taking any legally prescribed medication or any non prescription drug which contains any measurable amount of alcohol or which carries a warning label that indicates the employee's mental functioning, motor skills or judgment may be adversely affected by this medication.
- 2.) It is the employee's responsibility to inform their physician of the type of essential functions they must perform in order for the physician to determine if the prescription could interfere with the

employee's duties. Employees should provide their physician with a copy of their job description.

- 3.) If there is no alternate medication available, prior to starting their shift the employee is responsible to notify their supervisor of any prescription which may affect ability to perform essential job functions.

f) Required Drug and Alcohol Testing

- 1) Pre-Employment: Any individual applying for a position with the City of Sheboygan shall be required to undergo controlled substance testing after a conditional offer of employment has been made.
- 2) Reasonable Suspicion: Where a trained supervisor has reasonable suspicion to believe the employee is using or is under the influence of alcohol and/or controlled substances, said supervisor may require the employee to undergo a controlled substance and/or alcohol test.
 - a) Supervisor should confer with another supervisor, both supervisors shall observe the behavior/condition of the employee to confirm or deny the reasonable suspicion.
 - b) A supervisor or his/her designee shall transport the employee to the collection site for testing immediately, but no later than within 8 hours of having observed the behavior.
 - c) The supervisor is to wait at the testing site with the employee until the alcohol test has been completed and/or the urine sample has been taken. If the controlled substance or alcohol test is conducted more than 2 hours, but less than 8 hours after the supervisor determined there was a reasonable suspicion to believe the employee is under the influence of alcohol and/or controlled substances, the supervisor shall file a written report ("Delay/Failure to Administer Test Form") explaining the reason for the delay in conducting the alcohol and/or controlled substance test.
 1. During the hours of 7:30 a.m. - 3:30 p.m. the supervisor may call St. Nicholas Hospital, Occupational Health at (920) 459 -5176 to request Reasonable Suspicion Testing for controlled substances and alcohol.
 2. Outside of these hours, the employee shall be driven to the emergency room at St. Nicholas for Reasonable Suspicion Testing.
 3. The supervisor shall bring proper identification and document that he/she is authorized to ensure the employee is tested ("Supervisor Authorization Form").
 4. In all cases of reasonable suspicion testing for controlled substances or if a positive, confirmed alcohol test result has been received (0.02 percent or greater), the employee shall be advised not to drive his/her vehicle home at that time. The employee shall make alternative transportation arrangements to leave the collection or employment site.
 - a.) In the case of reasonable suspicion for controlled substances, the employee shall be advised not to report to work until otherwise advised. If a urine test has been administered, the City of Sheboygan will contact the employee once the test

results are known (this normally takes 24-48 hours) and a decision has been made as to their employment status.

- b.) The results of drug and alcohol tests will be sent directly to Human Resources. When results are obtained, the employee's supervisor and department head will meet with the Human Resources Director to determine the appropriate course of action to be taken.
- c.) Once the test has been completed, the supervisor must submit a written report to their department head outlining the event and/or behavior observed that led the supervisor to believe the employee was under the influence of alcohol or controlled substance ("Supervisor's Report of Reasonable Suspicion"). The report must be completed within 24 hours of the test.

g. Confidentiality

The City of Sheboygan respects the confidentiality and privacy of its employees. The City will reveal the identity of the employee, test results, and/or participation in a treatment program, only as required by law. The City will not reveal individual test results to anyone, unless presented with a written authorization from the tested employee. The City will ensure that any laboratory or testing agency used to conduct testing under this policy will maintain the confidentiality of employee test records. The laboratory or testing agency will disclose information related to a positive controlled substance or alcohol test of an individual to: the individual being tested, the City, the decision maker in a lawsuit, grievance or other proceeding by or on the behalf of the individual arising from any action taken in response to test results; or as required by law, including court orders or subpoenas.

The Medical Review Officer (MRO) will not reveal individual test results to anyone except the City, unless the MRO has been presented with a written authorization from the tested employee. The MRO may reveal to the City, without an authorization, relevant information as to whether MRO opined the employee's fit for duty in the performance of the employees essential job functions and/or whether the employee has tested positive for controlled substances or alcohol.

SECTION VII: CONTINUATION OF COVERAGE

35. Continuation of Dental & Health Insurance Coverage (COBRA)

Exiting employees and their qualified beneficiaries have the opportunity to continue health, dental and life insurance under the City's health plan in the event that a "qualified event" results in the loss of eligibility.

Qualifying events are as follows:

- | | |
|---|---|
| Reduction of work hours / layoff | An employee's divorce or legal separation |
| Resignation of an employee | Birth of a child |
| Death of an employee | Marriage |
| Personal leave of absence | Enrollment in Medicare |
| Termination of an employee for reasons
(other than gross misconduct) | |
| A dependent child no longer meets eligibility requirements | |

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rate plus an administration fee (2%). When the employee or spouse becomes eligible for coverage under the City's health and dental insurance plans, the City will provide each eligible employee with a written notice

describing their rights granted under the Cobra. The notice contains important information about the employee's rights and obligations. If you have any questions about COBRA, or if you have changed marital status, or you or your spouse have changed addresses, please notify the Human Resources Department.

36. Handbook Purpose

We hope this Employee Handbook will enable you to understand the general rules under which we operate. While the City of Sheboygan believes wholeheartedly in the policies and procedures outlined in this handbook, circumstances may arise whereby it becomes necessary to change these policies and procedures. We reserve the right to modify, revoke, suspend, terminate or change any or all such plans, policies, or procedures, in whole or in part, at any time, with or without notice. The language used in this handbook is not intended to create, nor is it to be construed to constitute, a contract between The City of Sheboygan and any one or all of its employees. An employee's initial or continued employment is solely at will and either you or the City may terminate the relationship at any time.

37. Statement of Understanding

After reading the handbook thoroughly, as a condition of employment, each employee must read and sign the statement of understanding which will be placed in the employee's personnel file.



2016 Employee Handbook

Acknowledgement of Receipt

For

2016 Employee Handbook

I acknowledge having received a copy of the City of Sheboygan, Wisconsin's *Employee Handbook*, and I understand the content. I understand that neither this handbook, nor any other City policy, practice or procedure, is intended to provide any contractual obligations relating to continued employment, compensation or employment in a particular position and should not be construed as creating any sort of employment contract.

I further understand and accept that my employment with the City of Sheboygan is at-will. I have the right to resign at any time with or without cause, just as the City may terminate my employment at any time with or without cause or notice, subject to applicable laws.

I also understand that all of the policies, rules and regulations in this handbook may be changed at any time at the sole discretion of the City with or without prior notice to employees. In addition, the policies listed may be governed by specific procedures which may take precedence over this handbook. Employees are encouraged to direct any questions regarding the City's policies, practices and/or procedures to their immediate supervisor and/or the Human Resources Department.

Employee's Signature

Date

Employee's Name (Printed)



City of Sheboygan
Request for Proposal Notice

I. Notice is given that the City of Sheboygan requests proposals for a *Diversity, Equity, and Inclusion Consultant(s)* through TBA.

One hard copy and one electronic copy of the proposal clearly labeled "RFP Diversity, Equity and Inclusion Consultant(s) Proposal" must be delivered to:

Mayor Ryan Sorenson
City of Sheboygan
828 Center Avenue
Sheboygan WI 53081
{ HYPERLINK "mailto:ryan.sorenson@sheboyganwi.gov" }

Inquiries may be directed by email to Sarah Schwefel in the mayor's office at sarah.schwefel@sheboyganwi.gov.

II. Project Timeline

Proposals will be evaluated, and the successful vendor will be determined and approved by the Sheboygan Common Council. The city reserves the right to reject any or all proposals, and to select the vendor, benefits and services that best meet the needs of the city, its employees, and the residents of the City of Sheboygan.

The following is an estimated schedule of proposal receipt and decision:

Date	Action Item
TBA	RFP issued.
TBA	Proposal due by 5:00 p.m.
TBA	Proposals reviewed.
TBA	Interviews as needed.
TBA	Consideration of recommended proposal by Finance and Personnel Committee.
TBA	Council consideration and approval of contract.
TBA	Contract activity begins.

III. Brief City Overview

The City of Sheboygan is located on the western shore of Lake Michigan, fifty miles north of Milwaukee. Newly released census data show the city has grown to just under 50,000 residents. Traditionally a community with a strong manufacturing base, Sheboygan has become a popular tourist destination in recent years. In addition to beautiful beaches along the lake, the city also has over seven hundred acres of parks, and extensive bike paths. Mead Public Library is a resource hub for surrounding communities. The John Michael Kohler Art Center and its Arts Preserve are major cultural and community institutions. Golf courses abound.

Economic prosperity for city residents is uneven, however. The median household income in Sheboygan in 2018 was \$41,037. However, residents making above the median level tend to earn at a higher level than those below the median income. There is a very significant difference among per capita earnings of white residents (\$24,647) and Asian (11,188), Black (\$8,793) and Hispanic (\$9,261) residents. Approximately sixty-two percent of Sheboygan Area School District

students are eligible for free or reduced cost school meals. At last count, about two- and one-half percent of students were considered homeless, that is, about two-hundred and fifty students each year.

City government is structured on a mayor-common council basis, with significant recent changes in its structure. The common council was reduced from sixteen to ten positions in 2018. Alders are elected from specific districts, and as a result of the April, 2021 election, more robustly represent our diverse community. Six of ten alders are women, two are Black, one is Latina, and one has Japanese heritage.

After some turmoil and a mayoral recall election in 2012, the council created a city administrator position to professionally manage its day-to-day operations. Our current city administrator, Todd Wolf, began in his position in July, 2020. Our current mayor, Ryan Sorenson, was elected in April, 2021, handily defeating the eight-year incumbent. Mayor Sorenson has begun to reach out to diverse communities to recruit for the city's many boards, committees, and commissions, and strongly supports diversity, equity and inclusion work in the city and the whole community.

The city has approximately 480 employees. While there are no firm data at this point, most employees are white and male. There are fifteen departments, with various lines of authority on the table of organization. Department heads met with representatives of the Sheboygan Justice Equity group (see below) in March, 2021 to discuss the findings of a Racial Equity Report completed in 2020 that compared demographic data of city residents over the past decade. Department heads commented that Sheboygan is "two cities;" that the older generation fears the unknown; that we are not reaching out and connecting with our local schools; that we need to go outside the box, and other observations about the need for diversity education and training.

Current census data show significant demographic population changes in the city over the past decade. White residents now make up seventy-two percent of the city's population, down eleven percent from 2010 data. There has been significant growth in Asian, Hispanic, and Black populations. In the 2020-2021 school year, the Sheboygan Area School District became a "majority-minority" school district, that is, the majority of students are students of color.

City residents, businesses and organizations have been active in identifying, and are beginning to take action around diversity, equity, and inclusion issues. The Sheboygan Equity, Inclusion, Diversity, and Inclusion (SDEIB) initiative is an umbrella for interest groups including education, social structure, historic preservation and acknowledgement, county government, health and wellness and other interests. One of the most active interest groups in SDEIB, Sheboygan Justice Equity (SJE) has focused on bringing DEI awareness, training and planning into city government operations and contemplates working with the city in its DEI efforts going forward. SJE has partnered with the city in initiating DEI efforts as a part of SJE's strategic plan.

There are many other active organizations, including the Sheboygan County LGBTQ Alliance, the Hmong Mutual Assistance Association, the Hmong Women Society, Black-American Community Outreach (BACO), and Voces de la Frontera Capitulo Sheboygan. While there are no active disability advocacy groups currently working in Sheboygan, there are significant equity issues among disabled residents.

IV. Proposal Summary

While the city posted a diversity and inclusion statement of principles after the killing of George Floyd, it has undertaken no systematic examination of those principles in action within city government. However, there is a strong commitment within city leadership and the community to bring diversity, equity, and inclusion values and actions into all aspects of city government, and to establish and nurture a meaningful conversations and ongoing relationships with all parts of our community.

The city is seeking proposals from qualified consultants to assist the city in developing a DEI action plan as a starting point for its goal to ensure that the city is welcoming, respectful, and inclusive for all residents.

Specific goals for the DEI action plan include the following:

1. To develop an understanding within city government of diversity, equity, and inclusion (DEI) principles, and their importance to city employees, including elected and appointed officials, and the community.
2. To develop DEI goals and specific action steps that will engage city employees, including elected and appointed officials, in training, education, and policy changes that will result in a more diverse, welcoming, supportive work force that reflects the diversity of the community.
3. To engage a broad base of community members in the city's ongoing strategic planning process.
4. To facilitate the creation of a diverse community group to assist in the ongoing implementation and use of DEI initiatives as outlined in this proposal.

V. Scope of Work

The city wishes to engage a person or team to assist the city in achieving the goals listed in section IV.

The scope of work includes the following:

A. Discovery Steps:

1. Organizational scan: Work with city staff to assess the city's DEI policies and attitudes. This will include developing demographic information about city staff, and examining hiring, training and retention policies that relate to DEI.
2. Internal scan: Explore and identify attitudes about DEI within city government.
3. Environmental scan: Identify community resources that can be utilized to inform and support the City's initiatives.

B. Action Steps:

1. Assist in developing a DEI roadmap that provides for short- and long-term actions as follows:
 - a. Initial training within the city to establish a shared understanding of diversity, equity and inclusion and its importance to city government and the community.
 - b. Ongoing education and training of all levels and areas within city government that will educate employees about cultural competencies, explicit and implicit bias, and the importance of being part of a welcoming and supportive work environment.
 - c. Integration of DEI values into internal policies and procedures, and external communication of the city's DEI values to community residents.
 - d. Creation of a sustainable action plan with measurable goals that will include the following:
 - i. Establish ongoing training and integration of DEI policies and practices into all city activities.
 - ii. Assist in developing and implementing meaningful ways to communicate with community residents regarding DEI issues and opportunities.
 - iii. Establish accountability methods to ensure the success of DEI plans that will include a commitment to staffing as appropriate to assist in activating and sustaining this action plan.
 - iv. Identify needed resources within city government to ensure the success of DEI plans.
2. Development and implementation of outreach and communication strategies to engage members of the community, with a particular focus on diverse groups discussed in the brief city overview. The city will soon begin a substantial strategic planning process that will require significant community engagement and the involvement of all parts of the city to be successful.

VI. Proposal Requirements

Submitted proposals must follow the format outlined below and include all requested information. Failure to submit proposals in the required format may result in elimination from consideration.

- A. Cover letter: Please include the name, address, and contact information of the consultant or firm, and signed by the person authorized to represent the consultant or firm. Include the name and qualifications of the individuals who

will be working on this project. Identify only individuals who will do the work on the project.

- B. Organization and personnel qualifications: Please provide a statement of qualifications and expertise to perform the services sought by this RFP, including a description of relevant experience with projects that are similar in nature to this proposed project.

Applicants must demonstrate an understanding of the role of municipal governments in advancing racial equity, and an ability to apply a racial equity lens to the planning and implementation of city policies, procedures, and programs. In addition, applicants should have experience in building employee capacity to advance racial equity. Respondents must be well-versed in community engagement and have demonstrated skills in consensus building.

- C. Scope of work description: The application should include a general project schedule that identifies tasks, activities, and deliverables that the applicant proposes to carry out in implementing the project. The applicant should provide an overview of a recommended approach for the project and the applicant's overall approach to DEI work.
- D. References: Please provide two or more professional reference that include contact information and a short description of the work performed for the reference listed.
- E. Cost proposal: The cost proposal must list the hourly rates for each person who performs the task and the total number of hours estimated for each of the components of the scope of work, in addition at any other costs associated with completion of the work, and include a total projected cost for the project.

VII. Evaluation Criteria

The City of Sheboygan will evaluate respondents based upon the written response to this RFP, consultant interviews, references, and the following criteria:

Criteria	Description	Weight
Expertise	Technical, lived, and personal expertise of personnel assigned to RFP tasks; ability to perform and complete the work in a professional and timely manner.	35%
Skill	Demonstrated qualifications and experience in this work, including the ability to affect real change, and provision of similar services for other organizations.	25%
Approach	Consultant's understanding of and approach in providing RFP services. Responsiveness and completeness of the proposal and any value-added component.	10%
Cost	Cost or cost effectiveness and resource allocation.	15%
Minority-Owned Business	Preference is given to firm/consultant owned	15%

	or operated by Black, Indigenous Person of Color (BIPOC).	
Total		100%

VIII. City Disclaimer

This RFP does not commit the City of Sheboygan to award a contract. This RFP and the process it describes are proprietary to the city and are for the sole and exclusive benefit of the city. No other party, including any Applicant, is intended to be granted any rights hereunder. Any response, including written documents and verbal communication, by an applicant to this RFP, shall become the property of the City and may be subject to public disclosure by the City or any authorized agent of the City.

April 8, 2022

Rupneet Sidhu
Equal Rights Officer
Equal Rights Division
819 North 6th Street, Rm. 723
Milwaukee, WI 53203-1687
E: Rupneet.Sidhu@dwd.wisconsin.gov

RE: *Schneider v. City of Sheboygan*
ERD Case No. CR202200171
EEOC Case No. 26G202200443C

Dear Ms. Sidhu,

This letter responds to your correspondence of March 14, 2022 and offers rebuttal to the Respondent's March 11, 2022 position statement in this matter.

I. Introduction & General Rebuttal

The City of Sheboygan's response ignores the bulk of Ms. Schneider's allegations other than to assert that the City does not discriminate or retaliate and to suggest that she was an inexperienced and disgruntled employee who was upset that the City hired a third party to investigate a female police officer's claim of sexual harassment. While this defense may be enough at a merits hearing where the credibility of competing testimony can be measured, it is not enough at the probable cause stage for an employer to ask the Division to simply take it at its word, especially in the face of competing and unchallenged allegations from the complainant.

In her complaint, Ms. Schneider made the following assertions that went unaddressed in the respondent's position statement:

EXHIBIT

M

exhibitsticker.com

Madison
124 W Broadway
Monona, WI 53716
p: 608.258.9588
f: 608.258.9105

Milwaukee
111 E Wisconsin Ave
Suite 1925
Milwaukee, WI 53202
p: 414.326.3260
f: 414.224.1411

Chicago
111 E Wacker Dr.
Suite 2600
Chicago, IL 60601
p: 312.526.3220

info@fox-law.com
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- "I expressed serious concerns regarding... the sufficiency of the respondent's remedial efforts to address the sexual harassment;"
- "I expressed serious concerns regarding... the sufficiency of the respondent's remedial efforts to address... other inappropriate sexual behavior involving City employees;"
- "I... openly questioned the sufficiency of the respondent's remedial efforts to address the sexual harassment;"
- "I... openly questioned ... the sufficiency of the respondent's remedial efforts to address... other inappropriate sexual behavior involving City employees;"
- "(T)he City Administrator admonished me to not let this situation 'taint' me;"
- "I have seen my role marginalized and have been steadily ostracized by the City Administrator;"
- (The City Administrator) has instructed members of my own staff to spy on me and report anything that could advance his obvious plan to set me up for failure;"
- "I have been told by the Mayor that I have a 'target' on my back, from the City Administrator, and that my job is in jeopardy;"
- "The City Administrator has orchestrated this hostility against me in order to undermine my authority, in retaliation for my opposition to the sexual harassment of female City employees by their male co-workers and the City's inadequate response to the situation."

The City's reply is instead a series of inaccurate and irrelevant allegations that do nothing to refute her claims. Indeed, the respondent's principal defenses - that the City Administrator had consistent concerns about Ms. Schneider's skill level and that she was upset with the hiring of an outside investigator - have nothing whatsoever to do with her claims and are demonstrably false.

Until Ms. Schneider expressed concerns and openly questioned the City's handling of the sexual harassment complaints involving the police department, the City Administrator fully supported her and her work. In fact, he expressed his full support for her publicly and on record at numerous Common Council meetings throughout 2020 and 2021. The televised and recorded Common Council and Committee meetings leave no doubt of this fact or the fact that she received commendations from the Council throughout 2021. In addition, text conversations between the City Administrator and Ms. Schneider show just how disingenuous his newly alleged concerns are; they include "You are great for this position." (7/14/21), and "Thanks for all you do." (7/15/21). Exhibit 1. It was not infrequent that Ms. Schneider and the City Administrator would also have

lunch together during the business day. But these lunches and applauding texts stopped after she criticized the City's and the City Administrator's handling of the sexual harassment complaints.

Contrary to the narrative the City now wants the Division to believe, Ms. Schneider embraced the involvement of an outside investigator. In fact, prior to the external investigation, Ms. Schneider was not involved in the investigation; it had theretofore been handled internally by the police department itself. (In other words, she was not given the "responsibility to continue the internal investigation" as the respondent suggests. The police department did the internal investigation and on its own determined the discipline for the officers involved. Ms. Schneider had nothing to do with that part of the investigation. In fact, in June, 2021, the President of the Police and Fire Commission expressed his concern that Human Resources had not been included in the investigation). It was only through the involvement of an outside firm that Ms. Schneider learned of the full scope of the allegations, which included several female officers' allegations against a number of male officers and was far more serious than she had been led to believe. This gave her great concern that the female officer's complaints were not being taken seriously and a cover up was under foot and she expressed those concerns to the City Administrator.

The City would also have the Division believe that Ms. Schneider was advised "not to interfere with the investigation," but that is also completely untrue. In fact, she was assigned by the City Administrator as the City's contact to work with the external investigator on July 8, 2021. Her responsibility was to assist and facilitate meetings, conference calls and communications between and with the attorney investigator, the City's insurer, the City Administrator, Mayor Sorenson and City Attorney Adams related to the matter. She abided by these instructions and was never once told not to interfere.

As it turned out, the police department was not forthcoming about the scope of the allegations. Until the outside investigation occurred, all Ms. Schneider knew was what she had been told by the police department - that the situation involved primarily one female officer and the alleged sharing of nude photos. However, when the complaining female officer learned of the result of the investigation - short suspensions for the male officers involved - she resigned and in the process of her scheduling an exit interview with the City (including Ms. Schneider), Ms. Schneider learned of the full scope of the allegations. This occurred on July 7, 2021. By July 8, 2021, the process of submitting the claim to the City's insurer and having an external investigation had begun. Ms. Schneider was in full agreement with this plan.

It was during this time period where things began to change for Ms. Schneider. As a conscientious and female human resources professional, she was dutiful and adamant about following appropriate protocol in investigating what was obviously a problem within the City's police department. The allegations were serious and far more involved than the sharing of nude photos as had been described to her. She recognized the problem and expressed her concern that the male officers were essentially getting off easy for behaviors that were far worse than the discipline being meted out would suggest. In response, she was told by the City Administrator to stay in her lane and that he did not want this situation - one involving serious allegations of sexual misconduct by male police officers towards female co-officers - to "taint" her and the work she was doing. He also instructed her to not inform the Common Council about the complaint or its allegations and otherwise downplayed its significance and her concerns about the behavior involved.

That he would now suggest that the real issue was that he had problems with her experience and skill set as a human resources professional is laughable and completely dishonest.

The reality of the situation is that the allegations consisted of more than the sharing of nude photos. The allegations revealed a pattern of abuse and harassment from a number of male officers towards female officers. Four female officers resigned during this time period. During a meeting on September 14, 2021, which included the City Administrator, the Mayor, and the City Attorney, Ms. Schneider expressed her concerns about the breadth of the allegations and the pattern of discrimination and sexual mistreatment occurring within the City's police department. Among the topics she questioned during the meeting included:

- That her review of the documents she received indicated a pattern of severe sexual harassment;
- That there was non-consensual sharing of nude photos of female officers during work;
- That the discipline was meager in scope (only a few officers were disciplined) and duration (only brief suspensions);
- That four female officers had resigned entirely from the police profession as a result of what occurred;
- That there is a profound lack of curiosity from the City and the police department about what happened to a former female police officer who woke up naked in a hotel room after blacking out during a police department sponsored training and a male police officer witnessed

another male officer taking her pants off the night before while she was incapacitated.

It should be noted that Ms. Schneider was the only female involved in the investigation. She expressed to the City Administrator and others within City leadership that the discipline of the male officers was inadequate and sent a message that female employees had no legitimate protection against this kind of behavior from their male co-workers. Her concerns were not taken seriously by the City Administrator, who instead sought to discredit the female officers involved and instructed Ms. Schneider to stay out of the investigation. Indeed, it was the very next day that he threatened her by stating that he did not want the investigation to "taint" her.

From that point forward, she has been ostracized by the City Administrator. In addition to the previously described decline in communication, the litany of retaliatory actions by him include at least the following:

- Reduction of staff from three HR generalists to two;
- Relocation of the HR department to the second floor storage room at City Hall without input from or notice to Ms. Schneider; "this is what you are getting" is all he told her;
- An Assistant City Attorney warned Ms. Schneider that the City Administrator was actively marginalizing her;
- Consistent interference, criticism, and shaming of Ms. Schneider and the Human Resources department by the City Administrator's assistant, as instructed by the City Administrator and despite Ms. Schneider's complaints to the City Administrator about her behavior;
- Disparaging her to other City officials, including telling an Alderperson that Ms. Schneider was "obsessing" about the sexual harassment case, but that the City would be "closing the book on the case soon;"
- On October 4, 2021, the Mayor warned Ms. Schneider that the City Administrator had her "under the microscope" because of her concerns about the sexual harassment case and that the City Administrator was using other Human Resources employees to spy on her;
- On October 6, 2021, the Mayor confessed to Ms. Schneider that the City Administrator has been "gaslighting" and "gatekeeping" her, that he has kept her out of meetings and communications, and that he disparaged her to council leadership that she was obsessive about the sexual harassment complaint;

- The Mayor also expressed to Ms. Schneider that she was being treated with abuse by the City Administrator and that based on his experience working in a women's domestic abuse shelter, she was responding to the City Administrator's treatment "exactly" as someone who is being abused;
- In early October, a newly hired HR Generalist (Nicole Geschke) confided to Ms. Schneider that another HR Generalist (Jennifer Wray) had been directed by the City Administrator to spy on Ms. Schneider and report back to him;
- The Mayor confirmed that at least two employees (Ms. Wray in HR and Sandy Halvorsen in Finance) - subordinates to Ms. Schneider - had been solicited by the City Administrator to monitor and report to him about her;
- In early November, Ms. Schneider learned from the Mayor that Ms. Schneider was accusing her of conspiring with an alderperson to undermine him;
- During this meeting on November 8, 2021, the Mayor told Ms. Schneider that the City Administrator had placed a target on her back and that he had her staff involved and against her and that she should "probably never meet with him alone anymore;"
- On November 11, 2021, Ms. Schneider met with the City Administrator, who admitted that he was using her staff to actively marginalize and work against her, at one point suggesting that the deterioration of their relationship was because of the "police thing."

At this point, Ms. Schneider's health was suffering and she was left with no reasonable alternative other than to request leave under the Family Medical Leave Act in order to recuperate. She notified the City of her need for leave on November 22, 2021 for leave to begin on November 29, 2021. Interestingly, the respondent takes umbrage with the fact that Ms. Schneider requested FMLA leave, suggesting that she did so on "little notice." There is nothing unlawful or inappropriate about the timing of Ms. Schneider's FMLA leave request. She needed FMLA; she requested it; she was approved. Why the respondent felt the need to question the timing of her request says far more about the veracity of the respondent's position in this case than it does to disparage Ms. Schneider's contentions.

II. Miscellaneous Rebuttal

Although not directly relevant to Ms. Schneider's claims, the respondent makes a number of representations that are untrue and merit response.

1. It is not true that the City re-evaluated "whether or not there was a need for a director for the Senior Center" in early 2020. The implication that Ms. Schneider was going to be let go from the Senior Center because the City planned to close it is a complete fabrication. This fact is confirmed by the former City Administrator, Darrell Hofland. (See Exhibit 2). The only thing that closed in March 2020 was the actual building due to concerns of COVID-19, but programming and staffing of the Senior Center continued and continues through to the present time at various locations.

In fact, Director Schneider held BOTH positions of Director of Human Resources and Labor Relations AND Director of Senior Services until the hiring of Emily Rendall-Araujo in December 2020. This can be verified through meeting minutes of the Senior Activity Center Commission and board of directors' minutes of the Friends of the Senior Activity Center of Sheboygan throughout 2019 and 2020.

2. It is also not true that Vicky Schneider "*did not have any appreciable prior experience working in a human resources department or holding a position of Human Resources Director in the past.*" Indeed, Ms. Schneider's work experiences include the following:

- Director of Human Resources/Compliance Officer for Villa St. Francis which is an assisted living facility on Milwaukee's south side. This was and is a highly regulated facility with many federal and state compliance expectations;
- Executive Director for McKinley Place in Cedarburg, a highly regulated facility with responsibilities that were highly involved with Human Resources;
- Human Resources Manager for Covey (formerly known as Cerebral Palsy of Mideast Wisconsin) in Oshkosh;
- Executive Director of Generations Intergenerational Center which included all responsibilities of Human Resources.

Ms. Schneider also holds a Master's degree in Management and Organizational Behavior with an emphasis in Human Resources. For reference, Ms. Schneider's c.v. is attached as Exhibit 3.

3. The respondent's description of Ms. Schneider's hiring process is also inaccurate. On approximately March 10, 2020, Mr. Hofland appointed her as the interim Director of Human Resources and Labor Relations. She thereafter applied for the permanent position of Director of Human Resources. During the application process, she participated in three rounds of interviews by a panel

which consisted of City Administrator Darrell Hofland, Chief of Police Chris Domagalski, Rae Anne Beaudry (City of Sheboygan's Insurance broker), and a member of the Sheboygan Area School District's Human Resources department. Ultimately, Ms. Schneider was selected through a competitive process, a fact that Mr. Hofland has previously and no doubt will again confirm. On May 18, 2020, her hire was presented to and approved by the Common Council. Attached as Exhibit 4 are the Common Council meeting minutes from that date.

Coincidentally, the current City Administrator was then the Common Council president and made the motion to approve her hire.

4. While it is true that Ms. Schneider's 2020 performance goals included a need for more training and understanding of MUNIS and NeoGov, it is also true that she has since taken and passed the SHRM-CP exam (in May 2021) and participated in many hours of MUNIS and NeoGov trainings throughout 2020-2021. She has also attended webinars by SHRM, as well as MRA, CVMIC and a number of other trainings and self-education.

III. ERD Officer Questions

I. *The Respondent asserted that the city administrator advised the Complainant not to interfere with the investigation after the city administrator, city attorney, mayor, and the Complainant discussed the internal discrimination complaint filed by a female police officer and decided to refer the matter to an outside attorney to handle the investigation and make recommendations. The Respondent further asserted that the city administrator already had concerns about the Complainant's knowledge of work and skills related to collaboration, meeting work commitments, and technology, as noted in a December 2020 evaluation, prior to any alleged oppositional activity. Please respond to the Respondent's denial that the Complainant's gender or statutorily protected oppositional activity motivated any alleged harassment or actions related to the terms/conditions of employment.*

Response: We refer to Sections I and II above. In summary, the City Administrator expressed no concerns about Ms. Schneider's performance or skills other than minimally in the December 2020 evaluation. Indeed, until she began to openly question his and the City's attention and response to the sexual misconduct situation involving the police department, he had nothing but positive things to say about her work and skills. After that, beginning in July 2021, he actively and admittedly engaged in a campaign to marginalize, disparage, and discredit her.

ER Officer Rupneel Sidhu

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April 8, 2022

Response: See Sections I and II above and the attached Exhibits.

3. *If you have witnesses, who have firsthand information relevant to your complaint and are willing to provide information on a voluntary basis, please provide a list with (a) name and contact information, such as home address, phone number, or email address, and (b) the specific information each witness can verify.*

Response: Individuals who have been identified within this submission and who we believe will provide corroborating information include the following:

Darrell Hofland (former city administrator)



Mayor Ryan Sorenson
ryan.sorenson@sheboyganwi.gov
920-457-3317

Attorney Charles Adams
charles.adams@sheboyganwi.gov
920-459-3917

Nicole Geschke
HR Generalist
nicole.geschke@sheboyganwi.gov
920-459-3314

Vice President of the Common Council, Roberta Filicky-Peneski
roberta.filicky-peneski@sheboyganwi.gov
920-453-0602

Ms. Schneider does not have contact information for Assistant City Attorney Thomas Cameron or HR Generalist Jennifer Wray, both of whom have left City employment.

IV. Burden of Proof

A complainant's burden of proof is less at the probable cause stage than it would be at a hearing on the merits; at the probable cause stage, the complainant must present factual allegations and circumstances strong enough in themselves to warrant a prudent person to believe that discrimination occurred. *Herling v. Dealer's Office Equipment, Inc.*, LIRC 02/18/87 - ERD Case No. 8451573. To that

end, as this submission shows, Ms. Schneider has presented factual allegations that, if true, support findings of gender discrimination and retaliation. The respondent's position statement does nothing to dispose of the probability that discrimination and retaliation occurred here; instead, it merely acknowledged that the facts are in dispute and put more facts into dispute. Indeed, the brunt of the respondent's position statement – that Ms. Schneider was disgruntled that an outside investigator was brought in to review the sexual harassment complaint – is built on an untruth. The disparate nature of the parties' competing allegations requires an initial determination of probable cause so that these allegations can be tested at a hearing on the merits.

V. Legal Standard & Conclusion

Ms. Schneider has set forth sufficient evidence to prove a *prima facie* case of discrimination and retaliation under the evidentiary analysis applied pursuant to the Wisconsin Fair Employment Act.

Summarily:

1. She is a female and the only female involved in the investigation of severe allegations of sexual misconduct and discrimination brought forward by female police officers against male police officers.
2. She has presented facts that support the conclusion that she was singled out by the City Administrator for hostile and discriminatory treatment;
3. She has presented facts that support the conclusion that she was otherwise treated with hostility in the terms and conditions of her employment after raising concerns about discrimination and sexual misconduct and the City's response to the complaint;
4. She has presented facts that support the conclusion that she advocated for harsher and broader discipline for the male officers involved in the mistreatment of female officers;
5. She has presented facts that show that immediately following her open questioning of the City Administrator's and the City's attention and response to the sexual misconduct situation involving the police department, the City Administrator actively and admittedly engaged in a campaign to marginalize, disparage, and discredit her.
6. She has presented facts that show that a number of the respondent's allegations in support of its position statement are patently untrue.

ER Officer Rupneet Sidhu
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April 8, 2022


The respondent's submission does nothing to rebut the strong inferences of discrimination and retaliation. Instead, its defense is merely a false narrative of factual contentions that are gross exaggerations, untruths, or otherwise tend to support rather than diffuse Ms. Schneider's allegations. She disputes the respondent's allegations and takes great exception to the descriptions that have been offered. At this stage of a discrimination complaint proceeding, the complainant's burden is to present factual allegations and circumstances strong enough in themselves to warrant a prudent person to believe that discrimination and/or retaliation occurred. Ms. Schneider - in both her Complaint and in this submission - has done at least that.

Indeed, the dishonesty of many of the respondent's allegations provides sufficient proof, in itself, to sustain Ms. Schneider's claims. "Proof that the defendant's explanation is unworthy of credence is simply one form of circumstantial evidence that is probative of intentional discrimination, and it may be quite persuasive." *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133, 147 (2000) (citing *St. Mary's Honor Center v. Hicks*, 509 U.S. 502, 517 (1993)). ("[P]roving the employer's reason false becomes part of (and often considerably assists) the greater enterprise of proving that the real reason was intentional discrimination"). Thus, showing the respondent's explanations to be false allows for a reasonable inference that it is "dissembling to cover up a discriminatory purpose." *Id.* "[W]hen all legitimate reasons for rejecting an applicant have been eliminated as possible reasons for the employer's actions, it is more likely than not the employer, who we generally assume acts with *some* reason, based his decision on an impermissible consideration." *Furnco Constr. Corp. v. Waters*, 438 U.S. 567, 577, 98 S.Ct. 2943, 57 L.Ed.2d 957 (1978).

At very minimum, there should be no doubt that Ms. Schneider has met her burden at the probable cause stage of this proceeding. The disparate nature of the parties' competing allegations requires an initial determination of probable cause so that they can be tested through discovery and at a hearing on the merits.

We hope that this letter offers clarity to your questions. Should you need additional information, please contact me. Thank you for your consideration and cooperation.

Sincerely Yours,

FOX & FOX, S.C.

Peter J. Fox

ER Officer Rupneet Sidhu
Page 12
April 8, 2022

Enclosures

cc: Vicky Schneider
Respondent

Department of Workforce Development
Equal Rights Division

r R
M

STATE OF WISCONSIN



Department of Workforce Development

Tony Evers r r
Amy Pechacek r r d

NOVEMBER 10, 2022

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The dismissal of that part of the complaint involving sex discrimination will become final unless the Complainant submits a written appeal letter to the Division. The appeal letter must be received within 30 days of the date this determination was mailed. The appeal letter cannot be transmitted or received via email.

The appeal must be mailed to:

**EQUAL RIGHTS DIVISION
819 N 6th ST
ROOM 723
MILWAUKEE WI 53203-1687**

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From: ML Donohue <mldonohue@live.com>
Sent: Wednesday, August 17, 2022 2:52 PM
To: barbara.felde@sheboyganwi.gov; roberta.filicky-peneski@sheboyganwi.gov;
amanda.salazar@sheboyganwi.gov; betty.ackley@sheboyganwi.gov;
Angela.Ramey@sheboyganwi.gov; dean.dekker@sheboyganwi.gov;
grazia.perrella@sheboyganwi.gov; zach.rust@sheboyganwi.gov;
trey.mitchell@sheboyganwi.gov; joe.heidemann@sheboyganwi.gov
Cc: Sorenson, Ryan; Wolf, Todd; Garrett Erickson
Subject: Information regarding Mead Public Library

Dear Alders:

I am writing to you about what has suddenly become a controversial matter: whether Mead Public Library should be excluded from the revised and updated wage classification and step pay plan for non-represented employees that the Common Council is currently considering.

The rationale for this action, as proposed by Alder Heidemann, is that Mead Public Library has its own Board of Trustees that governs the library. The library board is charged with hiring the librarian (a department head within the city structure) and overseeing the administration of the library. See Wis. Stat. §§ 43.58 (1)(2). In that respect, the board has independence in terms of library administration. However, that independence is clearly reduced by funding considerations from the city, as well as other taxing entities.

Mead Public Library is not the only city department with a governing board that includes city employees and city residents. For example, the Police and Fire Commission has exclusive jurisdiction over the hiring, promoting, and disciplining of police officers and fire fighters. See Wis. Stat. § 62.13. The Police and Fire Commission does not have the scope of the library board's overall authority. Nonetheless, the reality of independent citizen control over city departments is well-established and greatly valued.

Mead Public Library has been a city department since 1897. It joined the city's health insurance and other benefits' package in 2008, and is governed by its terms and conditions. Its employees became fully incorporated into the city's wage scale in 2017 and are governed by its terms and conditions. If the library is removed from the wage classification and step pay plan, past history tells us that this will be the beginning of a long-term continuation of substantial underfunding of this service. This is precisely what happened in the past when the library received no or reduced funding.

I have been puzzled by the source of this deep antipathy toward Mead Library, because, with the Fire Department, it is consistently rated as the most valuable service the city provides. Perhaps it is the belief that the Mead Library Foundation can completely fund the library.

That is not possible. First, the Foundation funds would be exhausted in less than three years. Second, the Foundation's operating documents clearly provide that "contributions to the Foundation shall not be used to reduce support or commitment of local funding for libraries from the City of Sheboygan and/or the County of Sheboygan." See Article III, Articles of Incorporation.

While the Foundation may not make up for reduced city operational funding, it has made significant contributions to the library building and has supported classes, seminars workshops and events that are greatly valued by the community. From 2013 to 2022, the Foundation has provided \$2,130,148 in supplemental funding

to support the library. Of that amount, \$1,454,718 has been used for capital improvement projects, freeing up needed capital improvement funds for other departments that do not have similar foundations.

Mead Public Library is truly a cherished city institution. More than 32,000 city residents have library cards. In the first six months of this year alone, more than 100,000 people have walked through the doors of Mead Public Library and checked out over 200,000 books and materials. More than 16,000 residents have participated in library classes, seminars, workshops, and events. This is really quite extraordinary.

I hope this additional background is helpful in your deliberations, if it continues to be suggested that the library be excluded from the city's wage classification and step pay plan. As a former akler, former Mead Public Library trustee, and the mother of two wonderful boys who would have lived in the history section of the library if it had been allowed, I appreciate your consideration of my points.

Mary Lynne Donohue
920-458-1027

Jen DeMaster

From: ML Donohue <mldonohue@live.com>
Sent: Thursday, August 18, 2022 10:06 AM
To: Alderperson Barbara Felde
Subject: Re: Information regarding Mead Public Library

Thanks, Barb. I think Todd has won on not giving library pages and the custodian \$15/hr—deeply unfair and nasty, but there you go. This plan to take the library out of the pay plan altogether is catastrophic.

Appreciate your support on this. I won't bug you with a phone call!

Mary Lynne

Mary Lynne Donohue
920-458-1027

From: Alderperson Barbara Felde <Barbara.Felde@sheboyganwi.gov>
Sent: Wednesday, August 17, 2022 5:08 PM
To: ML Donohue <mldonohue@live.com>
Subject: Re: Information regarding Mead Public Library

Thank you Mary Lynne. As you know I support the \$15/hr pay. I am only one person. I think many on the council have heard plenty (sigh) about why the Library should be included in the wage study, etc. Your email gives me new information to chew on.

Missing your wisdom on the council. Be well 🍀

Barb Felde

Alderperson District 1

Common Council President

Chairperson License Hearing & Public Safety Committee

Chairperson Board of License Examiners

Finance & Personnel Committee Member

Senior Services Commission Member

Transit Commission Member

From: ML Donohue <mldonohue@live.com>
Sent: Wednesday, August 17, 2022 2:51 PM

From: unspecified
Sent: Monday, August 22, 2022 4:23 PM
To: Adams, Charles; Arenz, Carrie; Biebel, David; Bushman, Eric; DeBruin, Meredith; Domagalski, Christopher; Erickson, Garrett; Krueger, Kaitlyn; Montellano, Eric; Muench, Derek; Pelishek, Chad; Rendall-Araujo, Emily; Sorenson, Ryan; Stokes Michelle; Torry, Judge Natasha; Trueblood, Joe; Wolf, Todd
Subject: [Forwarded from DataCove] [Thu Nov 10 16:09:56 2022] Today's meeting notes
Attachments: Mgmt Team Notes 8-22-2022.docx

Good Afternoon,

Attached please find today's meeting notes for your reference.

Please let me know if you have any questions. Thanks!

Carrie

Carrie Arenz
Assistant to the City Administrator
City of Sheboygan, Wisconsin
920-451-2367
carrie.arenz@sheboyganwi.gov
(She/Her/Hers)

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EXHIBIT

P

exhibitsickler.com

From: Hilty, Maya <MHilty@sheboygan.gannett.com>
Sent: Monday, September 12, 2022 2:22 PM
To: Wolf, Todd <Todd.Wolf@sheboyganwi.gov>
Subject: Sheboygan Press interview request

Hi Administrator Wolf,

This is Maya with the Press. I'm writing a story about city of Sheboygan director Chad Pelishek saying a racial slur in a meeting a few weeks ago and how the city responded.

I would like to ask you about Chad Pelishek's roles and responsibilities in the city and how the city responded to this incident.

Are you available to connect for 20 minutes sometime this afternoon or tomorrow?

Regards,

Maya Hilty

Reporter | USA Today Network

Phone: 920-400-7485

Twitter: @maya_hilty

NOTICE: This e-mail may contain confidential information and is intended only for the individual named. If you are not the intended recipient,

EXHIBIT

Q

exhibitsidler.com

From: Wolf
Sent: Thursday, September 15, 2022 12:06 PM
To: 'Hilty, Maya'
Cc: Sorenson, Ryan
Subject: RE: Sheboygan Press interview request

Maya

I understand that you also reached out to the Mayor.

Would 3:00 or 4:00pm on Tuesday work for you to meet with both of us on the DEIB of the city?

Thanks

Todd Wolf
City Administrator
City of Sheboygan
(920) 459-3315 work
(920) 226-1698 cell

Todd.Wolf@sheboyganwi.gov
www.sheboyganwi.gov
(He/Him/His)



From: Hilty, Maya <MHilty@sheboygan.gannett.com>
Sent: Thursday, September 15, 2022 9:09 AM
To: Wolf, Todd <Todd.Wolf@sheboyganwi.gov>
Subject: Re: Sheboygan Press interview request

Hi Todd,

Thank you for the note. I believe meeting on Tuesday should work for me. What time works for you?

I will have my questions ready to send over by this afternoon or tomorrow morning.

Best,
Maya Hilty
Reporter | USA Today Network
Phone: 920-400-7485
Twitter: @maya_hilty



Sheboygan Press.

EXHIBIT

S

exhibitster.com

POLITICS

Sheboygan leader uses racist slur in meeting, then city administrator's response raises more concerns

**Maya Hilty**

Sheboygan Press

Published 5:00 a.m. CT Oct. 10, 2022 | Updated 1:34 p.m. CT Oct. 10, 2022

SHEBOYGAN - A city director's use of an offensive term for Black people and the way the Sheboygan administrator responded have exacerbated what residents say are persistent equity issues at City Hall.

Chad Pelishek, Sheboygan's director of Planning and Development, said the N-word during an internal meeting of department heads in August.

Pelishek said the slur while quoting a resident's comment from a neighborhood meeting. He used the offensive word as an example of a racist incident brought to his attention and asked other department heads how the city can help address racial issues at the neighborhood level, City Administrator Todd Wolf said.

Wolf was concerned not that a white department head repeated the racist term but that other staff members told people outside the meeting about the incident.

"(Pelishek) thought he was in a safe space — and obviously one person let that out to their friends group," Wolf said. He said he was "disappointed" in a director who "let the information out."

Wolf added, "I don't want to see this employee (Pelishek) have a big tarnish on them for something that's not fair."

Wolf's reaction to the use of the offensive word in a city meeting has created concerns of its own.

"(Pelishek's) misstep is one thing," said Ale Guevara, a Sheboygan resident who said community members already have been concerned about equity and inclusion issues in city

government. "But their (city leaders') inability to deal with it reflects the deeper underlying issues that are happening.

"We don't believe in retribution. This is not about 'How is Mr. Pelishek going to be punished?'" Guevara said. "This is about, when are they going to do something to correct this, instead of hiding it? When are they going to do something about the toxicity in the city?"

As city administrator, Wolf is the primary person to address complaints about staff conduct because Sheboygan has no human resources director, said city council member Trey Mitchell, chairman of the Finance and Personnel Committee.

The human resources position has been vacant since former director Vicky Schneider resigned in June after suing the city, alleging Wolf retaliated against her for opposing sexual harassment of a female city employee, according to her complaint filed with the state Department of Workforce Development.

As of Friday, the state agency had not responded to a question of whether Schneider's case remains open.

Pelishek referred a reporter to the mayor and city administrator for comment.

As director of Planning and Development, Pelishek works with developers and local businesses, oversees code enforcement and community development block grant funding, attends city meetings and helps with programming, Wolf said.

Pelishek has been the department director since 2010, according to his LinkedIn profile.

Pelishek — whom Wolf called the "poster boy" of "other duties as assigned" — is also sustainability coordinator and sits on multiple boards and commissions, serving as chairman of the Sustainable Task Force and Sheboygan Area Room Tax Commission. He developed the city's first strategic plan and is chairman of the current revision of the plan, Wolf said.

Director to peers: 'I am sorry if you were offended'

In the August department head meeting, no one spoke up after Pelishek repeated the slur, Wolf said.

The vast majority of department heads are white. At least one is Black.

After the meeting, Wolf emailed department heads apologizing for not immediately correcting a "misstep from a team member" but said the statement with the slur was not

intended to be offensive. His email did not mention Pelishek by name.

In an interview with the Sheboygan Press, Wolf wavered on whether Pelishek using the slur was acceptable given the context.

“He did use the phrase, not with the intent to hurt or harm anyone, but with the intent to help others understand,” Wolf said. “You start going, well, what’s the N-word? What’s the R-word? ... It’s like, how do you get people to understand what you’re talking about that’s not acceptable (to say)?”

Wolf later said, “Racial slurs, my team already knows that’s not acceptable, even in the context of educating and communicating.”

Pelishek emailed a brief apology to department heads the morning after saying the slur.

“I regret saying [sic] full N word out loud and if I offended anyone it was not intended to be directed that way. I am sorry if you were offended,” he wrote.

Pelishek’s apology and Wolf’s response both fell short, Guevara said.

“‘I’m sorry if you felt offended?’ No, ‘I’m sorry if I offended you. I need to learn,’” she said. “And nobody checks his response to make sure he’s doing it the right way? To me, that’s negligence. So it goes beyond the misstep.”

City leaders should show not only that they are sorry, but that they are willing to do something about it, Guevara said.

“Show us that you really care,” she said. “They need to start protecting the people they are working with and the people they are working for. Because really, their bosses are the community members. Many voices are still not heard, and we don’t see change.”

Mayor Ryan Sorenson, who was not at the meeting in which Pelishek said the slur, said he cannot speak on personnel issues when asked if Pelishek was reprimanded, and is “not primarily responsible for human resources-type issues like this.”

The incident was “a learning opportunity, not only for (Pelishek), but for everyone else,” Sorenson said. “I think this is a reflection of how we can do better and how we can raise the bar for our team and understand what is appropriate and what’s not appropriate in these conversations.”

More: WNBPA to NBA, WNBA commissioners on Robert Sarver: It is never too late to do the right thing

Expert: Why this slur, said by a white person, hurts no matter the context

Whether retelling a story or not, it is not OK for white people to say the N-word, which was derived from the Latin word for the color black and turned into a derogatory term for enslaved people, said Leslie Laster, Director for Diversity, Accessibility and Support Services at Moraine Park Technical College.

“Some Black people, not all, use the word and have reclaimed it,” Laster said. “All Black people don’t agree with that, but some do, and it was just a way to say, ‘You can’t hurt me with this word anymore.’”

“Everyone knows what the word is, and it is just as easy to say ‘the N-word,’” she said. “It comes down to education and empathy.”

Someone should have addressed it immediately in the meeting and later checked in on everyone in the meeting, Laster said.

“You also can’t assume that that word isn’t going to offend people, even if everyone in the room were white — you know, because of who they love, who they’re associated with, who their friends are,” she said.

“That doesn’t create a safe meeting. That creates a meeting for certain people to say certain things, and that’s not how you create psychological safety in the workplace.”

Administrator focuses on the leak, not the slur

The day Pelishek used the racist word, Wolf told department heads not to talk about "departmental interactions" with other people.

"Please remember that our Department head meetings are to help us learn together, but only topics are to be shared with your departments," he wrote in an email. "The departmental interactions and discussions are part of the safe space that we all need. Please feel free to contact me to discuss further to help clarify and show support. Thanks for your continued support in making the City a great place of belonging."

Within the next few days, Wolf hired a diversity, equity and inclusion consultant to facilitate an "emergency meeting" with department heads, he said.

Sorenson said the meeting with the DEI consultant was to reaffirm the city's commitment to diversity, equity and inclusion work going forward.

"It was to say this was a situation that was not correct, and set the expectation for the senior leadership team of how we move forward and get better from it," Sorenson said.

Wolf said his concern was that a staff member talked about the incident outside of the department head meeting.

"People knew there was a breach of trust, and I just wanted them to understand that moving forward, we still want (department meetings) to be a space of trust," he said in response to a question about what the meeting with the DEI consultant addressed.

"Part of DEI is ... the understanding that we can and should be able to make a mistake but have a safe enough space that we can support each other through it," he said.

"We didn't know that some information was out until I talked with you, and it's like, the mayor and I were beside ourselves," Wolf told a reporter.

Wolf said he reached out to staff members, including a department head who is Black, "apologizing, things like that, saying, 'Hey, I hope you understand. I just don't want to see this blow up anymore.'"

City leaders are not trying to hide what happened but are concerned that Pelishek's comment is being taken out of context, Wolf said.

"Depending on how the (newspaper article) is written, we're going to reprimand further a good employee, and we're going to end up trashing another employee who obviously let the comment out," he said. "That employee is going to have problems because let's just face it, people are not going to trust the safe space anymore."

All city directors contacted by the Sheboygan Press declined to comment or referred a reporter to the mayor and city administrator for comment.

More: Post-2020, Sheboygan County businesses strengthen their commitments to diversity, equity and inclusion

More: Most of Sheboygan's city council members are new in the past three years. Here's a look at age, gender and racial diversity on the council.

Diversity and inclusion are priorities, city leaders say

Better serving Sheboygan's increasingly diverse community is something Sorenson campaigned on as mayor last year, he said.

Wolf also said promoting diversity, equity and inclusion is a focus for Sheboygan leaders.

About one in three people in Sheboygan (31%) is Latino, Asian, multiracial or Black, including about 1,630 city residents who identify as Black or African American and an additional 3,950 residents who are multiracial, according to the 2020 U.S. Census.

In the past two years, the city has done a lot to promote diversity and inclusion — or ensure that people of different backgrounds are treated fairly and feel comfortable and valued — while that was not a focus in the past, Sorenson and Wolf said.

Last year, the city required all employees to attend a DEI workshop about creating authentic relationships in the workplace and initiated mandatory annual trainings for all employees that include anti-harassment training. Managers also participated in a virtual training about othering and belonging, Sorenson said.

This year, the city implemented leadership trainings for 40 managers and supervisors that include topics such as inclusive leadership. The city has also offered optional trainings related to queer identities, disabilities and other topics, and is consulting with UW-Green Bay for further training opportunities, Sorenson said.

Since 2021, the city has also implemented a language line for all city services, updated the wording in job postings to reach a broader audience and initiated a DEI assessment of internal policies.

The city is incorporating diversity, equity and inclusion concepts into Sheboygan's strategic plan, integrating DEI language into the employee handbook and annual reviews, and updating pronoun language in the municipal code, Sorenson said.

"The big point I want to hammer home is we still have a ton more work to do," he said.

"We have a lot more work to do internally, setting the standard higher not only for our senior leadership team, where the bar needs to be the highest it can be, but also for all 400-plus city staff, to make sure that we're providing equitable, responsible resources to the citizens of Sheboygan," Sorenson said.

“(Diversity and inclusion) is everybody’s responsibility. It’s woven within a lot of the work that we do.”

Reach Maya Hilty at 920-400-7485 or MHilty@sheboygan.gannett.com. Follow her on Twitter at @maya_hilty.

11/16/22 4:58 PM

Re: Feedback for the Common Council

Reply all | Delete | Junk |

Re: Feedback for the Common Council



Alderperson Barbara Felde

Link ID: 17 8:58 PM

Brenda RichterKessing <brenda@rkihomes.com> · Sorenson, Ryan, Alderperson Barb F

Reply all |

curb, ma

Dear Ms RichterKessing,

Thank you for your input. The Council is working to address necessary concerns.

Barb Felde
 Alderperson District 1
 Common Council President
 Chairperson License Hearing & Public Safety Committee
 Chairperson Board of License Examiners
 Finance & Personnel Committee Member
 Senior Services Commission Member
 Transit Commission Member

From: Brenda RichterKessing <brenda@rkihomes.com>
 Sent: Sunday, October 16, 2022 9:30 PM
 To: Alderperson Amanda Salazar
 Cc: Sorenson, Ryan; Alderperson Roberta Filicky-Pencak; Alderperson Barbara Felde
 Subject: Feedback for the Common Council

Good Evening Amanda:

I live in the district that you represent. So first, thank you for all that you do to support our community. It isn't always easy, but it is appreciated.

It is my understanding that Mayor Sorenson has requested feedback from the community prior to Monday's council meeting regarding the recent article that has appeared in the Sheboygan Press. I must say after reading the article, I was incredibly disappointed in the leadership of our city and how they have handled and are continuing to handle issues outlined in the article by Maya Hilty including unaddressed racial slurs in leadership meetings, retaliating against employees including the former HR Director for opposing sexual harassment of a female employee... and much more that has not come out yet. The quotes from the City Administrator, Todd Wolf, were

<https://www.ci.sheboygan.wi.us/press/projection.aspx>

1/3

EXHIBIT

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Closed session 10-17-22 called to order at 7:06 p.m.

Alders present: Felde, Ackley, Salazar, Perrella, Filicky-Peneski, Rust Dekker, Mitchell, Heidemann, Ramey – 10.

Present: Mayor Ryan Sorenson, City Attorney Chuck Adams, and City Clerk Meredith DeBruin

Council President and Vice President in City Hall on Thursday and Friday of previous week talking to employees and Mayor and City Administrator.

Council presented timeline of events. Discussion on why the City has an Administrator. Review of Municipal Code with regards to duties of City Administrator.

Discussed options:

Reprimand – public vs private

Direct to get training and/or mentor

Performance Improvement plan

There was not a sense if there should be a public reprimand (not in agreement).

Sense of council that the following should happen:

1. Mayor should talk to Todd and tell him he is responsible for any reprimands associated with Chad.
2. Mayor should talk to Chad that Todd is his boss and the council will not be acting on anything regarding Chad (they only oversee Todd).
3. Direct City Attorney office to draft Resolution that Todd should not participate in the hiring of the HR Director (all ayes, Mitchell indifferent) – with this to be submitted next Monday.
4. Direct Todd officially not to participate in any more PR

Adjourn at 9:15 p.m. in closed session Rust/Dekker



Special Council 10/24/2022

7. R. C. No. 117-22-23 by Committee of the Whole to whom was referred Res. No. 79-22-23 by Alderpersons Felde and Filicky-Peneski establishing the 2023 Budget appropriations and the 2022 Tax Levy for use during the calendar year; recommends adopting the Resolution.

CLOSED SESSION

~~MOTION TO CONVENE IN CLOSED SESSION~~ under the exemption provided in sec. 19.85(f), Wis. Stats. for preliminary consideration of specific personnel problems which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the person involved in such problems or investigations.

ADJOURN MEETING

9. Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

EXHIBIT

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Called to order at 6:08 p.m.

Present:

Mayor Ryan Sorenson, Asst City Attorney Liz, City Clerk Meredith DeBruin and 10 Alders (Felde, Filicky-Peneski, Salazar, Ackley, Ramey, Dekker, Perrella, Rust, Mitchell, Heidemann).

Several job descriptions from the City Administrators position were distributed (one updated in 2020 removed Council and Mayor from some wording – did not have council approval).

Council address 3 things –

- 1- What is correct job description?
- 2- Performance review (not related to current situation – just needs to be completed)
- 3- Performance Improvement plan for City Administrator

Questions to be addressed:

Who is decider of action taken if Todd presses back?

See if comments re: Library was in Todd's file?

Review contract with Alonzo to see if report was to be given/taken.

Reviewed that if disciplinary action is not public – need to have common message.

Review retaliation policy from the City Handbook.

Assistant City Attorney Liz took notes regarding the description of the events and questions to ask Todd for his part of the performance review.

Adjourn at 8:42 p.m.

Sheboygan Press.

LOCAL

'People are angry': Sheboygan residents, elected officials respond to city administrator's handling of director repeating a racial slur



Maya Hilty
Sheboygan Press

Published 5:07 a.m. CT Oct. 26, 2022

SHEBOYGAN - Sheboygan is in the midst of "a public and employee relations nightmare," city council person Betty Ackley said at the city council meeting last week.

That's after a city director repeated a racial slur in an internal meeting and the Sheboygan Press reported on the city's response to concerns from other staff.

The city council discussed personnel issues in closed session on Monday and last week.

Mayor Ryan Sorenson assured a crowded room at a council meeting last week that elected officials are listening to residents' concerns, while the council voiced support for equity and government transparency.

The council also drafted a resolution limiting City Administrator Todd Wolf's responsibilities, and instead giving Sorenson full responsibility for talking to the media as well as putting the process for hiring a director of Human Resources firmly in the hands of the mayor and council leadership.

The council "wishes to have the Mayor and the City Administrator focus on areas of strength," the proposed resolution states.

Wolf is no longer talking to the Sheboygan Press, according to a preliminary understanding with council leadership, he wrote in an email to city council leadership obtained through an open records request.

EXHIBIT

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exhibitsticker.com

In emails to city council members obtained by the Sheboygan Press, some residents called for a public apology from the city director who repeated the racial slur and a budget that prioritizes work in diversity, equity and inclusion, such as long-term work with a DEI professional.

Some residents asked council members to reevaluate City Director Chad Pelishek's and Wolf's fitness for their positions. Residents also emphasized the importance of hiring a Human Resources director and suggested investigating sexual harassment and workplace retaliation in the city.

Sheboygan has not had an active Human Resources director since November 2021, when the former director took leave after hiring an attorney to protect herself against workplace retaliation, she wrote in her resignation letter months later.

Sheboygan has been trying to hire a Human Resources director since the former director resigned in June. One applicant offered the position rejected the city's offer this fall. The city administrator has since hired an outside firm to assist with hiring for the position.

More: Sheboygan council approves \$15 minimum wage for city employees, but it may not apply to library workers. Here's what to know.

Here's the context in which a city director said a racial slur and how the city administrator responded.

After a city employee and neighborhood liaison noticed a few uncomfortable and racist incidents while attending neighborhood association meetings, including a resident saying the N-word, she asked her supervisor how to address those situations if they happen again, according to emails obtained by the Sheboygan Press.

Her supervisor, Pelishek, Sheboygan's director of planning and development, asked other city staff for guidance at an August meeting of department heads. Pelishek said the N-word while saying that a resident had said the slur at a neighborhood meeting as he asked fellow staff how the city can help address such situations.

After other city staff raised concerns, Pelishek emailed an apology to department heads. Some residents say the apology missed the mark in failing to acknowledge the harm done.

"I regret saying [sic] full N word out loud and if I offended anyone it was not intended to be directed that way. I am sorry if you were offended," Pelishek wrote.

Wolf then hired a diversity, equity and inclusion consultant to facilitate a conversation about the incident with department heads.

Wolf was concerned not that a city leader repeated the racial slur but that city staff told people outside the meeting about the incident, saying a director who “let the information out” had breached trust.

Wolf admonishes city council for 'lack of support' in an email

After the Sheboygan Press reported on the city’s response to Pelishek repeating a racial slur, City Council President Barbara Felde emailed all city employees reminding them of the city’s Employee Assistance Program and a method to confidentially report suspected violations of the city’s code of conduct or policies.

“While we are taking the necessary steps to address concerns, we want to extend our support to our public servants and constituents,” Felde wrote. “Please know your Common Council is on standby for support.”

The following day, Wolf emailed city council leadership, including Felde, Council Vice President Roberta Filicky-Peneski and Sorenson, saying the council has failed to support city employees.

“I have dozens of employees crying, upset and ready to quit in the lack of support from the Council in this issue and many others in the last two plus years. This includes myself for the continued harassment,” Wolf wrote.

“The only support and change that the employees have said, that has been positive for the city and them has been the hiring of me into this position,” Wolf wrote. “(Alders) do not ask the people for the facts and clarification. Now is a time for the City Leadership to stand for the team that provides the service that you represent.

“The team is even scared to talk to anyone, as this is not a safe place anymore. They know more from the outside than many know from the right people in Council leadership positions.”

Wolf previously said he was “disappointed” in a city director who told a city council member, according to emails obtained by the Sheboygan Press, that Pelishek said the racial slur in an internal meeting.

More: Sheboygan County deputy faced firing after investigation that opened soon after he announced run for sheriff. Here's what we know.

More: Plymouth settles lawsuit of former city administrator Jordan Skiff, who was fired 9 months into the job

City council proposes limiting city administrator's responsibilities

A city council resolution proposed Monday "clarifying" the duties of the city administrator would effectively limit Wolf's responsibilities.

Although the city administrator is employed by the council and in charge of implementing council policies on a day-to-day basis, "the various roles of the City Administrator and the Mayor have evolved, often without much involving from the Common Council," the resolution states.

"The City Administrator has strong skills in project management, and the Common Council wishes to have him focus more time in this area of strength," it reads. "One way to do that is to direct the City Administrator to have the Mayor handle media relations and communication."

According to city ordinance, the director of Human Resources and Labor Relations is appointed by the council based on the recommendation from the city administrator and mayor.

Under the proposed resolution, the appointment would instead be "primarily directed by the Mayor and council leadership."

"Having that position filled by a strong candidate is one of the Common Council's highest priorities," the resolution reads.

The resolution will go to the Finance and Personnel Committee before returning to the full council for approval.

Sheboygan leaders and residents respond to concerns about city leadership and equity

At last week's council meeting, Mayor Sorenson said equity work needs to be a "fundamental component" of city operations.

"We have a lot of progress that we have made over the last couple of months, but we still have a long way to go," Sorenson said.

"I want to reassure people that the city is not a safe space for racism and racial tropes and it can never be," he said. "We have a lot of work ahead of us, I know we can do better and we will do better."

The city council passed a resolution reaffirming the council's commitment to diversity, equity, inclusion and belonging.

The council "believes that our leaders and staff need to be held to a high standard on matters of equity," "understands that leaders shall offer no excuses for offensive behavior," and "understands that leaders need to operate in full transparency and accountability," the resolution states.

Sorenson said elected officials have heard from a lot constituents on how the city can improve.

"From the calls, emails and in-person conversations with residents that I have had recently about this issue, people are angry," Ackley said. "I do not believe that (Pelishek's) communication was becoming of someone representative of the city's public face and leadership. I feel like all of us should be holding ourselves to a higher standard. We must be mindful of our words, even when quoting others.

"It is time to implement actionable change, it is not time to provide lip service," Ackley said.

Russ Otten, a Sheboygan resident and chairman of the Republican Party of Sheboygan County, said during public comment at last week's city council meeting that "it's very sad for our community that the Sheboygan Press decided to sensationalize (this situation)."

"Every one of you council members knows that what was stated by Chad Pelishek was not stated by him but a repetition of what was stated by someone else. Yet, not one of you had the guts to defend him," Otten said.

"Diversity is hugely important ... but diversity should be more than (race or gender). Diversity should be about diversity of thought," he said. "When we only have one thought, and everyone has to fall in line or be ostracized, we have a problem."

Other people in public comment and emails to city council members obtained by the Sheboygan Press called for more action by the council.

“Leadership requires the willingness to learn, the ability to model and the capacity to own one’s missteps,” said Jamie Haack, a resident and professional of diversity and inclusion work. “I urge the common council to seriously evaluate placements of Mr. Pelishek and Mr. Wolf and their current and future abilities to serve in their roles with the knowledge, transparency and values of equity and respect that are so needed in their positions.”

Brenda Richterkessing, another resident who has worked as a human resources director and taught educational seminars about sexual harassment and workplace retaliation, said in an email to the city council that, based off reporting on Wolf’s response, Wolf “is handling this in the exact opposite way than he should.”

“He sounds like someone that may be in over his head in terms of his ability to manage the leadership needed in our city,” Richterkessing wrote. “With no (Human Resources) director ... ironically because she is also suing the city for workplace retaliation ... this is a very dangerous crisis of leadership for our city.”

Reach Maya Hilty at 920-400-7485 or MHilty@sheboygan.gannett.com. Follow her on Twitter at @maya_hilty.

LOCAL

Former Sheboygan human resources director alleges she was retaliated against for opposing sexual harassment in the workplace



Maya Hilty
Sheboygan Press

Published 5:28 a.m. CT Oct. 27, 2022

SHEBOYGAN - In February, Sheboygan's then human resources director filed a complaint with the state alleging the city administrator organized "hostility" against her in retaliation for her opposing sexual harassment of another city employee.

As of earlier this month, the case was still under investigation by Wisconsin's Equal Rights Division, according to the Department of Workforce Development.

"Since this is an ongoing investigation, I am not allowed to discuss anything further regarding this topic," Mayor Ryan Sorenson said in a statement. "I take this situation very seriously."

City Administrator Todd Wolf did not respond to a request for comment.

More: 'People are angry': Sheboygan residents, elected officials respond to city administrator's handling of director repeating a racial slur

More: Sheboygan council approves \$15 minimum wage for city employees, but it may not apply to library workers. Here's what to know.

Former director alleges city administrator 'steadily ostracized' her

In February 2021, a police officer with the Sheboygan Police Department told the city's director of Human Resources and Labor Relations, Vicky Schneider, that she was being

Case 2:23-cv-00149-LA Filed 02/06/23 Page 1 of 4 Document 1-24

sexually harassed and discriminated against by male officers and supervisors in the department, according to the female police officer's complaint filed with the state Department of Workforce Development.

"The extent of the allegations and the personnel involved in them was not fully known" by Schneider until late July 2021, she wrote in her own complaint filed with the state.

"Between this time in late July 2021 and through September 2021, I expressed serious concerns regarding and openly questioned the sufficiency of the respondent's remedial efforts to address the sexual harassment and other inappropriate sexual behavior involving City employees," Schneider wrote.

In her complaint, Schneider said Wolf told her not to let the situation "taint" her.

"Thereafter, I have seen my role marginalized and have been steadily ostracized by the city administrator," she wrote. "He has instructed members of my own staff to spy on me and report anything that could advance his obvious plan to set me up for failure," she alleged.

Schneider alleges Wolf excluded her from meetings and that he "worked to undermine my authority by implying that I was not qualified, I was struggling, or any number of insinuations," she wrote in her resignation letter addressed to the city council, Wolf and Sorenson in May.

In early November 2021, Schneider hired an attorney to protect herself against what she alleged was workplace retaliation, which "escalated significantly over the months of September, October, and into November, such that it negatively affected my physical and mental health," she wrote in her resignation letter.

She alleges city leadership was "well aware" of her experience, including that Sorenson said she had a "target" on her back from the city administrator.

As a result of the alleged retaliation, Schneider took medical leave at the end of November until it was exhausted toward the end of March 2022.

"As no significant change was offered or implemented to allow me to return to work safely over the past six months, I find that I must resign my position," she wrote.

"I want each of you to know that I truly enjoyed my work for the City of Sheboygan, and am sad that it is ending in this manner. It was a privilege to serve the community in which I raised my children and continue to enjoy its many services, parks, and natural beauty."

According to Schneider's attorney, Peter Fox, an initial determination of whether retaliation occurred had not yet been made in her case as of earlier this month.

More: Sheboygan County deputy faced firing after investigation that opened soon after he announced run for sheriff. Here's what we know.

Here's Sheboygan's policy on responding to allegations of sexual harassment

According to Sheboygan's employee handbook, any complaints of harassment should be referred from a supervisor to the department head and human resources director.

"We investigate all allegations brought to our attention," Sorenson said.

Under the direction of the human resources director, an investigation will ensure that all facts are reviewed and documented and appropriate disciplinary action is taken, if warranted.

Any employee found to have violated the harassment policy will be subject to disciplinary action, up to and including firing, and corrective action must be taken if the investigation determines other city employees are affected by or participated in the harassment.

The city "forbids retaliation" against anyone who reports or assists in the investigation of an alleged harassment complaint, and anyone who retaliates is subject to appropriate disciplinary action up to and including firing, according to the policy.

Reach Maya Hilty at 920-400-7485 or MHilty@sheboygan.gannett.com. Follow her on Twitter at @maya_hilty.

From: ML Donohue <mldonohue@live.com>
Sent: Friday, October 28, 2022 10:47 AM
To: Alderperson Barbara Felde; Roberta.Filicky-Peneski@sheboyganwi.gov; amanda.salazar@sheboyganwi.gov; betty.ackley@sheboyganwi.gov; Angela.Ramey@sheboyganwi.gov; dean.dekker@sheboyganwi.gov; grazia.perrella@sheboyganwi.gov; zach.rust@sheboyganwi.gov; trey.mitchell@sheboyganwi.gov; joe.heidemann@sheboyganwi.gov
Cc: Mayor Ryan Sorenson; Maeve Quinn; Kyle Whelton; Kristin Stearns; Noah Bartelt; Rebecca Clarke; tricia.erpelding@gmail.com; Melissa Prentice; Laster, Santino; Nancy Maring; abbyeblockcnp@gmail.com; Amanda Salazar; ryan.sorenson@sheboyganwi.gov; Dominique Lee
Subject: Diversity, Equity and Inclusion Issues in the city
Attachments: SJE RFP (2).docx

Dear alders:

I am the chair of the Sheboygan Justice Equity group that previously submitted a draft Request for Proposal to city leadership that aims to research, identify, and strategize on a process to bring a diverse, equitable and inclusive structure to city government.

As the Human Resources department could not engage, at the time, in a review of the RFP proposal, the proposal has not advanced. However, with a renewed interest in hiring an HR department head, this would be an excellent opportunity for the job search/interview process to include consideration of this proposal.

The RFP was drafted some months ago. While all of the included information may not be precisely up to date, the basic outline, with associated goals and processes, is still extremely timely.

I would ask that you review the document, and get back to me with any questions or observations you may have.

Thank you for your consideration.

Mary Lynne

Mary Lynne Donohue

██████████-1027



From: Wolf
Sent: Monday, November 07, 2022 2:59 PM
To: Alderperson Amanda Salazar; Alderperson Angela Ramey; Alderperson Barbara Felde; Alderperson Betty Ackley; Alderperson Dean Dekker; Alderperson Grazia Perrella; Alderperson Joe Heidemann; Alderperson Roberta Filicky-Peneski; Alderperson Trey Mitchell; Alderperson Zach Rust
Subject: Confidential: Extremely Urgent Notice and information report to Sheboygan Common Council.
Attachments: Todd Wolf July 2020 through November 2022 Accomplishments.pdf; Confidential Report and Letter to Common Council_CA WOLF_11-7-22.pdf

Dear Members of the Sheboygan Common Council,

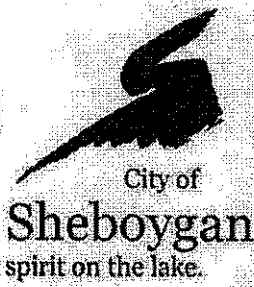
Please read the attached communication from me today prior to Council meeting tonight.

Thank you so kindly for your time and consideration of this communication.

Todd Wolf
City Administrator
City of Sheboygan
(920) 459-3315 work
(920) 226-1698 cell

Todd.Wolf@sheboyganwi.gov
www.sheboyganwi.gov
(He/Him/His)





November 7, 2022

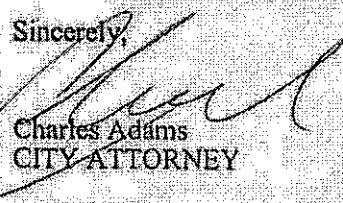
Mr. Todd Wolf
Columbus Avenue
Sheboygan, WI 53081

Dear Administrator Wolf,

I am writing at the instruction of the Common Council. As you are aware, the Common Council voted to place you on immediate, paid administrative leave pending an investigation into your conduct. You are expected to cooperate with the investigation.

Henceforth, you are not authorized to speak with any city employees or individuals conducting city business. This prohibition applies to all means of communication. You are not authorized to speak to the media about City matters. You are not allowed within all City facilities except upon invitation by council leadership, Mayor Sorenson or the City Attorney. You may not access City emails or computer systems. Failure to abide these restrictions will be deemed insubordination and may subject you to discipline. If you would like to retrieve any of your belongings, please contact Attorney Adams to coordinate that.

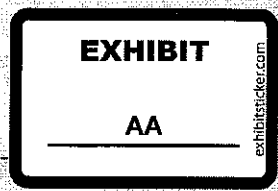
Mayor Sorenson, council leadership or the City Attorney's office may contact you in the near future regarding the investigation and related issues. Please make yourself available for those discussions.

Sincerely,

Charles Adams
CITY ATTORNEY
CCA/mm

CITY ATTORNEY'S OFFICE
CITY HALL
828 CENTER AVENUE
SUITE 210
SHEBOYGAN, WI 53081
920/459-3917
FAX 920/459-3919
www.sheboyganwi.gov

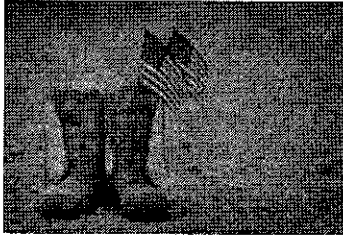
cc: Mayor Ryan Sorenson
Council President Barb Felde

GOPY



Jen DeMaster

From: russ otten <ottenruss@rea an.com>
Sent: Monday, November 28, 2022 2:00 PM
Subject: N W A : ity Administrator to Address P caucus



R M r d r
will speak at our caucus tonight

City Administrator, Todd Wolf,

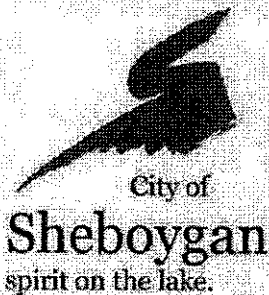
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Tonight will be an opportunity to hear from Todd directly!

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EXHIBIT
BB
exhibitsider.com



November 28, 2022

Mr. Todd Wolf
[REDACTED] Avenue
Sheboygan, WI 53081

Dear Administrator Wolf,

On November 7, 2022, the Common Council directed me to send you a letter, a copy of which is attached, explaining that "you are not authorized to speak with any city employees or individuals conducting city business. This prohibition applies to all means of communication." You were further advised not "to speak to the media about City matters." That letter was sent to you as an employee subject to the direction of the Sheboygan Common Council.

I have been requested to remind you that if you choose to ignore or otherwise fail to abide by the restrictions set forth in that letter, your actions will be deemed to constitute insubordination and may subject you to discipline. Please be mindful of these restrictions and the possible ramifications as you consider your speaking engagement tonight at the Republican Party of Sheboygan County's annual caucus meeting, as well as any other public event where the media and/or those doing business with the City will be present.

Please direct any questions or concerns regarding this letter to your attorney.

Sincerely,


Charles Adams
CITY ATTORNEY

CCA/mmj

Enclosure

cc: Barb Felde, Council President
Roberta Filicky-Peneski, Council Vice President
Attorney Jennifer DeMaster

CITY ATTORNEY'S OFFICE

CITY HALL
828 CENTER AVENUE
SUITE 210
SHEBOYGAN, WI 53081

920/459-3917
FAX 920/459-3919

www.sheboyganwi.gov

EXHIBIT

CC

exhibitsicker.com

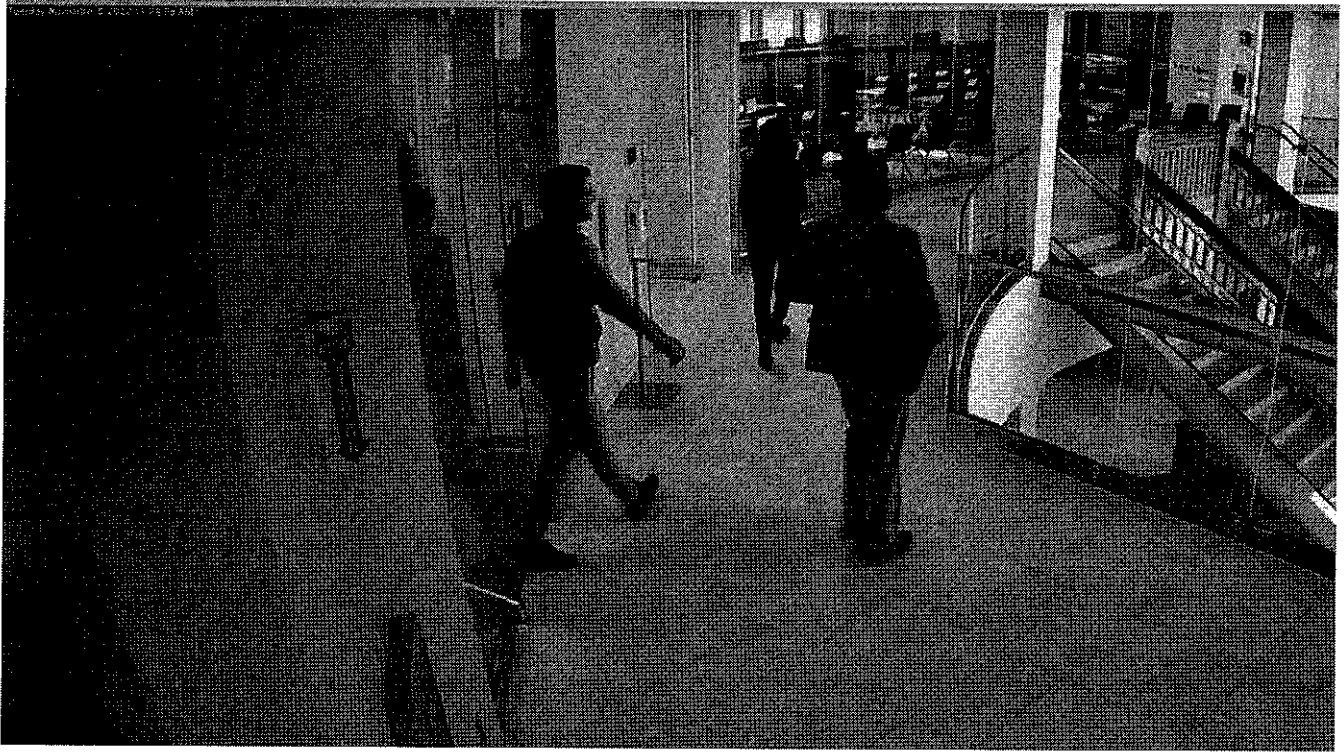
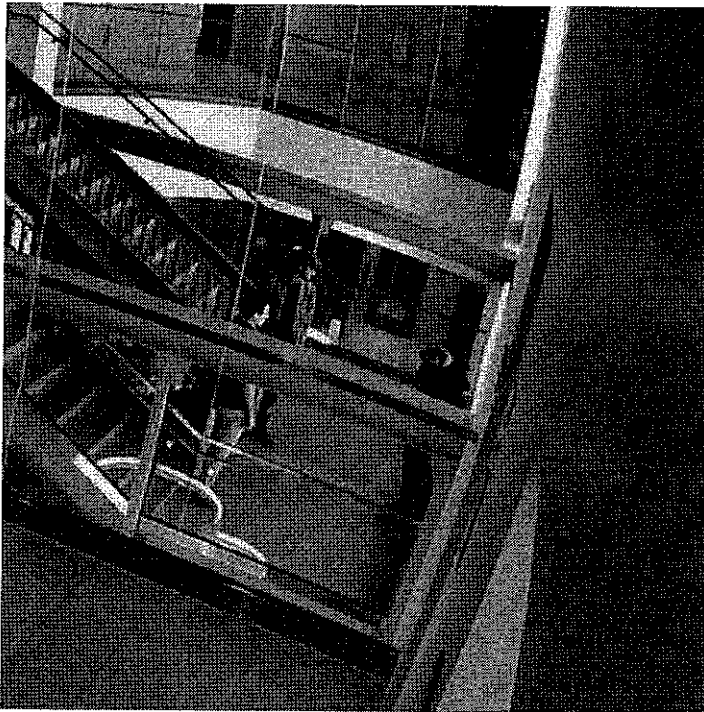


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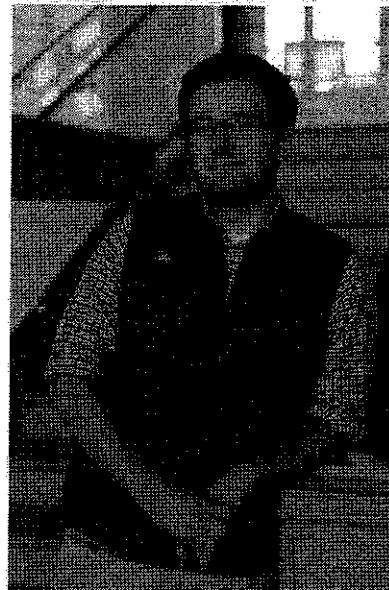
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"It's very watered down and so we don't necessarily have an advocate that is fully aware of all the city issues that we have," Sorenson said. "Anecdotally, I think people feel more deflated because they're like, 'Well it's gerrymandered, so what are we going to do anyway?'"

Gerrymandering refers to the centuries-old practice of lawmakers redrawing legislative boundaries after each U.S. Census to advantage themselves and their own party and disadvantage the other side. Both Republicans and Democrats do it, although some states have assigned the task of mapmaking to nonpartisan commissions.

After the 2011 redistricting, in which Republicans controlled the Legislature and governor's office, the Wisconsin Assembly maps became the most skewed toward Republicans in the country over the next five



From: Hilty, Maya <MHilty@sheboygan.gannett.com>
Sent: Friday, December 02, 2022 10:28 AM
To: Jen DeMaster
Cc: Reid, Brandon; Treinen, Mark
Subject: Re: Sheboygan Press records request
Attachments: Press request Todd emails to council Nov 7.zip

Hi Attorney DeMaster,

I am forwarding the email response to my public records request instead of screenshotting it.

Best,

Maya Hilty

Reporter | USA Today Network

Phone: 920-400-7485

Twitter: @maya_hilty

From: DeBruin, Meredith <Meredith.DeBruin@sheboyganwi.gov>

Sent: Wednesday, November 9, 2022 11:11 AM

To: Hilty, Maya <MHilty@sheboygan.gannett.com>

Subject: FW: Sheboygan Press records request

Good morning Maya,

Please see attached.

Have a good day and thank you!

Meredith

Meredith DeBruin

City Clerk

City of Sheboygan

828 Center Ave

Sheboygan, WI 53081

(920) 459-3364

meredith.debruin@sheboyganwi.gov



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Re: Sheboygan Press records request



Hilty, Maya <MHilty@sheboyganpress.com>
To: Jen DeWilde
Cc: Heidi Bauder, Mark M...

Reply Reply All Forward ...
11/02/2022 10:29 AM

If there are problems with how this message is displayed, click here to view it in a web browser.



Best,
Maya Hilty
Reporter | USA Today Network
Phone: 920-400-7485
Twitter: @maya_hilty

From: Deborah Meredith <Meredit@sheboyganpress.com>
Sent: Wednesday, November 9, 2022 11:11 AM
To: Hilty, Maya <MHilty@sheboyganpress.com>
Subject: Re: Sheboygan Press records request

Good morning Maya,

Please see attached:

Have a good day and thank you!
Meredith

Meredith DeBruin
City Clerk
City of Sheboygan
802 Cassier Ave.
Sheboygan, WI 53081
(920) 572-3324
meredit@sheboyganpress.com



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Personnel Records Release Authorization

I, Todd Wolf, residing at █████ Columbus Ave, Sheboygan, Wisconsin, 53081, pursuant to Wis. Stat. § 103.13, hereby authorize City of Sheboygan to disclose all of my employee records including but not limited to, my full and complete, unedited personnel file, medical records, documents concerning compensation, attendance, termination, discipline, transfer, promotion, any and all records that concern allegations or personnel matters involving me, documents and records discussed related to me in Common Council closed sessions as well as all documents or information created or maintained by outside counsel retained by the City to represent me and who met with me, and any or all other records encompassed by the statute to Jennifer DeMaster, Attorney at Law, 361 Falls Rd #610, Grafton, WI 53024, via PDF, copy or email to attorney@jenniferdemaster.com. This request includes all documents created, maintained, or utilized for making decisions regarding my employment including but not limited to, all documents maintained pursuant to Wis. Stat. § 104.09 and any handwritten or typed notes or oral statements taken in Common Council closed session regarding my employment, my performance, or any other matters related to my employment with the City of Sheboygan as City Administrator. I also hereby revoke all "confidential titling" and allow for any and all letters that I provided to members of the Common Council via email attachment related to my position and city affairs, including the email and attachments that I sent to all Council members on November 7, 2022 at approximately 3:00 PM.

Date: November 9, 2022



Todd Wolf

EXHIBIT

FF

exhibitsticker.com

Attorney Jennifer DeMaster

From: Attorney Jennifer DeMaster
Sent: Wednesday, November 30, 2022 12:23 PM
To: DeBruin, Meredith; Adams, Charles
Subject: OPEN RECORDS REQUEST 11-30-22 (2) - PRIORITY

Pursuant to Wisconsin's Open Records laws, including but not limited to Wis. Stat. 19.356(2)(a)(1) and (b), and as I am the legal representative for Todd Wolf as pertaining to the City's investigation into Mr. Wolf as announced via motion on November 7, 2022, I am requesting the following records be given PRIORITY in submission to me:

1. Any and all letters in full from Mayor Ryan Sorenson to any City of Sheboygan employee between November 7, 2022 - November 30, 2022 that describe, discuss, or explain the investigation into Todd Wolf including the identity of the investigator, topics and interviews to be covered, and subjects involved within this investigation.
2. All open records requests and the City's responsive submissions from Maya Hilty to the City of Sheboygan related to Todd Wolf or any records from the City involving Todd Wolf between November 7, 2022 - November 30, 2022.

This request is made pursuant to my representation of Todd Wolf City Administrator. All responsive records to this request shall be kept confidential as related to, and during the course of, the City's investigation into Todd Wolf until the duration of said investigation unless the City otherwise provides any specifications related to the confidentiality of such responsive records.

Sincerely,

Jennifer Tavares DeMaster, Esq.

Attorney at Law: Specializing in Federal Litigation, Constitutional Law & Civil Defense

361 Falls Rd #610
Grafton, WI 53024
Email: attorney@jennifermaster.com
Direct: 920.207.2071

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Sheboygan's city administrator has earned over \$15K since being put on paid leave. His attorney alleges city leaders conspired against him.



Maya Hilty

Sheboygan Press

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SHEBOYGAN - Sheboygan City Administrator Todd Wolf is still on paid leave more than a month after the city council put him on administrative leave pending an investigation into his conduct.

City leaders have provided little information about the investigation, saying it is a personnel matter, and Mayor Ryan Sorenson said he does not know when the investigation is expected to finish.

Wolf's attorney, Jennifer DeMaster, said she is "unable to comment" on concerns voiced by residents about Wolf's response to personnel issues in the weeks before his suspension.

DeMaster instead alleges in a news release that Wolf was suspended after two members of a Sheboygan community group promoting diversity and inclusion targeted him, in collusion with city elected officials, because Wolf refused to give them money to hire diversity consultants for the city.

DeMaster and Wolf's accounts have some inconsistencies and factual inaccuracies.

EXHIBIT

HH

exhibiticker.com

In a joint written statement, the two community members, Alexandra Guevara and Jamie Haack, said Wolf's allegations "are simply not true."

The statement says Guevara and Haack "at no point" asked for money — at a meeting Wolf set up with them — or worked with elected officials to "target" Wolf.

Some people rallied behind Wolf at a meeting of the Republican Party of Sheboygan County he attended in late November.

As the highest-paid city employee, Wolf earns about \$600 a day and has earned more than \$15,000 since being put on leave last month.

Here's what we know about Wolf's administrative leave and his allegations.

Wolf was put on leave as a result of concerns about his conduct, city leaders say

The city council voted 8-2 to put Wolf on leave "for the purpose of investigating allegations and concerns regarding his conduct," city council president Barb Felde said.

Mayor Sorenson declined to comment on what concerns prompted the investigation, citing the ongoing investigation.

The suspension came three weeks after some residents called Wolf's leadership into question — publicly and in emails to the council — following the Sheboygan Press reporting on Wolf's response to a city director repeating a racial slur in an internal meeting.

Some residents also raised concerns about Sheboygan's lack of a human resources director and allegations of sexual harassment and retaliation in the city.

The former human resources director resigned in June after filing a complaint with the state Equal Rights division alleging Wolf retaliated against her for opposing sexual harassment in the police department.

On Nov. 10, a few days after Wolf was placed on leave, the state found probable cause that Wolf discriminated against the former human resources director. An administrative law judge will eventually hear the case. A date for the hearing had not been set as of early this month.

The city hired outside attorney Jill Hall on Nov. 14 to investigate Wolf's conduct.

"There are many components and allegations that need to be addressed by the investigator, so we can not provide a defined dated timeline for it," Sorenson said in a statement. "We hope that the investigation will be wrapped up soon."

City attorney Chuck Adams said he does not yet know if the results of the investigation will be made public.

Wolf's attorney says he was suspended because he refused a political extortion threat

DeMaster said Wolf "has no knowledge" of allegations against him, characterizing his suspension as a "sudden" and "politically underhanded" move, though Wolf's emails suggest he was aware of some allegations against him.

Wolf wrote in an email to city council the day he was suspended, prior to the council meeting, that he faced "false accusations" in the press and publicly. He also sent the council an eight-page list of his accomplishments as city administrator for their "convenience."

DeMaster did not comment on what false accusations Wolf allegedly faced, saying city leaders prohibited him from speaking on city matters.

Wolf and DeMaster instead allege that two members of the Sheboygan DEIB, a community group promoting diversity, equity and inclusion, worked with elected officials to remove Wolf after he refused a demand for \$70,000 to hire diversity consultants for the city.

Wolf's and DeMaster's accounts of the meeting at which the community members allegedly demanded money, in early October, differ.

DeMaster's news release says Wolf had the meeting arranged "following internal pressure from the Mayor and certain Alderpersons."

Wolf's email to the council says: "In late August and September 2022"—presumably after an incident in which a director said a racial slur in an internal meeting Aug. 22 — "I made several calls with DEIB leaders in the community and was referred to the 'Sheboygan DEIB' group, where a City employee set up a meeting with 'Sheboygan DEIB' reps ...

"I expected at this meeting to be provided with solutions, a business proposal, strategies or a list of trusted experts to retain for DEIB training," Wolf wrote.

Wolf alleged the community members "immediately" asked for money and threatened to oppose Wolf unless he paid them.

He "swiftly left the meeting after the women began yelling," DeMaster's news release alleges.

While DeMaster's news release alleges the members of the community group demanded \$70,000 at the initial meeting, Wolf said in his email to the city council that he only later learned the amount. DeMaster declined to comment on how Wolf allegedly later learned the group was requesting the amount of \$70,000.

Guevara and Haack said in a statement that Wolf's accusations are false. They said city employees invited them to meet over lunch at the Black Pig Restaurant, and two other city employees besides Wolf attended the meeting.

DeMaster's news release confirmed the meeting took place Oct. 5, but she said she is unable to comment on where the meeting took place and who else was present.

Guevara and Haack's statement said that at the meeting, "City officials stated they were interested in incorporating DEI practices at the City level to better address situations related to racism and sexual harassment."

"We clarified that the Sheboygan DEIB Steering Committee does not provide consulting services. ... To help the City achieve its goals, we suggested that the City might consider hiring DEI consultants to assist generally with its ongoing DEI work. We also suggested that the City consider hiring an HR director who had DEI knowledge and experience," Guevara and Haack's statement said.

"We never 'demanded' that the City hire such consultants, we did not offer consulting services — either individually or on behalf of Sheboygan DEIB — and we never asked to be compensated in any way," the statement said. "The lunch was polite and cordial; there was never any screaming or aggressive behavior by anyone."

Wolf alleges in his email to the council that following the meeting, the community members "(made) good on their threats" to him by informing the Sheboygan Press of the August incident in which a city director said a racial slur, saying the Sheboygan Press was not aware of the incident until early October.

Wolf's allegation is false because the Sheboygan Press had already interviewed Wolf, as well as other city leaders, about the racial slur incident in September, weeks before Wolf's Oct. 5 meeting with Guevara and Haack.

DeMaster said she was "unable to comment" on the fact that Wolf's allegation that community members went to the media to target him publicly after his meeting with them is based on false information.

Although DeMaster's news release alleges the community members colluded with elected officials to remove Wolf, she later said she did not know if that was true.

"Sometimes there'll be a couple people that have a little screw loose or two, that want to come out and demand these things or make threats, and that's fine," DeMaster said at a Nov. 28 Republican Party of Sheboygan County meeting, where she gave a "rundown" of Wolf's situation.

"The problem is ... whether those people in the community are working with elected officials to try to get rid of the thorn in their side (Todd Wolf) that is saying no to this, and we don't know that," she said. "We expect to get information about this, but we don't know."

Wolf levels new allegations against a city director

In two prior interviews about the incident, Wolf told a reporter that city Director of Planning and Development Chad Pelishek said the N-word in an August meeting of department heads, while saying that a resident had said the slur at a neighborhood meeting and asking fellow staff how the city can help address such situations.

"Chad brought up the fact that he was up against some racial slurs, and he did use the phrase, not with the intent to hurt or harm anyone, but with the intent to help others understand," Wolf said in September. "When he said it, he thought he was in a safe space — and obviously one person (another director) let that out to their friends group. But she did not make a comment, she did not address it at the time."

Wolf later alleged in his email to the council that Pelishek did not say the slur until the other director "demanded" he tell her what racial slur was said.

In a Nov. 7 email to the council, Wolf asked for the council's support in writing up the female director.

Many city directors were present at the meeting at which Pelishek said the slur. All directors contacted by the Sheboygan Press in September declined to comment.



Wolf and attorney rally support from county Republican Party

DeMaster's news release contains allegations of "egregious corruption" in the city and other claims.

For example, the news release said the city council "snuck in late at night an oral motion to immediately suspend" Wolf "within hours" of him reporting his concerns of an extortion threat to the city, calling it a "secretive measure" and saying "his statements led to his immediate suspension."

As is routine, the council meeting agenda was distributed by the City Clerk's Office days prior and noted the city council may act on closed-session personnel matters.

In emails with a reporter, DeMaster questioned the authenticity of a copy of Wolf's Nov. 7 email to the council, obtained through a public records request, saying a reporter's questions referencing the email were "premised on

false/fake made up implications of records" and that Wolf's email was something a reporter seemed to have "made up out of thin air."

DeMaster said the email was confidential and should not have been released as a public record.

At a Republican Party of Sheboygan County meeting, DeMaster posed Wolf's suspension as a threat to transparency over taxpayer dollars and an attack from "cancel-culture type people."

"The Republican Party as a whole agrees that equality is important, diversity is important," DeMaster said. "The problem is when it goes to the point of being insidious, divisive and that becomes the discriminatory faction because that's what's happening with some of these people."

She added: "As Todd kept getting more and more just inundated with things he wasn't allowed to say because of his race, because of his gender, ... because of what you look like, you're not allowed to say these kinds of terms ... these kinds of situations created a very difficult work environment."

She added, "There are good, great city employees right here in Sheboygan that are having to go through and seeing these things happen and they just want to do their job and Todd was the one that has been protecting them."

Wolf has said he supports diversity, equity and inclusion since he was hired as city administrator.

Wolf attended the party meeting and was applauded, but did not speak.

Republican Party chairman Russ Otten said at the meeting the party would set up a "defense fund" for Wolf.

A GiveSendGo fund to "help cover legal and living costs" for Wolf's family, which alleges Wolf has been "victimized by a group of WOKE radicals," had raised \$3,850 as of Thursday.

More:Cities are rarely liable for damage from potholes. That can be a harsh reality for people injured, like this Sheboygan woman.

More:Sheboygan increases fines for harassing election officials. 'It's about election integrity,' city council member says.

What does the city administrator do?

The city administrator is appointed by and works under the direction of the city council, with input from the mayor.

The city administrator is responsible for managing day-to-day operation of city government, including implementing council policies, developing the annual budget, supervising all department heads and leading long-term planning for the city.

Sheboygan's city council created the city administrator position in 2011. The city had long debated the change and implemented it almost unanimously soon after then-mayor Bob Ryan again came under scrutiny for repeated allegations of heavy drinking, according to Sheboygan Press articles from 2011.

City elected officials believed the city administrator would provide more consistency in city administration, improve communication among departments and between elected officials and department heads, remove some politics from decision-making and allow for more long-term planning, according to the report from a 2010 study contracted by the city.

Wolf is Sheboygan's third city administrator, hired by the council in June 2020, after the prior administrator, Darrell Hofland, announced his retirement. Wolf was city council president at the time, having served on the council for five years, and worked as a business development manager at Curt G. Joa Inc.

According to city ordinance, the city administrator can be removed only for cause by a four-fifths vote of the common council. That means the vote of eight of the 10 council members is required to remove an administrator for inefficiency, neglect of duty, official misconduct or malfeasance in office.

Reach Maya Hilty at 920-400-7485 or MHilty@sheboygan.gannett.com.

[View Comments](#)

Attorney Jennifer DeMaster

From: Adams, Charles <Charles.Adams@sheboyganwi.gov>
Sent: Wednesday, December 7, 2022 8:00 AM
To: Attorney Jennifer DeMaster; James .Macy
Subject: Thank you and quick follow up
Attachments: Wolf Communications Website.pdf

The concerns of the council were related what he said in a verbal interview (or possibly more than one interview.) That said I did do a quick search and found that he did have some written communication with her and I am providing that to you in case it is of any help.

Chuck

Charles C. Adams
City Attorney
City of Sheboygan
(202) 333-3333
charles.adams@sheboyganwi.gov

Local government is the foundation of democracy if it fails democracy will fail Robert W. Jack

From: Attorney Jennifer DeMaster <Jenniferdemaster.com>
Sent: Tuesday, December 6, 2022 4:00 PM
To: Adams Charles <Charles.Adams@sheboyganwi.gov>; James .Macy <james.macy@vonbriesen.com>
Subject: Thank you and quick follow up

Dear Attorneys Macy and Adams

I wanted to thank you very much for meeting with me today and taking the time to go over Mr. Wolf's current situation. I know we covered a lot of area in a little amount of time but I failed to ask for one thing.

Attorney Adams in reference to the allegations you made about how Mr. Wolf spoke to the Sheboygan Press in a letter to Mayor Ilty I have a meeting with Todd tomorrow to give him the options you both laid out but I'd like to have this letter that you stated Todd wrote to Mayor Sheb Press so I can discuss that with him.

Would you be able to provide that letter to me as soon as possible before I meet with Mr. Wolf

Thank you again.

Jennifer Tavares DeMaster, Esq.



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Jen DeMaster

From: Jill Pedigo Hall <jill.hall@vonbriesen.com>
Sent: Friday, December 16, 2022 1:33 PM
To: Jen DeMaster
Subject: RE: Interview

Thank you. I can confirm this will be a private zoom meeting between myself and Mr. Wolf only. A zoom invitation will be sent today to the email address below.

Have a good weekend,

Jill Hall

Jill Pedigo Hall | von Briesen & Roper, s.c.
Direct: 608-661-3966 | Jill.Hall@vonbriesen.com

EXHIBIT

JJ

exhibitsticker.com

Jen DeMaster

From: Adams, Charles <Charles.Adams@sheboyganwi.gov>
Sent: Tuesday, December 20, 2022 8: 3 AM
To: wolfenterprisesynery@mail.com Attorney Jennifer DeMaster
c: Marcus, Jill Pedigo
Subject: Directives letter
Attachments: Letter to TW Notice of Investigation, Directives.PD

Dear Todd

Attached please find a directives letter I am sending on behalf of the common council related to the investigation being carried out by Attorney Jill Pedigo. I understand you are meeting with her today. Please review the letter carefully in preparation for your meeting with her. Similar letters were sent to the other City employees who are being interviewed in the course of the investigation.

I hope all is well.

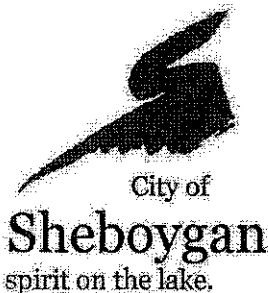
Chuck Adams

Charles C. Adams
City Attorney
City of Sheboygan
(202) 333-3333
charles.adams@sheboyganwi.gov

Local government is the foundation of democracy if it fails democracy will fail Robert W. Lack

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December 19, 2022

**FOR INTERNAL DISSEMINATION ONLY BY
CITY ATTORNEY ON BEHALF OF THE COMMON COUNCIL**

Re: Notice of Investigation and Need to Cooperate, and Directives

Dear Administrator Wolf,

The Common Council has requested I send you this letter. It is being presented to you as part of an administrative investigation conducted by the City of Sheboygan into your communications, conduct and leadership and certain allegations of inappropriate and illegal conduct made by you. The goal of this investigation is to obtain complete, objective, and impartial findings related to certain allegations that have been made. To that end, and because the it is priority to have a respectful, productive workplace culture in the City, we have hired an outside attorney experienced in conducting investigations, Jill Pedigo Hall, to carry out this process. In order to ensure a fair and objective investigation, you are directed to fully cooperate with Attorney Hall in this investigation, including to follow the directives set forth in this memo. It is my understanding that you will be participating in a Zoom interview today.

You should regard these directives as essential job duties. Please keep in mind the fundamental expectations of your position, including the responsibility that you treat all persons with professional respect, dignity, and with full regard for the consequences of your behavior as a City employee. Fulfilling that expectation is essential during this time and is appreciated and valued. Your duty to cooperate with this inquiry requires, but is not limited to, your compliance with the following specific directives.

- **Confidentiality:** You are directed to keep confidential the existence and content of this letter and this inquiry, and your discussion with Attorney Hall regarding any aspect of the inquiry. You may not share such information with any other persons, unless a lawful reason affirmatively permits or requires you to disclose such information. For example, if you have a legal right to a representative as a function of your position within the City, then you may disclose certain information to that representative. However, you will be required to provide notice to Attorney Hall that you intend to make such disclosure prior to doing so and provide the reason for the disclosure.

The purpose of this confidentiality instruction is to safeguard the welfare and privacy of all individuals involved. Maintaining required confidentiality will also fulfill the following necessary aspects of this investigation:

- Compliance with City policy.

CITY ATTORNEY'S OFFICE

CITY HALL
828 CENTER AVENUE
SUITE 210
SHEBOYGAN, WI 53081

920/459-3917
FAX 920/459-3919

www.sheboyganwi.gov

- Preservation of any privileges necessary for the City to protect its interests pursuant to this inquiry.
- Protection of individuals involved and participating in this matter from retaliatory, intimidating or harassing conduct.
- Preservation of the integrity and effectiveness of the inquiry.
- Your protection as a participant in this inquiry and to protect the City and you as City Administrator.

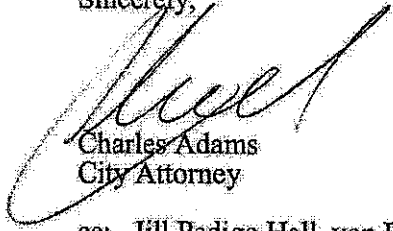
Your obligation to keep the above-stated information confidential exists until you are formally and expressly relieved of this direction by me.

- **Truthfulness:** You are directed to answer all questions posed to you by the Attorney Hall truthfully and completely. This directive to answer questions truthfully, completely, and with forthrightness is essential for purposes of the effectiveness of this inquiry. Your failure to do so may be treated as insubordination and the City may draw adverse inferences based on your failure to comply with this order.
- **No Retaliation:** You are prohibited from engaging in any retaliatory, intimidating, or harassing conduct against any person who participates in this inquiry. In turn, the City will not tolerate retaliatory conduct directed at you for your participation in this inquiry. This instruction is essential and your complete compliance is necessary. The City will not tolerate retaliatory conduct, including but not limited to backhanded comments, cold-shouldering, undermining, and other disrespectful behavior that has no place among professionals. In the event that you become aware of any retaliatory, intimidating, or harassing conduct against any participant in this inquiry, please notify the attorney interviewer and me immediately.
- **Requests for Information:** In the event you are asked to provide records, then we ask for your cooperation. If you object, then please apprise the interviewer of the reasons for your objection. Those objections will then be considered. If a lawful basis exists for the City to obtain these records, then you will be expected to comply with a directive to provide such records. Under no circumstances are you permitted to modify, alter, delete, or destroy any records related to your employment, any official or unofficial City business, or any records germane to this matter including, but not limited to, electronic records, such as text messages, email messages, social media posts and other messaging.

This inquiry is designed to get to the truth. It is vital that no City employee engages in any conduct in contravention of these directives. Our goal is to gain an understanding of the factual basis behind concerns expressed regarding your communications and conduct and also to determine whether there is factual support for the allegations, so that we can resolve any legitimate concerns and create a more productive and positive work environment. Thank you for assisting in this process.

If you have any questions regarding these directives, then please immediately forward those questions to me. The directives are effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Adams", written over the typed name.

Charles Adams
City Attorney

cc: Jill Pedigo Hall, von Briesen & Roper, s.c. via email
Liz Majerus, Assistant City Attorney



NINETEENTH REGULAR COMMON COUNCIL MEETING AGENDA

January 04, 2023 at 6:00 PM

City Hall, 3rd Floor - Council Chambers, 828 Center Avenue, Sheboygan, WI

"Kindness is like snow - it beautifies everything it covers" - Kahlile Gibran

This meeting may be viewed LIVE on Charter Spectrum Channel 990, AT&T U-Verse Channel 99 and: www.wcsssheboygan.com/vod.

Notice of the 19th Regular Meeting of the 2022-2023 Common Council at 6:00 PM, WEDNESDAY, January 4, 2023 in City Hall, 3rd Floor - Council Chambers, 828 Center Avenue, Sheboygan, WI. Persons with disabilities who need accommodations to attend the meeting should contact Meredith DeBruin at the City Clerk's Office, 828 Center Avenue, (920) 459-3361.

Members of the public who wish to participate in public forum remotely shall provide notice to the City Clerk at (920) 459-3361 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. **Roll Call**
Alderspersons Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar may attend the meeting remotely.
2. **Pledge of Allegiance**
3. **Approval of Minutes**
Eighteenth Regular Council Meeting held on December 19, 2022
4. **Mayoral Appointments**
Adam Westbrook to be appointed as Director of Human Resources and Labor Relations for the City of Sheboygan
5. **Mayoral Appointments**
David Gladis to the Sustainability Task Force
6. **Public Forum**
Limit of five people having five minutes each with comments limited to items on this agenda.
7. **Mayor's Announcements**
Upcoming Community Events, Proclamations, Employee Recognitions

CONSENT

8. **Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances**
9. R. C. No. 155-22-23 by Finance and Personnel Committee to whom was referred Res. No. 111-22-23 by Alderspersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute



Application for Group Flexible Purchase Payment Deferred Fixed Indexed Annuity Contract (Non-Participating) with Nationwide; recommends adopting the Resolution.

RESOLUTIONS

10. Res. No. 116-22-23 by Alderpersons Felde and Filicky-Peneski authorizing the appropriate City officials to enter into a Consent to Assignment by and between the City of Sheboygan, Healics Clinics, Inc. and SolidaritUS Health Inc. and also an Amended and Restated Services Agreement with SolidaritUS Health Inc. regarding the provision of an employer health clinic. SUSPEND THE RULES AND ADOPT THE RESOLUTION
11. Res. No. 118-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute a Memorandum of Understanding with the Sheboygan Professional Police Officers' Supervisory Association. REFER TO FINANCE AND PERSONNEL COMMITTEE
12. Res. No. 117-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Dorner, Inc. for the construction of the Broadway Reconstruction project. REFER TO PUBLIC WORKS COMMITTEE
13. Res. No. 119-22-23 by Alderpersons Felde and Ackley authorizing the appropriate City officials to accept and expend funds received from the Wisconsin Department of Justice as part of the Byrne Memorial Justice Assistance Grant (JAG) Program. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

REPORT OF COMMITTEES

14. R. C. No. 156-22-23 by Finance and Personnel Committee to whom was referred Res. No. 110-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing retaining outside legal counsel to represent the City regarding Grievance #22-02 filed by International Association of Firefighters Local 483, and authorizing payment for said services; recommends amending the Resolution to limit spending authorization to \$7,000.00. RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE RESOLUTION

OTHER MATTERS AUTHORIZED BY LAW

CLOSED SESSION

15. MOTION TO CONVENE IN CLOSED SESSION pursuant to Wis. Stat. s. 19.85(1)(e) for deliberating or negotiating the purchase of public properties, to wit: the purchase of property for right-of-way purposes adjacent to the SouthPointe Enterprise Campus, where competitive or bargaining reasons require a closed session; AND pursuant to Wis. Stat. s. 19.85(1)(f) for consideration of personnel problems which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the person involved in such problems or investigations, AND under the exemption provided in Wis. Stat. s. 19.85(1)(g) for conferring with legal counsel for the City who is expected to render oral advice concerning strategy to be adopted by the City with respect to litigation in which it is likely to become involved.

ADJOURN MEETING

16. Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

CITY OF SHEBOYGAN

NINETEENTH REGULAR COMMON COUNCIL MEETING MINUTES

Wednesday, January 04, 2023

OPENING OF MEETING

1. Roll Call

Alders Present: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar – 10.

2. Pledge of Allegiance

3. Approval of Minutes



MOTION TO APPROVE THE MINUTES FROM THE EIGHTEENTH REGULAR COUNCIL MEETING HELD ON DECEMBER 19, 2022

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

4. Mayoral Appointments

Adam Westbrook to be appointed as Director of Human Resources and Labor Relations for the City of Sheboygan – Lays over.

5. Mayoral Appointments

David Gladis to the Sustainability Task Force – Lays over.

6. Public Forum

Limit of five people having five minutes each with comments limited to items on this agenda. No one spoke.

7. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

CONSENT

8. Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

9. R. C. No. 155-22-23 by Finance and Personnel Committee to whom was referred Res. No. 111-22-23 by Alders Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute Application for Group Flexible Purchase Payment Deferred Fixed Indexed Annuity Contract (Non-Participating) with Nationwide; recommends adopting the Resolution.

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey,

Rust, Salazar - 10.

RESOLUTIONS

10. Res. No. 116-22-23 by Alderpersons Felde and Filicky-Peneski authorizing the appropriate City officials to enter into a Consent to Assignment by and between the City of Sheboygan, Healics Clinics, Inc. and SolidaritUS Health Inc. and also an Amended and Restated Services Agreement with SolidaritUS Health Inc. regarding the provision of an employer health clinic.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

11. Res. No. 118-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute a Memorandum of Understanding with the Sheboygan Professional Police Officers' Supervisory Association. REFER TO FINANCE AND PERSONNEL COMMITTEE
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REPORT OF COMMITTEES

14. R. C. No. 156-22-23 by Finance and Personnel Committee to whom was referred Res. No. 110-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing retaining outside legal counsel to represent the City regarding Grievance #22-02 filed by International Association of Firefighters Local 483, and authorizing payment for said services; recommends amending the Resolution to limit spending authorization to \$7,000.00.

MOTION TO RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE RESOLUTION

Motion made by Mitchell, Seconded by Filicky-Peneski.

Before action was taken,

City Attorney Chuck Adams spoke about the amendment.

Alderperson Mitchell withdrew his original motion and made a motion to adopt the Resolution as it was originally submitted.

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

OTHER MATTERS AUTHORIZED BY LAW

None

CLOSED SESSION

15. MOTION TO CONVENE IN CLOSED SESSION pursuant to Wis. Stat. s. 19.85(1)(e) for deliberating or negotiating the purchase of public properties, to wit: the purchase of property for right-of-way purposes

adjacent to the SouthPointe Enterprise Campus, where competitive or bargaining reasons require a closed session; AND pursuant to Wis. Stat. s. 19.85(1)(f) for consideration of personnel problems which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the person involved in such problems or investigations, AND under the exemption provided in Wis. Stat. s. 19.85(1)(g) for conferring with legal counsel for the City who is expected to render oral advice concerning strategy to be adopted by the City with respect to litigation in which it is likely to become involved.

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

ADJOURN MEETING

16. Motion to Adjourn

MOTION TO ADJOURN IN CLOSED SESSION AT 9:06 PM

Motion made by Ackley, Seconded by Filicky-Peneski

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.



THIRD SPECIAL COMMON COUNCIL MEETING AGENDA

**January 09, 2023 at 5:15 PM or Immediately
following the Finance and Personnel
Committee Meeting**

**City Hall, 3rd Floor - Council Chambers, 828 Center Avenue,
Sheboygan, WI**

This meeting may be viewed LIVE on Charter Spectrum Channel 990, AT&T U-Verse Channel 99 and:
www.wcsssheboygan.com/vod.

Notice of the 3rd Special Meeting of the 2022-2023 Common Council at 5:15 PM or Immediately following the Finance and Personnel Committee meeting, MONDAY, January 9, 2023 in City Hall, 3rd Floor - Council Chambers, 828 Center Avenue, Sheboygan, WI. Persons with disabilities who need accommodations to attend the meeting should contact Meredith DeBruin at the City Clerk's Office, 828 Center Avenue, (920) 459-3361.

Members of the public who wish to participate in public forum remotely shall provide notice to the City Clerk at (920) 459-3361 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

- 1. Roll Call**
Alderspersons Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar may attend the meeting remotely.
- 2. Pledge of Allegiance**
- 3. Public Forum**
Limit of five people having five minutes each with comments limited to items on this agenda.

RESOLUTIONS

- 4. Res. No. 120-22-23** by Alderspersons Felde and Filicky-Peneski terminating Todd Wolf as City Administrator pursuant to Paragraph 12(a) of his Employment Agreement with the City and authorizing the payment of severance pursuant to Paragraph 13 of said Employment Agreement.

ADJOURN MEETING

- 5. Motion to Adjourn**

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

EXHIBIT

NN

exhibitsticker.com

3:30

46

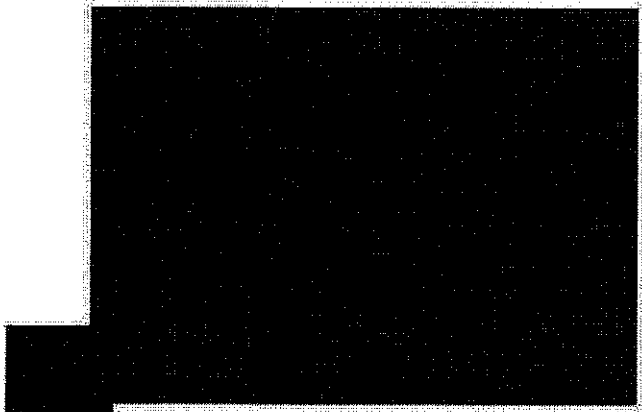


[Redacted Name]

Active 26m ago



So I just got done talking to Felde. Big surprise she couldn't tell me without cause means but it did come out that if charged without cause their lawyer feels that Todd has no chance of defending his legal grounds for dismissal. Felde and the common council are totally pissed that Todd has someone speaking for him and they are not allowed to defend what was said!!! I told her that city and county administrators should be elected and not selected so that the public had a right to hear what was going on. That their way of handling this without transparency is so wrong.



Aa



EXHIBIT

00

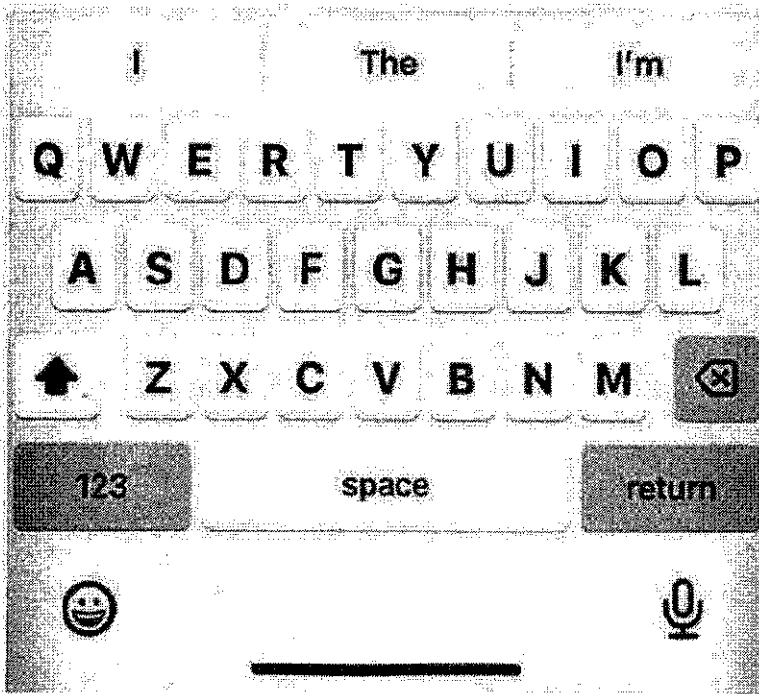
exhibitster.com

3:31

4G



When he went to the
Republican party and had his
lawyer speak for him....they
really got upset.



Sheboygan city administrator fired after investigation. His supporters want details why.

{ HYPERLINK "<https://www.sheboyganpress.com/staff/7964665002/maya-hilty/>" }

January 10, 2023

Sheboygan Press

SHEBOYGAN - Sheboygan fired city administrator Todd Wolf at a crowded city council meeting Monday.

The council voted to { HYPERLINK

"<https://www.sheboyganpress.com/story/news/local/2022/11/09/sheboygan-city-administrator-todd-wolf-leave-conduct-under-investigation/69629996007/>" } and hired an outside attorney to investigate concerns about his conduct.

The attorney finished her investigation and presented a preliminary report to the council last week, council Vice President Roberta Filicky-Peneski said. After hearing the preliminary findings, the council weighed different options and a majority felt firing Wolf without cause was the best option, city council member Dean Dekker said.

The { HYPERLINK "<https://www.sheboyganwi.gov/officials/common-council/>" } voted 8-2 to fire Wolf without cause, with Joe Heidemann and Trey Mitchell opposing the move. Many people in the audience at the meeting also opposed the move.

City leaders have said little about the findings of the nearly two-month investigation, citing personnel matters, but Mayor Ryan Sorenson said it uncovered "significant" concerns, including Wolf making false statements and becoming a legal liability for the city.

EXHIBIT

PP

exhibitsfck.com

The city chose to fire Wolf without cause, rather than for cause, to save money and “minimize the negative impact on both Wolf and other city employees,” according to the city council resolution.

{ HYPERLINK "https://www.sheboyganpress.com/picture-gallery/news/2023/01/10/sheboygan-citizens-fill-council-chambers-meeting-city-administrator/11021377002/" }

Firing Wolf for cause would have increased the city’s legal fees and drawn out the process longer, Sorenson said.

“Once the report becomes public, I hope folks will understand the difficult decision that the city council had to make tonight,” he said.

The preliminary investigation report will become public, but Sorenson does not know when. “I hope it comes sooner than later,” he said.

Because Wolf was fired without cause, the city will pay him six months’ salary — nearly \$79,000 — and benefits.

The Sheboygan Press is seeking comment from Wolf’s attorney.

{ INCLUDEPICTURE "https://www.gannett-cdn.com/-mm-/aeofc9c06707a628d26ee7a1cb7689ef8b591576/c=33-0-2031-2664/local/-/media/2017/04/18/WIGroup/Sheboygan/636281531829025841-she-n-Sheboygan08-city-officials-sworn-in-0418-gck-.JPG?width=300&height=400&fit=crop&format=pjpg&auto=webp" * MERGEFORMAT }

Wolf made Sheboygan vulnerable to lawsuits, mayor says

Sorenson said at this point, he cannot comment on most findings of the investigation.

A { HYPERLINK "<https://www.sheboyganpress.com/story/news/local/2022/12/16/sheboygan-administrator-todd-wolf-paid-leave-attorney-says-leaders-conspired/69627676007/>" }, hours before the council voted to put him on administrative leave, "raised a lot of red flags," including statements that "can be proven false" with other documentation, Sorenson said.

In the letter, Wolf made "strong accusations" that he was extorted by members of the community at an Oct. 5 meeting. Sorenson said the community members did not demand money at that meeting, where there were other city staff present. The community members have denied the allegation publicly and issued a cease-and-desist letter to the city, which put the city "in a significant legal situation," Sorenson said.

Sheboygan already { HYPERLINK "<https://www.sheboyganpress.com/story/news/local/2022/10/27/former-sheboygan-hr-director-alleges-retaliated-against-opposing-sex-harassment/69574571007/>" }, who resigned in June after filing a complaint with the state Equal Rights Division alleging Wolf discriminated against her.

Sorenson added: "There were many different communications where Administrator Wolf was told that some of his comments are not true, and he kept doubling down on comments, even knowing that they weren't true, so that was another component that gave us significant pause."

Wolf also did not follow instructions from the council while on leave, Sorenson said.

"When you conduct an investigation like this, you ask that person not to interfere with it. You say ... keep it to yourself right now, and ... there were multiple violations of that," he said.

More:{ HYPERLINK

"https://www.sheboyganpress.com/story/news/local/2022/10/26/sheboygan-n-word-racial-slur-incident-prompts-call-change-city/69574563007/" \t "_blank" }

People claim Wolf's firing was political. Here's how elected officials across the spectrum responded.

{ INCLUDEPICTURE "https://www.gannett-cdn.com/presto/2023/01/10/PSHE/co14bbob-4a91-4952-8940-af7c3254874c-010923_SHE_City_Hall_Todd_Wolf_situation_gck-11.JPG?width=660&height=453&fit=crop&format=pjpg&auto=webp" * MERGEFORMATINET }

Many people at the city council meeting opposed the decision to fire Wolf, especially without cause.

“This (without cause) leads me to understand — and I think everybody else in the room — that this (investigation) did not find any problems with the city administrator’s conduct,” former mayor Mike Vandersteen said.

Vandersteen said Wolf has worked “transparently and diligently” and made many notable accomplishments as administrator.

“Did Todd Wolf steal money? ... Is he a target of a witch hunt? The council has said nothing,” said Aaron Guenther, who is running for a city council seat in April. “I demand that you release the investigation ... to the public because we deserve to know.”

Russ Otten said the council wants to fire Wolf because they “don’t like the way he stood up to the demands of a far-left group.” Otten, chairman of the Republican Party of Sheboygan County, encouraged party members to attend the meeting to stand against corruption.

More:{ HYPERLINK

"<https://www.sheboyganpress.com/story/news/politics/elections/2023/01/10/sheboygan-county-spring-2023-election-candidates-ballot-how-to-vote/69636883007/>" \t "_blank" }

Dekker said the decision was “in no way, shape or form political,” despite audience members’ comments.

“Personally, after hearing the synopsis, and weighing the options before us, I have to come to the conclusion that this is in the best interest of our employees,” Dekker said. “To take care of our employees is important to us. One employee doesn’t stand over all the rest of our employees. To put our employees through something like this is not right.”

Sorenson similarly said, after the vote, “Personnel issues are not supposed to become political issues, and I’m sad that it came down to that.”

“Nobody wants to do this. Todd and I got along great professionally,” Sorenson said. “He made some decisions that put the city in a very difficult situation, and actions have consequences. People should feel safe to come to work. People shouldn’t have to be fearful of retaliation. People should have to come to work in a professional manner.”

Heidemann, who made an unsuccessful motion for the council to give Wolf a “written warning” instead of firing him, said the investigation “was far from conclusive.”

Heidemann said he cannot comment on closed session, but he said the decision is not fair to Wolf.

“Bring that out in the open, let the citizens decide,” he said. “They (other council members) don’t want to do that because they can hide behind closed session. That’s not good governance.”

Mitchell, the other city council member to vote against firing Wolf, said he did not think the move was morally just and Sheboygan "is better off having had" Wolf.

"Given the public nature of last night's action, I do not believe it completely qualified as a confidential, internal personnel matter anymore," Mitchell said in an email. He could not share more information about the matter because it was discussed in closed session meetings, he wrote.

'People are angry': Sheboygan residents, elected officials respond to city administrator's handling of director repeating a racial slur

{ HYPERLINK "https://www.sheboyganpress.com/staff/7964665002/maya-hilty/" }

January 9, 2023 9:50pm

Sheboygan Press

{ INCLUDEPICTURE "https://www.gannett-cdn.com/presto/2021/04/21/PSHE/3ef0e2db-6803-49c6-84e3-d32f3dc385a6-SHE_042021_Sheboygan_Elected_Officials_sworn_in-gck-011.JPG?width=300&height=384&fit=crop&format=pjpg&auto=webp" * MERGEFORMATINET }

SHEBOYGAN - Sheboygan is in the midst of "a public and employee relations nightmare," city council person Betty Ackley said at the city council meeting last week.

That's after a city director repeated a racial slur in an internal meeting and the { HYPERLINK

"https://www.sheboyganpress.com/story/news/politics/2022/10/10/sheboygan-city-leader-uses-n-word-raising-concerns-inclusion/10380097002/" } to concerns from other staff.

The { HYPERLINK "https://www.sheboyganwi.gov/officials/common-council/" } discussed personnel issues in closed session on Monday and last week.

Mayor Ryan Sorenson assured a crowded room at a council meeting last week that elected officials are listening to residents' concerns, while the council voiced support for equity and government transparency.

The council also drafted a resolution limiting City Administrator Todd Wolf's responsibilities, and instead giving Sorenson full responsibility for talking to the media as well as putting the process for hiring a director of Human Resources firmly in the hands of the mayor and council leadership.

The council "wishes to have the Mayor and the City Administrator focus on areas of strength," the proposed resolution states.

Wolf is no longer talking to the Sheboygan Press, according to a preliminary understanding with council leadership, he wrote in an email to city council leadership obtained through an open records request.

{ INCLUDEPICTURE "https://www.gannett-cdn.com/-mm-/bcea4489598ab37f0b063aae211da5deed4235ad/c=87-19-415-457/local/-/media/2018/03/23/WIGroup/Sheboygan/636574137256104614-B9317733987Z-1-20150615204107-000-GBLB3D29I-1-0.jpg?width=300&height=401&fit=crop&format=pjpg&auto=webp" * MERGEFORMAT }

In emails to city council members obtained by the Sheboygan Press, some residents called for a public apology from the city director who repeated the racial slur and a budget that prioritizes work in diversity, equity and inclusion, such as long-term work with a DEI professional.

Some residents asked council members to reevaluate City Director Chad Pelishek's and Wolf's fitness for their positions. Residents also emphasized the importance of hiring a Human Resources director and suggested investigating sexual harassment and workplace retaliation in the city.

Sheboygan has not had an active Human Resources director since November 2021, when the former director took leave after hiring an attorney to protect herself against workplace retaliation, she wrote in her resignation letter months later.

Sheboygan has { HYPERLINK

"<https://www.sheboyganpress.com/story/news/politics/2022/07/27/sheboygan-city-employee-raises-amid-ongoing-wisconsin-labor-shortage/7821635001/>". One applicant offered the position rejected the city's offer this fall. The city administrator has since hired an outside firm to assist with hiring for the position.

More:{ HYPERLINK

"<https://www.sheboyganpress.com/story/news/local/2022/10/19/sheboygan-city-council-sets-15-dollar-minimum-wage-city-workers/10535637002/>" \t "_blank" }

Here's the context in which a city director said a racial slur and how the city administrator responded.

After a city employee and neighborhood liaison noticed a few uncomfortable and racist incidents while attending neighborhood association meetings, including a resident saying the N-word, she asked her supervisor how to address those situations if they happen again, according to emails obtained by the Sheboygan Press.

Her supervisor, Pelishek, Sheboygan's director of planning and development, asked other city staff for guidance at an August meeting of department heads. Pelishek said the N-word while saying that a resident had said the slur at a neighborhood meeting as he asked fellow staff how the city can help address such situations.

After other city staff raised concerns, Pelishek emailed an apology to department heads. Some residents say the apology missed the mark in failing to acknowledge the harm done.

"I regret saying [sic] full N word out loud and if I offended anyone it was not intended to be directed that way. I am sorry if you were offended," Pelishek wrote.

Wolf then hired a diversity, equity and inclusion consultant to facilitate a conversation about the incident with department heads.

Wolf was concerned not that a city leader repeated the racial slur but that city staff told people outside the meeting about the incident, saying a director who “let the information out” had breached trust.

{ INCLUDEPICTURE "https://www.gannett-cdn.com/presto/2021/06/10/PSHE/a9ec2520-b8ce-4b74-967b-91eba6f46eb9-SHE_060921_South_Pointe_Enterprise_Campus_gck-002.JPG?width=660&height=489&fit=crop&format=pjpg&auto=webp" * MERGEFORMATINET }

Wolf admonishes city council for 'lack of support' in an email

After the Sheboygan Press reported on the city’s response to Pelishek repeating a racial slur, City Council President Barbara Felde emailed all city employees reminding them of the city’s Employee Assistance Program and a method to confidentially report suspected violations of the city’s code of conduct or policies.

“While we are taking the necessary steps to address concerns, we want to extend our support to our public servants and constituents,” Felde wrote. “Please know your Common Council is on standby for support.”

The following day, Wolf emailed city council leadership, including Felde, Council Vice President Roberta Filicky-Peneski and Sorenson, saying the council has failed to support city employees.

“I have dozens of employees crying, upset and ready to quit in the lack of support from the Council in this issue and many others in the last two plus years. This includes myself for the continued harassment,” Wolf wrote.

“The only support and change that the employees have said, that has been positive for the city and them has been the hiring of me into this position,” Wolf wrote. “(Alders) do not ask the people for the facts and clarification. Now is a time for the City Leadership to stand for the team that provides the service that you represent.

“The team is even scared to talk to anyone, as this is not a safe place anymore. They know more from the outside than many know from the right people in Council leadership positions.”

Wolf previously said he was “disappointed” in a city director who told a city council member, according to emails obtained by the Sheboygan Press, that Pelishek said the racial slur in an internal meeting.

More:{ HYPERLINK

"https://www.sheboyganpress.com/story/news/politics/elections/2022/10/18/sheboygan-county-sheriff-candidate-jarrold-fenner-faced-firing-lying-resigned/8208123001/" \t "_blank" }

More:{ HYPERLINK

"https://www.sheboyganpress.com/story/news/local/2022/10/13/plymouth-settles-lawsuit-former-city-administrator-jordan-skiff-after-firing/10480239002/" \t "_blank" }

City council proposes limiting city administrator’s responsibilities

A city council resolution proposed Monday “clarifying” the duties of the city administrator would effectively limit Wolf’s responsibilities.

Although the city administrator is employed by the council and in charge of implementing council policies on a day-to-day basis, “the various roles of the City Administrator and the Mayor have evolved, often without much involving from the Common Council,” the resolution states.

“The City Administrator has strong skills in project management, and the Common Council wishes to have him focus more time in this area of strength,” it reads. “One way to do that is to direct the City Administrator to have the Mayor handle media relations and communication.”

According to city ordinance, the director of Human Resources and Labor Relations is appointed by the council based on the recommendation from the city administrator and mayor.

Under the proposed resolution, the appointment would instead be “primarily directed by the Mayor and council leadership.”

“Having that position filled by a strong candidate is one of the Common Council’s highest priorities,” the resolution reads.

The resolution will go to the Finance and Personnel Committee before returning to the full council for approval.

Sheboygan leaders and residents respond to concerns about city leadership and equity

{ INCLUDEPICTURE "https://www.gannett-cdn.com/presto/2019/12/21/PSHE/e8089db7-35d8-4431-83fa-1695e2e0b3cb-090319_SHE_Sheboygan_City_Hall_Ribbon_Cutting_gck-02.jpg?width=660&height=427&fit=crop&format=pjpg&auto=webp" * MERGEFORMATINET }

At last week’s council meeting, Mayor Sorenson said equity work needs to be a “fundamental component” of city operations.

“We have a lot of progress that we have made over the last couple of months, but we still have a long way to go,” Sorenson said.

“I want to reassure people that the city is not a safe space for racism and racial tropes and it can never be,” he said. “We have a lot of work ahead of us, I know we can do better and we will do better.”

The city council passed a resolution reaffirming the council’s commitment to diversity, equity, inclusion and belonging.

The council “believes that our leaders and staff need to be held to a high standard on matters of equity,” “understands that leaders shall offer no excuses for offensive behavior,” and “understands that leaders need to operate in full transparency and accountability,” the resolution states.

Sorenson said elected officials have heard from a lot constituents on how the city can improve.

“From the calls, emails and in-person conversations with residents that I have had recently about this issue, people are angry,” Ackley said. “I do not believe that (Pelishek’s) communication was becoming of someone representative of the city’s public face and leadership. I feel like all of us should be holding ourselves to a higher standard. We must be mindful of our words, even when quoting others.

“It is time to implement actionable change, it is not time to provide lip service,” Ackley said.

Russ Otten, a Sheboygan resident and chairman of the Republican Party of Sheboygan County, said during public comment at last week’s city council meeting that “it’s very sad for our community that the Sheboygan Press decided to sensationalize (this situation).”

“Every one of you council members knows that what was stated by Chad Pelishek was not stated by him but a repetition of what was stated by someone else. Yet, not one of you had the guts to defend him,” Otten said.

“Diversity is hugely important ... but diversity should be more than (race or gender). Diversity should be about diversity of thought,” he said. “When we only have one thought, and everyone has to fall in line or be ostracized, we have a problem.”

Other people in public comment and emails to city council members obtained by the Sheboygan Press called for more action by the council.

“Leadership requires the willingness to learn, the ability to model and the capacity to own one’s missteps,” said Jamie Haack, a resident and professional of diversity and inclusion work. “I urge the common council to seriously evaluate placements of Mr. Pelishek and Mr. Wolf and their current and future abilities to serve in their roles with the knowledge, transparency and values of equity and respect that are so needed in their positions.”

Brenda Richterkessing, another resident who has worked as a human resources director and taught educational seminars about sexual harassment and workplace retaliation, said in an email to the city council that, based off reporting on Wolf’s response, Wolf “is handling this in the exact opposite way than he should.”

“He sounds like someone that may be in over his head in terms of his ability to manage the leadership needed in our city,” Richterkessing wrote. “With no (Human Resources) director ... ironically because { HYPERLINK "https://www.sheboyganpress.com/story/news/politics/2022/10/10/sheboygan-city-leader-uses-n-word-raising-concerns-inclusion/10380097002/" } ... this is a very dangerous crisis of leadership for our city.”

Reach Maya Hilty at 920-400-7485 or { HYPERLINK

"mailto:MHilty@sheboygan.gannett.com" }. Follow her on Twitter at { HYPERLINK

"https://twitter.com/maya_hilty" }.

Attorney Jennifer DeMaster

From: Adams, Charles <Charles.Adams@sheboyganwi.gov>
Sent: Friday, January 3, 2023 10:33 AM
To: Attorney Jennifer DeMaster
cc: Hoffmann, Matthew; Marus, James; Macy
Subject: Record release
Attachments: Closed session 0122.pdf; Closed 0222.pdf; Closed 0222.pdf; Closed session 0123.PD

Atty. DeMaster

I am attaching minutes from four closed sessions of the Common Council.

I am doing so for two reasons. First, you requested the release of the minutes of the October 2022 meeting. I believe that request, which could not have been fulfilled prior to Monday night, is now fulfillable. Second, we have received a public records request for these minutes.

In my opinion, these minutes became releasable after the public vote to terminate Mr. Wolf per section 2(a) of his contract. In reviewing the request and applying the public records law, including application of the balancing test, I believe I am obligated to release the document with no redactions except the one redaction made, which relates to a closed session item on January 2, 2023, entirely unrelated to Mr. Wolf's situation. However, because of the potential that these records could have a negative public impact on Mr. Wolf as our former employee and because there is at least a colorable argument that Wis. Stats. § 19.35(2)(a) could apply to this circumstance, I have chosen to follow the dictates of that statute and provide notice to you of my intent to release. As you are certainly aware, you may, within five days after receiving this notice, provide written notice to me on behalf of the City of your intent to seek a court order restraining us from providing access and/or to commence such an action within ten days. Per the statute, I will not release within 2 days of this notice to you unless you specifically inform me that you do not object.

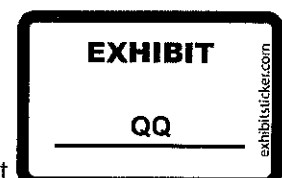
I would ask that you confirm receipt of this email as Mr. Wolf's counsel and confirm that you accept it as notice of my intent in lieu of personal service on Mr. Wolf.

I would note that one requester has alleged that Mr. Wolf has already waived this privilege. However, I do not believe the requester has the standing to make that claim. Additionally, I read the release you provided with regard to the October 2022 meeting as applying solely to release to Mr. Wolf or to you as his counsel. I would also note that any requester will receive a copy of this notice in lieu of a release of the records until such time as you either waive release of the records or until the provisions of Wis. Stats. § 19.35(2)(a) are met.

I look forward to hearing from you on this matter.

Chuck

Charles C. Adams
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City of Sheboygan
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charles.adams@sheboyganwi.gov



Local government is the foundation of democracy if it fails democracy will fail Robert W. Lack

NOTICE: This e-mail may contain confidential information and is intended only for the individual named. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail; please notify the sender immediately and delete this e-mail from your system. Also, please be aware that email correspondence to and from "The City of Sheboygan" may be subject to open record requests.



FIFTEENTH REGULAR COMMON COUNCIL MEETING AGENDA

November 07, 2022 at 6:00 PM

City Hall, 3rd Floor - Council Chambers, 828 Center Avenue, Sheboygan, WI

"It's the little details that are vital. Little things make big things happen" - John Wooden

This meeting may be viewed LIVE on Charter Spectrum Channel 990, AT&T U-Verse Channel 99 and:
www.wscssheboygan.com/vod.

Notice of the 15th Regular Meeting of the 2022-2023 Common Council at 6:00 PM, MONDAY, November 7, 2022 in City Hall, 3rd Floor - Council Chambers, 828 Center Avenue, Sheboygan, WI. Persons with disabilities who need accommodations to attend the meeting should contact Meredith DeBruin at the City Clerk's Office, 828 Center Avenue, (920) 459-3361.

Members of the public who wish to participate in public forum remotely shall provide notice to the City Clerk at (920) 459-3361 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. **Roll Call**
Alderspersons Ackley, Dekker, Feide, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar may attend the meeting remotely.
2. **Pledge of Allegiance**
3. **Approval of Minutes**
Fourteenth Regular Council Meeting held on October 17, 2022 and Second Special Council Meeting held on October 24, 2022
4. **Mayoral Appointments**
Jennifer Born Rutten, Jeanne Kliejunas, Chris Kuehnel, and William Campos to the Sustainability Task Force
5. **Resignation**
Dave Sachse from the Redevelopment Authority
6. **Public Forum**
Limit of five people having five minutes each with comments limited to items on this agenda.
7. **Mayor's Announcements**
Upcoming Community Events, Proclamations, Employee Recognitions

CONSENT

8. **Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances**



- 9.** R. O. No. 78-22-23 by Board of Water Commissioners submitting a copy of the 2023 Water Utility Budget for the Sheboygan Water Utility.
- 10.** R. O. No. 77-22-23 by Board of Water Commissioners submitting the Board of Water Commissioners' Report on the Water Utility for the third quarter of 2022.
- 11.** R. O. No. 79-22-23 by City Clerk submitting the Tax Levy Certification for the 2022-2023 School Year from the Kohler School District.
- 12.** R. O. No. 75-22-23 by City Clerk submitting the tax levy report that supports the 2022-23 budget for the Lakeshore Technical College District and a copy of the district-wide apportionment of the tax levy based upon the 2022 fully certified values furnished by the Wisconsin Department of Revenue.
- 13.** R. C. No. 118-22-23 by Public Works Committee to whom was referred R. O. No. 74-22-23 by City Clerk submitting a request from Zach Cotter for approval to hunt deer on a section of woods within the city limits; recommends filing the document.

REPORT OF OFFICERS

- 14.** R. O. No. 76-22-23 by City Clerk submitting a Summons and Complaint in the matter of Midstate Amusement Games, LLC vs. City of Sheboygan. REFER TO FINANCE AND PERSONNEL COMMITTEE

RESOLUTIONS

- 15.** Res. No. 85-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing submitting a Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program for the 2019-2020 Program Year related to CDBG-CV3 funds. REFER TO FINANCE AND PERSONNEL COMMITTEE
- 16.** Res. No. 84-22-23 by Alderpersons Felde and Ackley authorizing the Chief of Police to take necessary actions to receive the 2023 Wisconsin Justice System Improvement, Beat Patrol Grant. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
- 17.** Res. No. 83-22-23 by Alderpersons Felde and Ackley authorizing the appropriate City officials to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
- 18.** Res. No. 86-22-23 by Alderpersons Dekker and Rust authorizing the Purchasing Agent to issue a purchase order for the emergency purchase replacement of a bucket truck for the Motor Vehicle Division of the Department of Public Works, and authorizing the necessary budget adjustments to provide funding for the purchase. REFER TO PUBLIC WORKS COMMITTEE
- 19.** Res. No. 87-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into an Addendum No. 1 to the contract with Foth Infrastructure & Environment, LLC for design services related to the South Side Sewer (SIS) Facility Plan. REFER TO PUBLIC WORKS COMMITTEE
- 20.** Res. No. 88-22-23 by Alderpersons Felde and Ackley authorizing the Fire Chief to accept and expend funds received from the State of Wisconsin Department of Health Services as part of the Emergency Medical Services ("EMS") Flex Grant. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

GENERAL ORDINANCES

- 21.** Gen. Ord. No. 12-22-23 by Alderpersons Dekker and Rust repealing Gen. Ord. No. 42-21-22 so as to remove the two-way street designation for South 24th Street between Indiana Avenue and Georgia

Avenue and add parking on the west side of South 24th Street between Indiana Avenue and Georgia Avenue. REFER TO PUBLIC WORKS COMMITTEE

- 22.** Gen. Ord. No. 13-22-23 by Alderpersons Dekker and Rust amending Sections 122-403, 122-404, and 122-405 of the Municipal Code relating to sewers and sewerage disposal so as to make changes to service charges. REFER TO PUBLIC WORKS COMMITTEE

MATTERS LAID OVER

- 23.** R. C. No. 117-22-23 by Committee of the Whole to whom was referred Res. No. 79-22-23 by Alderpersons Felde and Filicky-Peneski establishing the 2023 Budget appropriations and the 2022 Tax Levy for use during the calendar year; recommends adopting the Resolution.

OTHER MATTERS AUTHORIZED BY LAW

CLOSED SESSION

- 24.** MOTION TO CONVENE IN CLOSED SESSION pursuant to Wis. Stat. § 19.85(1)(e) for deliberating or negotiating the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session; to wit: discussions regarding possible development incentives for affordable housing projects currently known as the former Koepsell property redevelopment and the S. 14th and Illinois Avenue projects; AND under the exemption provided in Wis. Stat. § 19.85(1)(f) for preliminary consideration of specific personnel problems which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the person involved in such problems or investigations.

RECONVENE IN OPEN SESSION

- 25.** Reconvene in open session to act upon potential matters arising from closed session discussions.

ADJOURN MEETING

- 26.** Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

Sheboygan Press.



MONEY

Post-2020, Sheboygan County businesses strengthen their commitments to diversity, equity and inclusion



Maya Hilty
Sheboygan Press

Published 6:02 a.m. CT Jan. 19, 2022

SHEBOYGAN - After former police officer Derek Chauvin murdered George Floyd in 2020, workers and consumers across the country demanded that companies step up to combat systemic racism and inequality.

In Sheboygan, government officials, schools, nonprofits and Black residents either called for or committed to supporting change in Sheboygan.

More than a year-and-a-half later, many Sheboygan County businesses and organizations are working to strengthen their commitments to diversity, equity and inclusion.

Lakeland University recognized it stands on Indigenous land with an official plaque last year; the John Michael Kohler Arts Center transitioned one employee into a full-time diversity position a few months ago. Kohler Company, which — like other companies — says its focus on diversity work began several years ago, told the Sheboygan Press the company has “intensified” its work since 2020.

Here are some ways five Sheboygan County businesses and organizations — Kohler Company, Acuity Insurance, Rockline Industries, Lakeland University and the John Michael Kohler Arts Center — are promoting diversity, equity and inclusion at the start of 2022.

What is diversity, equity, inclusion and belonging?

Diversity, which comes in many different forms, can refer to people’s range of different identities and experiences, including race, ethnicity, gender, sexual orientation, socio-economic status, ability and more.

For businesses and other organizations, diversity, equity, inclusion and belonging (DEIB)

practices try to ensure that people of different identities and backgrounds are treated fairly and feel comfortable, heard and valued.

“DEI comes from a place of listening and learning,” said Jamie Haack, director of DEI at the John Michael Kohler Arts Center. “Listening and understanding where people are at and where they’re coming from, their value system and who they are in other areas of social identity — that’s how we can meet people where they are and provide them experiences that feel inclusive.”

Organizational leadership take on explicit DEI roles

At the John Michael Kohler Arts Center, a nonprofit visual and performing arts complex and community art center, a history of supporting diversity led to the recent creation of a formal diversity position.

“In general, the Art Center has always had a strong position on equity and valuing all aspects of a person’s being and way of thinking, and really offering different perspectives to challenge the social norms we might be used to,” Haack said.

The Art Center’s former executive director, Ruth Kohler, long promoted the tagline, “All the Arts for All the People,” according to Haack. The center creates programs to appeal to people “age zero to 99,” with a lot of free programming to reduce cost barriers, Haack said.

The Arts Center, which engages with artists locally to internationally, also supports up-and-coming and self-taught artists, who are not always traditionally valued in the museum world, Haack said.

Still, after the murder of George Floyd, the Art Center decided to take a stand on values around which it was already grounded.

As a result, Haack — who said that being of mixed background and having a Black son, she was deeply impacted by George Floyd’s murder and found passion for diversity work — transitioned from marketing director to director of DEI last fall.

In her new position, Haack has been able to partner with a consulting firm to audit Art Center policies such as hiring practices and internal communication methods, which led to recommended changes.

Next, the center can rethink how to promote equitable relationships with community partners, Haack said.

A similar transition occurred recently for Le’Shay Guy, who started at Lakeland University a few years ago as director of multicultural affairs and became director of student DEIB initiatives last

year.

With her new title, Guy does much of the same work, but with more support, she said.

“We realized that diversity, equity and inclusion work is way more broad than one department,” she said.

Before the transition, she was doing a lot of work on her own. Now housed in the campus’s Ulrich Center for Faith, Ethics and Justice, she “turned from a department of one to a department of four or five,” she said.

“Since I have been here, Lakeland has done a great job responding to issues so that our students know that we support them, we’re here for them, we hear them,” Guy said.

While the university started diversity work well before she was hired as a member of staff, she says the environment today is a “huge cultural shift” from when she was a student.

“Back then, Lakeland wouldn’t speak on those issues, they would kind of bury the hatchet,” she said. “Now, they’re more vocal about taking these issues seriously.”

Away from the nonprofit and educational world, Kohler Company is one example of a company that has “taken ownership of DE&I at the highest levels” with the establishment of an Executive Leadership Diversity Board in 2020, said Bridget Penney, vice president of talent and diversity.

The board has developed a strategic foundation for the company centered on four pillars: building diversity teams that reflect Kohler’s communities and customers, fostering an inclusive culture that welcomes difference, working with suppliers that uplift women and minority-owned businesses, and exploring new markets through diverse lenses.

DEI trainings build understanding among staff

Another common thread among businesses and organizations ramping up DEI work is more diversity trainings.

“Although DEI concepts and topics sometimes feel basic, sometimes they’re really foreign to people depending on where you come from and your background,” Haack said. “So we thought it important to have some baseline training for all staff — that was mandatory — to get an understanding of: What is a social identity? What is a microaggression? What does DE and I mean?”

Rockline Industries, Inc., an international company with headquarters in Sheboygan that primarily makes wet wipes and coffee filters, has similarly started a “Connection Series” of

optional monthly live webinars that address social topics like mental health awareness, community volunteerism, and DEI, said Kris DeLano, VP of human resources at the company.

At Lakeland University, Guy has already received a lot of positive feedback about DEI trainings, she said. The administrative leadership of the university first did the trainings, which were then opened up to anyone in the campus this school year.

RELATED: 'He's a supporter of all': Empowering member of Sheboygan community earns 2021 ATHENA Award

RELATED: Andre Walton looks to bring his community activism to Sheboygan

Companies invest in employees and the broader community

As representatives from Acuity, Rockline and Kohler all highlighted, the companies support the community through charitable giving to nonprofits locally to globally.

But some of the most important diversity work begins internally, Sheboygan companies and organizations told the Sheboygan Press.

As Haack put it, "Our staff are also our community that we're serving."

Rockline Industries, which takes pride in its "people-centered" company values, added a people-focused aspiration to its sustainability commitment two years ago.

To fulfill this aspiration, the company offers things like leadership development and education reimbursement benefits and scholarship opportunities to employees and their family members, DeLano said.

In 2022, Rockline also changed its holiday schedule to replace some company holidays with floating holidays to give employees more flexibility in choosing days off to include holidays that are meaningful to them, DeLano added.

Some larger companies, including Acuity and Kohler, have employee-led resource groups centered on common interests or identities to support staff, too.

Kohler's resource groups, launched in 2018, have partnered on marketing campaigns, supported recruitment efforts and led conversations focused on navigating remote work and product innovation at the company.

"We are early in our journey, and understand that to be impactful, it's actions we take to make real progress," Penney said.

Reach Maya Hilty at 920-400-7485 or MHilty@sheboygan.gannett.com. Follow her on Twitter at [@maya_hilty](https://twitter.com/maya_hilty).