

Oversight Policy When the Mayor is Related to a Department Head

1. Purpose

This policy establishes safeguards, transparency measures, and oversight procedures when a department head of the City of Manitowoc is related to the Mayor. The purpose is to ensure ethical governance, maintain public trust, prevent conflicts of interest or the appearance of favoritism, and preserve the integrity of departmental supervision.

2. Scope

This policy applies to:

- The Mayor
- Any department head who is related to the Mayor by blood, marriage, or domestic partnership (hereafter: “related department head”)

This policy supplements but does not replace existing City policies, ordinances, and state statutes.

3. Hiring Authority and Separation of Powers

1. The Mayor does not hire or fire department heads.
2. The Mayor recommends individuals as department heads by evaluating candidates, conducting interviews, and submitting a recommendation, unless there is a circumstance in which the Mayor is related to a candidate for a department head position.
3. The Common Council is the sole appointing and terminating authority for all department heads.
4. When the department head is related to the Mayor:
 - The Mayor will not sign the hiring resolution.
 - The resolution will take effect automatically after the statutory period without the Mayor’s signature.
 - There will be a roll call vote of the Common Council to approve the hiring.
 - The Common Council sets the department head’s salary through this resolution. The Mayor does not recommend or set the salary.

4. Day-to-Day Oversight

1. The Mayor retains responsibility for daily supervision of all department heads, including any related department head, consistent with the City’s administrative structure.
2. The related department head shall receive work direction from the Mayor just as any other department head would.
3. This policy does not diminish the Mayor’s general authority to manage city operations.

5. Additional Oversight Measures for a Related Department Head

To ensure neutrality and prevent conflicts of interest, the following enhanced procedures apply:

5.1 Timekeeping & Payroll

- The related department head will submit timecards in the same manner as all other department heads.
- The Mayor may continue to review and approve the timecard as part of the standard batch approval process.
- Finance/Payroll will independently verify the related department head's timecard every payroll cycle.
- Finance/Payroll will forward the verified timecard to the Council President every two weeks for review.
- Quarterly timecard batches will be submitted to the Personnel Committee (on their consent agenda) for their monthly meetings in January, April, July, and October to ensure public transparency.

5.2 Salary, Compensation, and Adjustments

- The Mayor shall not propose, recommend, or approve:
 - Salary changes
 - Step or equity adjustments
 - Additional PTO outside city-wide uniform benefits
 - Any other compensation-related action
- All compensation matters for the related department head will be directed to and initiated by the Council President, who may bring them before the Common Council at their discretion.
- The Mayor has no authority to increase, decrease, or otherwise alter the related department head's compensation or benefits.

5.3 Paid Time Off (PTO)

- Department heads typically notify the Mayor of PTO rather than seeking approval. That process remains unchanged.
- The Mayor retains the authority to deny PTO only when required for essential operations, consistent with existing practice.
- Requests for additional PTO outside normal policy must be submitted directly to the Council President.

5.4 Uniform Benefits for Department Heads

- Any benefit that is applied equally and uniformly to all department heads (e.g., granting the Friday after Christmas or New Year's off) may still apply to the related department head.
- These do not require special approval, provided they are granted consistently across all department heads.

6. Performance Evaluation

- The related department head will undergo performance evaluations conducted jointly by the Mayor and the Council President.
- Any recommendation arising from the evaluation that involves compensation or disciplinary action must originate from the Council President.

7. Discipline

- The Mayor may initiate disciplinary concerns or document performance issues.
- Any disciplinary action that results in suspension, paid leave, or similar impacts shall be decided by the Council President, subject to applicable personnel policies.
- The Common Council retains ultimate authority over each department head's employment status.

8. Reporting Concerns and Safeguards Against Favoritism

- Any employee who observes or believes there is favoritism, preferential treatment, or conflict of interest involving any department head — including the related department head — may report the concern directly to the Council President.
- These reports will be handled confidentially and reviewed according to existing procedures for employee complaints.
- This policy affirms that all department heads report to the Common Council as a body, and the Mayor is operationally but not legally the “employer,” ensuring inherent checks and balances already embedded in the City's structure.

9. Transparency

- When a relative of the Mayor is hired as a department head, the City will publicly state that this policy is in effect.

10. Effective Date and Review

- This policy becomes effective immediately upon adoption by the Common Council.
- This policy shall be reviewed and amended upon the recommendation of the Council President and City Attorney.
- Any modification to this policy must be approved by the Common Council.