

July 16, 2009

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 6:05 P.M.

PRESENT: Commissioners: Richard C. Cox, Chair  
Carolina M. Stark  
Ernesto A. Baca  
Kathryn A. Hein  
Paoi X. Lor  
Sarah W. Morgan

ALSO PRESENT: Douglas Holton, Chief, Milwaukee Fire Department; and Dale Schunk, Assistant Chief, representing the Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 5:15 p.m. to 6 p.m. pursuant to Section 19.85 (1) (c) Wis. Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over whom the Board has jurisdiction or exercises responsibility, to wit: appointment of Police Information Systems Director and promotion of Lieutenant of Police to Captain of Police.

The Director presented for adoption minutes of the Regular Meeting of June 18, 2009. Commissioner Lor moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The following promotion, as presented by Chief Edward Flynn, was approved by the Board:

TO CAPTAIN OF POLICE, on a waiver basis, from Lieutenant of Police, contingent upon successful completion of a drug screening, effective July 26, 2009:

GARY J. GACEK.

b) The following appointment, as presented by Chief Flynn, was approved by the Board:

TO POLICE INFORMATION SYSTEMS DIRECTOR, contingent upon successful completion of a background investigation, medical examination, and drug screening, effective July 27, 2009:

DEBORAH E. LEWIS.

2. NEW BUSINESS:

a) The Director presented the Fire and Police Commission (FPC) 2009 Mid-year Report. He explained that it is an abbreviated interim report that will be put out on a six-month basis in addition to the annual report. It is the first time the FPC has put out a mid-year report. Kristin Kappelman, Research Analyst, gave a brief overview of the report. The report highlights citizen complaints for the first six months of 2009, as well as selected statistics from both fire and police departments. The report is in two formats: an abbreviated brochure and a formal report with more detailed information. Commissioner Baca moved approval of the mid-year report, seconded by Commissioner Stark. The motion carried unanimously.

The Director stated that the mid-year report will be available on the FPC website and the brochures will be printed for distribution at community events. The mid-year report will also be distributed to various groups and is also available upon request.

b) The Director presented a classification report dated July 14, 2009, from Maria Monteagudo, Director of Employee Relations, regarding a new position of Technical Services Manager in the Fire Department. Ms. Monteagudo recommends changing the title to "Fire Technical Services Manager" and the Salary Ordinance be amended under Salary Grade 010 to add the title "Fire Technical Services Manager". She also recommends that in the Positions Ordinance, under Fire Department, Supporting Services Decision Unit, Automation Section, delete one position of "Technical Services Bureau Manager" and add one position of "Fire Technical Services Manager." Andrea Knickerbocker, Human Resources Manager, was present and spoke regarding the report. Commissioner Stark moved approval of the report, seconded by Commissioner Hein. The motion carried unanimously.

### 3. COMMITTEE REPORTS:

a) Commissioner Hein presented the following report of the Committee on Policies and Standards. Although the proposed amendment to FPC Rule III Section 2 is returning to the Board today for final adoption, the Committee did not review this rule. The amendment would allow a quorum of three Board members to decide disciplinary appeals and citizen complaint trials, instead of a majority of the Board. The Director informed the Board that this amendment conforms to the recently changed state law.

Commissioner Hein then informed the Board that the Committee had met on June 30, 2009 regarding the proposed amendments to FPC Rules XV, XVI, and XVII. Amended Rule XV would replace Rule XVII and adopt the pilot program for the citizen complaint process that has been in place since last June. The amended rule also adopts the citizen complaint intake investigation guidelines, which informs the public of the process in which the FPC investigates complaints. Amended Rule XVI replaces Rules XV, XVI, and XVII with regard to trial procedures for citizen complaints and disciplinary appeals.

The Director stated that these rule amendments will formalize the system for handling complaints, investigations, mediation, and handling complaints administratively before they go to the Board for trial. Community input was taken into consideration and best practices from around the country were also researched.

John Balcerzak, President of the Milwaukee Police Association (MPA), stated he worked with the FPC regarding the citizen complaint process involving the investigators. The issues the MPA had have been resolved. He thanked the Director and the FPC for including the MPA in the process.

Commissioner Baca moved approval of all the above proposed amendments, seconded by Commissioner Lor. The motion carried unanimously.

The Director noted that approval of the amendments regarding the complaint and discipline process also adopts by reference the modified Citizen Complaint Intake Investigation Guidelines. The Director indicated that the Police Department SOP 450.55 will be adopted by the MPD on citizen complaint procedures as part of the rule changes.

b) Commissioner Baca gave the report on the Committee on Testing and Recruiting. It was announced that Sgt. Mike Schmitz will be taking over the recruitment section, specifically the Police Aide program. Sgt. Schmitz will be developing a Police Aide committee to focus on two main issues: the curriculum and physical training. The proposed curriculum will include more general education classes to form more well-rounded Police Aides. The proposed physical training would occur twice a week to provide more flexibility with schedules. Sgt. Schmitz will develop a proposed Police Aide manual that will be brought to the committee for

approval when completed. The Police Officer selection process has over 3,000, applicants and the Department of Employee Relations (DER) is waiting to process these applicants pending the branding committee outcome as well as budget constraints. The Police Aide testing process has identified 52 eligible candidates, and backgrounds are being completed. The recruit class should start in September. DER has met with the Fire Department regarding the testing process. A total of 253 of the 325 applicants for Firefighter have turned in their Personal History Questionnaires. DER is working on finalizing the background standards for Firefighter. The next meeting of the Committee is Monday, July 20, 2009.

#### 4. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Heavy Equipment Operator in the Fire Department, consisting of nine names. The Director read the list aloud. Commissioner Stark moved approval of the list, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented for approval an examination announcement bulletin for the position of Communication Systems Manager in the Police Department. Commissioner Lor moved approval of the bulletin, seconded by Commissioner Baca. The motion carried unanimously.

c) The Director presented for approval an examination announcement bulletin for the position of Fire Lieutenant in the Fire Department. The Director noted that there are no major changes from the last bulletin. Commissioner Morgan moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

d) The Director presented for approval an examination announcement bulletin for the position of Crime Analyst in the Police Department. He indicated these are new positions that will help the MPD with their analysis of crime data and deployment of personnel. Commissioner Baca moved approval of the bulletin, seconded by Commissioner Morgan. The motion carried unanimously.

e) The Director presented a request from DER staff to amend the Firefighter eligible list adopted by the Board on April 23, 2009 to add Patrick Hensel to position 47-A. Mr. Hensel has returned from military duty and successfully completed the oral examination. Adding Mr. Hensel being is done in accordance with USERRA. Commissioner Morgan moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

f) The Director presented a letter dated June 15, 2009, from Chief Edward Flynn, wherein he requests that #45 – Sharon D. Criswell be removed from the Police Telecommunicator (Regular) Eligible List approved by the Board on May 7, 2009. Ms. Criswell was not recommended by the Applicant Review Committee and the Fire and Police Commission upheld the non-recommendation. Commissioner Stark moved to approve the request to remove, seconded by Commissioner Hein. The motion carried unanimously.

#### 5. FIRE DEPARTMENT:

a) The Director presented a letter dated July 5, 2009, from Chief Douglas Holton, wherein he nominates Deputy Chief Michael L. Jones to the exempt position of Assistant Fire Chief in the Fire Department, to be effective August 9, 2009. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

The Director presented a letter dated July 5, 2009, from Chief Holton, wherein he nominates Battalion Chief Michael A. Payne to the exempt position of Deputy Chief, Fire in the Fire Department, to be effective August 9, 2009. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

The Director presented a letter dated July 5, 2009, from Chief Holton, wherein he nominates Fire Captain James H. Ley to the exempt position of Battalion Chief, Fire in the Fire Department, to be effective August 9, 2009. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

The Director presented three letters dated July 5, 2009, from Chief Holton, wherein he nominates Fire Captains Daniel M. Berendt, Richard A. Kaiser, and Sean W. Slowey to the exempt position of Battalion Chief, Fire in the Fire Department, to be effective August 9, 2009. Pursuant to Rules of the Board, final action on these nominations was laid over to permit the nominees to be interviewed.

b) The following promotions, as presented by Chief Holton, were approved by the Board:

TO FIRE LIEUTENANT, on a waiver basis, from eligible list established December 6, 2007, effective July 26, 2009:

#31 – MICHAEL P. SCHWADE.

TO FIRE PERSONNEL OFFICER, from Administrative Assistant IV, effective July 26, 2009:

JULIET LEE BATTLE.

TO ADMINISTRATIVE ASSISTANT IV, from Data Base Specialist, effective July 26, 2009:

CHERYL A. FINGER.

TO DATA BASE SPECIALIST, from Information Technology Specialist, effective July 26, 2009:

BETH K. NEWTON.

c) The Director presented a letter dated July 5, 2009, from Chief Holton, wherein he grants Firefighter Tonnie Lane an unpaid Military Leave of Absence without pay for an indefinite period of time effective July 4, 2009.

#### 6. POLICE DEPARTMENT:

a) The following promotions, as presented by Chief Edward Flynn, were approved by the Board:

TO LIEUTENANT OF POLICE, on a waiver basis, from eligible list established May 21, 2009, contingent upon successful completion of a drug screening, effective July 26, 2009:

#6 – HEATHER N. WURTH.

TO IDENTIFICATION TECHNICIAN, from Police Officer, contingent upon successful completion of a drug screening, effective July 26, 2009:

TERESA L. CRUZ.

TO TRANSCRIPTIONIST III, from Transcriptionist II effective July 26, 2009:

MICHELLE A. CROSS.

b) The Director presented three letters dated June 30, 2009, from Chief Edward Flynn, wherein he requests that the appointments to Police Telecommunicator (Regular) of #7 – Jeannie E. Berry-Matos and #9 – Jackie Gwitt-Schuetz and Police Telecommunicator (Seasonal) of #13 – Maryann Berndt, #11 – Linda Sikorski, and #19 – Marlecia Gee-Luczak be rescinded. Ms. Berry-Matos and Ms. Berndt did not pass the pre-employment screening, Ms. Gwitt-Schuetz did not accept the position, and Ms. Sikorski and Ms. Gee-Luczak will be appointed to the position of Police Telecommunicator (Regular) instead. Commissioner Hein moved to approve the request to rescind, seconded by Commissioner Baca. The motion carried unanimously.

c) The following appointments, as presented by Chief Flynn, were approved by the Board:

TO POLICE TELECOMMUNICATOR (REGULAR), from eligible list established May 7, 2009, retroactive to June 22, 2009:

#11 – LINDA SIKORSKI and #19 – MARLECIA GEE-LUCZAK.

TO POLICE SERVICES SPECIALIST, contingent upon successful completion of a medical examination and drug screening, effective July 27, 2009:

ALAN L. SEGEL.

d) The Director presented a letter dated June 8, 2009, from Chief Flynn, wherein he notifies the Board that Sergeant David J. Muehl has been suspended without pay for forty working days for violating Department Rules under Personnel Order 2009-87 dated June 8, 2009.

e) The Director presented a letter dated June 11, 2009, from Chief Flynn, wherein he notifies the Board that probationary Police Officer Melissa Ramskugler has been terminated under Personnel Order 2009-93 dated June 11, 2009 due to her inability to proceed with required training.

Ms. Ramskugler was present and stated she received a letter from Personnel Administrator Val Williams regarding her reappointment request. She asked for more information regarding the Commission's reappointment procedure.

The Director explained that the Police Department will review her request and make a recommendation to the Board for their review. He encouraged Ms. Ramskugler to promptly comply with all requests of the Department so they can make an accurate recommendation. He also informed her that her reappointment request would not be taken up until after the August recess.

f) The Director presented a letter dated June 11, 2009, from Chief Flynn, wherein he notifies the Board of the following personnel transactions: Police Officer Devennette Prince returned from an unpaid medical leave of absence on April 8, 2009; Police Officer Harold Almas was granted an unpaid military leave of absence commencing May 18, 2009 and concluding in February 2010; Police Officer Michael Dederich was granted an unpaid military leave of absence commencing May 16, 2009 and concluding in February 2010; Police Officer Erik Rodriguez was granted an unpaid military leave of absence commencing April 30, 2009 and concluding in May 2010; and Office Assistant I Pauline Garry was granted an unpaid medical leave of absence commencing May 3, 2009 and concluding November 3, 2009.

The Director presented a letter dated June 29, 2009, from Chief Flynn, wherein he notifies the Board he has approved an extension to the educational leave of absence without pay for Police Officer Nicole Noet. The leave will now expire on August 24, 2010.

7. PUBLIC COMMENT:

John Balcerzak, President of the Milwaukee Police Association, spoke regarding Wis. Stat. § 62.50. He stated the Commission would be receiving a copy of the letter he sent to Chief Flynn regarding the legislation changes to §62.50. He informed the Board that there needs to be an amendment to Department rules due to changes in the statute. The amended statute states that if a police officer is discharged for any reason he will not be paid or receive benefits until a just cause hearing can be held. This is something that has not happened in over 20 years and is only happening in the City of Milwaukee. He stated this is in conflict with Department rules regarding outside employment and residency, which would still be applicable to discharged members pending appeal. He encouraged the Board and Chief Flynn to look at the rules and amend them.

The Director stated that hearings will be held administratively as soon as practical to minimize the time before a final decision is made, but state law requires the hearing not be held until 60 days after the discharge order is served.

Assistant Chief Dale Schunk announced his retirement on July 28<sup>th</sup> from the Police Department.

The Chair thanked him for his many years of service to the City.

8. ADJOURNMENT:

Commissioner Stark moved to adjourn the meeting, seconded by Commissioner Lor. The motion carried unanimously.

The meeting concluded at 6:44 P.M.

Respectfully submitted,

Michael G. Tobin  
Executive Director

MGT:mk