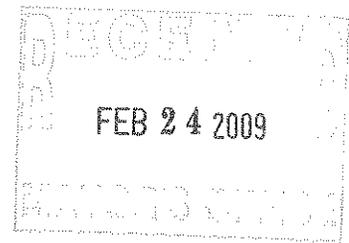


Mary Nebel
713 First Street
Menasha Resident



To: Common Council members, Mayor Merkes and place in Council packet for March 2, 2009

You have been introduced to an ordinance to change how our city attorney is hired.

We are being advised and trained by Legal Counsel (read Roehling & Write 2004) to focus on legal risks as opposed to employee motivation, morale, commitment and loyalty.

Please be advised that most employees of state governments in the USA are not at-will employees, nor are US federal government employees, nor are union employees as they are covered under collective bargaining. Also, only the US and some of Japan have utilized this principal. Industrialized nations do not. Why is this? Because at-will employment is primarily used to protect business and it has surpassed its life cycle.

Recent judicial proceedings have now recognized exceptions to the at-will doctrine that many believe has eroded its effectiveness. It has been shown to harm retention and recruitment efforts and can jeopardize our city as a whole.

The practice evolved in the 1870's when there existed master-servant relationships. It has become antiquated with new discriminatory regulation. So why not embrace and institute a good-cause doctrine? Have you, yourselves personally, really evaluated the impact of such a contract that we have never had in the past?

I have researched the 12 cities and villages in Wisconsin similar to our size (15-20,000). The majority out-source their attorney on an as-needed basis, some are part-time hires, and a few are elected on a ballot. We do neither and I wonder if you haven't fully researched your potential options.

Even though you may fire at will, an employee may also quit at-will. Costs remain substantial for firing without good cause. You are misinformed if you think you can just let an employee go at-will without suffering consequences. It's not easy and simple because you elect this doctrine.

One must consider if at-will employment has reached its point in the cycle and where it should be considered for abolishment. A good-cause doctrine would be more beneficial establishing the greatest good for the greatest number of people within our city government and should be considered more ethical than the at-will employment.

It seems we haven't an option to out-source our attorney position. Therefore, I request that the position remain with the city council alderman to choose their attorney for a 3-year period. A mayoral appointment could only politicize it.

I ask you to vehemently review what comparable cities are doing (or request my paperwork), ask really why you wish to change what has worked, and consider what your city of 16,800 can afford because the approval of this action may undoubtedly blow up in your face.