



CITY OF MILWAUKEE

Fire and Police Commission

TO: Board of Fire and Police Commissioners

FROM: Michael G. Tobin, Executive Director

SUBJECT: Amendment to FPC Rule XVI, Section 2 (d)

The amendment would allow civilian personnel of either department to appeal a discipline of discharge, demotion, or suspension of more than five (5) days to the Board, in accordance with State Budget Act 10.

MGT:mk

RULE XVI.

TRIAL PROCEDURES

Section 1. PURPOSE. These procedures apply to citizen complaints and disciplinary appeals by sworn and non-sworn Fire or Police Department personnel. (Rev. 7/16/09)

Section 2. JURISDICTION.

- (a) Any member who is served with an appealable order of discipline shall, at the same time that service of the appealable disciplinary order is made, receive any exculpatory evidence in the Chief's possession related to the discharge, demotion or suspension. (Rev. 7/16/09)
- (b) Sworn, non-probationary members of the Police Department who are discharged, demoted or suspended without pay for a period of more than five (5) eight-hour working days may appeal such discipline to the Board. (Rev. 7/16/09)
- (c) Sworn, non-probationary members of the Fire Department who are discharged, demoted or suspended without pay for a period of more than two (2) twenty-four-hour working days, or more than five (5) eight-hour working days may appeal such discipline to the Board. (Rev. 7/16/09)
- (d) Non-sworn (civilian), non-probationary, non-exempt full-time members of the Fire Department or the Police Department who are discharged, demoted or suspended without pay for more than ~~fifteen (15)~~ **five (5)** working days may appeal such discipline to the Board. Any ~~employee~~ **member** subject to a collective bargaining agreement that provides final and binding arbitration as an alternative method of hearing disciplinary matters may elect either the alternative method or a hearing before the Board. If the ~~employee~~ **member** elects final and binding arbitration, the right to a hearing before the Board will be deemed to have been permanently waived. (Rev. 7/16/09)
- (e) Citizen complaints that are referred for trial by the Executive Director pursuant to Rule XV shall utilize the procedures of Sections 7 through 14 below to the extent applicable. A copy of the FPC investigation may be provided to the complainant and member. Upon request by the complainant, the Board or Hearing Examiner may allow a complainant to be represented by an advocate for any part of the proceedings. (Rev. 7/16/09)

Section 3. APPEAL. Within ten (10) calendar days after service of a disciplinary order which is appealable to the Board, the department member so disciplined may file with the Board a written notice of appeal utilizing the following form: (Rev. 7/16/09)