

June 2, 2011

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:40 P.M.

PRESENT: Commissioners: Carolina M. Stark, Vice Chair  
Kathryn A. Hein  
Paoi X. Lor  
Sarah W. Morgan  
Michael M. O'Hear

ABSENT: Commissioner: Richard C. Cox (Excused)

ALSO PRESENT: Gerard Washington, Assistant Chief, representing the Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 5:06 p.m. to 5:35 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: promotion of Fire Captain to Battalion Chief, Fire.

The Director presented for adoption minutes of the Regular Meeting of May 19, 2011. He noted at that meeting the Fire and Police Commission 2010 Annual Report was presented and approved. Commissioner O'Hear 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 Rohlfing, was approved by the Board:

TO BATTALION CHIEF, FIRE, from Fire Captain, effective June 12, 2011:

DALE A. SCHWARK.

b) The Director returned to the Board a request from the Police Department to review the Salary Grades for Inspector and Assistant Chief. In a report dated May 26, 2011, Maria Monteagudo, Director of Employee Relations, recommends that under Salary Grade 012, delete the title Inspector of Police. Under Salary Grade 014, add the title Inspector of Police, and add footnote #3, to read as follows: 3/ "Current and future appointments to be at 3% above maximum rate of pay of Deputy Inspector at the discretion of the Chief, subject to approval from the Chair of Finance and Personnel and the Employee Relations Director. Under no circumstances will the appointment rate exceed the maximum rate of pay of Salary Grade 014." Under Salary Grade 016, Assistant Chief of Police, add footnote #6, to read as follows: 6/ "Current and future appointments to be at 3% above the maximum rate of pay of Inspector at the discretion of the Chief, subject to approval from the Chair of Finance and Personnel and the Employee Relations Director. Under no circumstances will the appointment rate exceed the maximum rate of pay of Salary Grade 016." The Director stated this will correct the pay compression between Assistant Chief, Inspector, and Deputy Inspector. The Vice Chair asked if this will negatively affect anyone currently in the positions. The Director responded that it does not affect anyone in the positions now and it is not retroactive. Commissioner O'Hear asked if the pay ranges were adjustable. The Director replied the pay ranges are set by the Common Council and collective bargaining. Commissioner O'Hear asked what the budgetary impact was. The Director stated the Department has funds to cover the changes, which will cost less than \$100,000 per year. Chief Flynn added the Department gave up positions to compensate for the changes requested. Commissioner O'Hear moved approval of the recommendation, seconded by Commissioner Morgan. The motion carried unanimously.

c) The Director presented a decision from the Eastern District of Wisconsin of the United States District Court in the matter of Milwaukee Police Association, Melissa Ramskugler and Justin Solsvig vs Board of Fire and

Police Commissioners, Edward Flynn and the City of Milwaukee. He stated the decision affirmed the decision made by Chief Flynn to terminate Ms. Ramskugler and the Board's decision not to reappoint her. He added there is favorable language in the decision about the Board's authority to promulgate rules and policies.

2. NEW BUSINESS:

a) The Director presented a letter dated May 19, 2011, from staff, wherein Shop Mechanic Thomas Wierzba requests a temporary exemption of the City residency requirement. Mr. Wierzba was hired on December 13, 2010 and must reside in the City by June 13, 2011. The Vice Chair asked Mr. Wierzba what the current status of his condominium sale is and how much time he is requesting for the exemption. Mr. Wierzba responded he is asking for six months. He added he has owned it just over one year, has had seven showings and just lowered the price yesterday. The Vice Chair asked what the new price was. Mr. Wierzba replied the new price is \$67,900. The Vice Chair asked if he has any children or family members living with him. Mr. Wierzba responded his fiancé lives with him. The Vice Chair asked about alternatives to selling it, such as renting it out. Mr. Wierzba responded he is trying to work that out now, but the condo rules only allow a certain number of units to be rented at a time. He thinks there will be a possibility to rent it in three months. Commissioner Hein asked when he put his condo up for sale. Mr. Wierzba responded February 20<sup>th</sup>. Commissioner Hein asked why he waited three months after he was hired. Mr. Wierzba replied he was doing research and it was the holiday season. Commissioner O'Hear moved a for a four month residency exemption until October 6, 2011, seconded by Commissioner Morgan. Commissioner Hein suggested he look for renting options because she is not likely to grant an additional exemption. The motion carried unanimously.

3. FIRE DEPARTMENT:

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

TO FIRE CAPTAIN, on a waiver basis, from eligible list established February 20, 2011, effective June 12, 2011:

#6 – TROY T. KLEMSTEIN.

TO FIRE LIEUTENANT, on a waiver basis, from eligible list established December 17, 2009, effective June 12, 2011:

#25 – ROGER WEATHERSBY.

4. POLICE DEPARTMENT:

a) The Director presented a letter dated May 25, 2011, from Chief Flynn, wherein he nominates Inspector of Police John M. Hagen to the exempt position of Assistant Chief of Police in the Police Department, to be effective June 26, 2011. 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 May 25, 2011, from Chief Flynn, wherein he nominates Inspector of Police Darryl W. Winston to the exempt position of Assistant Chief of Police in the Police Department, to be effective June 26, 2011. 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 May 25, 2011, from Chief Flynn, wherein he nominates Captain of Police Patrick S. Mitchell to the exempt position of Assistant Chief of Police in the Police Department, to be effective June 26, 2011. 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 May 25, 2011, from Chief Flynn, wherein he nominates Inspector of Police Kurt R. Leibold to the exempt position of Inspector of Police in the Police Department, to be effective June 26, 2011. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

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

TO OFFICE ASSISTANT II, from Office Assistant I, effective June 12, 2011:

ROBERTA J. ROBINSON.

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

TO POLICE TELECOMMUNICATOR (SEASONAL), from Police Telecommunicator (Regular) eligible list established May 19, 2011, contingent upon successful completion of a background investigation, medical examination, psychological test, and drug screening, retroactive to May 31, 2011:

#2 – JANICE BELL and #3 – ELIZABETH BRUNNER.

d) The Director presented a letter dated June 2, 2011, from Chief Flynn, wherein he notifies the Board that the effective date for newly appointed Police Telecommunicator (Seasonal) Sandra L. Broughton has changed from May 31, 2011 to June 27, 2011.

e) The Director presented a letter dated May 18, 2011, from Chief Flynn, wherein he notifies the Board that Police Officer Joel A. Moeller has been suspended for ten (10) working days and discharged for violation of Department Rules under Personnel Order 2011-75 dated May 18, 2011. He added Mr. Moeller has appealed his discipline.

f) The Director presented a letter dated May 24, 2011, from Chief Flynn, wherein he notifies the Board that Police Officer James M. Morsovillo has been suspended for thirty (30) working days and discharged for violation of Department Rules under Personnel Order 2011-84 dated May 24, 2011. He added Mr. Morsovillo has appealed his discipline.

g) The Director presented a letter dated April 26, 2011, from Chief Flynn, wherein he notifies the Board that Police Aide Matthew S. Schwister has been terminated for violation of Department Rules under Personnel Order 2011-70 dated April 26, 2011.

5. PUBLIC COMMENT:

There was no comment made from the public present.

6. ADJOURNMENT:

Commissioner O'Hear moved to adjourn the meeting, seconded by Commissioner Lor. The motion carried unanimously.

The meeting concluded at 6:00 P.M.

Respectfully submitted,

Michael G. Tobin  
Executive Director

MGT:mk