

January 6, 2011

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:57 P.M.

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

ALSO PRESENT: Mark Rohlfing, Chief, 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 5:17 p.m. to 5:53 p.m. pursuant to Section 19.85 (1)(a) Wis. Stats. to deliberate concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body, to wit: Curley vs. City of Milwaukee.

The Director presented for adoption minutes of the Regular Meeting of December 16, 2010. He noted at that meeting the second part of the Fire Department reorganization was discussed. Commissioner Hein moved approval of the minutes as presented, seconded by Commissioner O'Hear. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director returned to the Board a request from the Fire Department to reclassify two positions of Deputy Chief, Fire, to one position of Battalion Chief assigned to the Bureau of Construction and Maintenance, and one position of Fire Captain assigned to the Fire Investigation Unit. He also requested corrections to the Positions Ordinance to reflect the following changes: reclassify one vacant position of Fire/Paramedic Field Lieutenant to Fire Lieutenant assigned to the Fire Investigation Unit, and reclassify the current Fire Lieutenant/Fire Investigator assigned to the Fire Investigation Unit to Fire Lieutenant, and delete the associated footnote (D). Sarah Trotter, Human Resources Representative, was present and spoke regarding the report. She stated the Department of Employee Relations recommends creating one position of Battalion Chief, Fire in Pay Range 863, and one position of Fire Captain in Pay Range 857. Also eliminating two positions of Deputy Chief, Fire in Pay Range 865, and reclassifying one position of Paramedic Field Lieutenant in Pay Range 856 to Fire Lieutenant in Pay Range 856. She also noted two administrative changes in the Positions Ordinance reordering the Bureaus and putting the Fire Chief first in the chain of command. Commissioner Stark moved approval of the recommendation, seconded by Commissioner Morgan. The motion carried unanimously.

b) The Director returned to the Board a request from the Police Department to reclassify the position of Police Buildings and Fleet Manager. Ms. Trotter spoke regarding this report as well and stated the Department of Employee Relations recommends a name change only to Police Facilities Manager. Commissioner Stark moved approval of the report, seconded by Commissioner O'Hear. The motion carried unanimously.

2. NEW BUSINESS:

a) The Director presented the Circuit Court decision in the matter of Jesse Harris v. City of Milwaukee Fire and Police Commission. Mr. Harris filed a writ of mandamus regarding property being held by the Police Department and the investigation of a citizen complaint he filed. His request for the writ has been denied as set forth in the opinion signed by Judge Maxine White.

b) The Director presented a request dated December 23, 2010, from staff, wherein Electronic Technician Scott Pfeifer requests a temporary residency exemption. The Director noted that Mr. Pfeifer was hired on

August 9, 2010 and has until February 9, 2011 to move into the City; his home in Brown Deer is currently for sale. The Chair noted the request was for a six month extension, and he is not inclined to support lengthy exemption requests. Commissioner Stark asked why Mr. Pfeifer delayed putting his home on the market. Mr. Pfeifer was present and responded that he was on track to sell his home, but due to the flooding experienced during the summer his son moved back home because his apartment was damaged, and that set him back being able to show the home to potential buyers. Commissioner Stark asked if Mr. Pfeifer has any plans to reduce the price of the home any further. He responded definitely and when the contract with his current realtor expires, he will be using a different one. Commissioner Lor asked Mr. Pfeifer if he made any plans for his transition and his home once he was hired. He responded that he understood he would be selling his home, but he is having trouble due to the economy. Commissioner Stark moved to approve the request until April 7, 2011, seconded by Commissioner O'Hear. The motion carried unanimously.

c) The Director presented a request dated January 4, 2011, from staff, wherein Police Officer Erik Maldonado requests a temporary residency exemption. The Director noted that Officer Maldonado has an offer in to purchase a home, but cannot close on it until May 1, 2011. Officer Maldonado was present and stated that he actually cannot close until May 6<sup>th</sup>. The Chair asked Officer Maldonado what his current circumstance is relative to where he is living. Officer Maldonado responded that he is currently living in Waukesha in his wife's home. Commissioner Stark asked if the delay was on the part of the buyer or seller. Officer Maldonado responded that the delay is on the part of the sellers and they would be subject to a capital gains tax if they moved out of the house prior to May 6<sup>th</sup>. Commissioner Hein asked if they plan on selling the home in Waukesha. He responded that they plan on renting out the home. Commissioner Stark asked if Officer Maldonado had looked into renting an apartment in the City of Milwaukee. He responded that would be his only alternative if he is not granted the extension. Commissioner Lor asked what would happen if the home did not close on May 6<sup>th</sup>. He responded that the closing should happen on May 6<sup>th</sup> without any problems. Commissioner Lor stated she does not want to make residency exemptions a practice of the Board. Commissioner O'Hear moved for approval of the request for the residency exemption until May 6, 2011, seconded by Commissioner Hein. The motion carried 4-2, with the Chair and Commissioner Stark voting against the motion.

### 3. EXAMINATIONS:

a) The Director presented a letter dated December 29, 2010, from Acting Assistant Chief Gerard Washington, wherein he notifies the Board that #47 – Milton E. Austin requests to have his name removed from the Fire Lieutenant Eligible List. Commissioner Stark moved approval of the request, seconded by Commissioner Hein. The motion carried unanimously.

### 4. FIRE DEPARTMENT:

a) The Director presented two letters dated December 29, 2010, from Acting Assistant Chief Gerard Washington, wherein he notifies the Board that Chief Rohlfing has granted Fire Lieutenant Matthew W. Williamson an unpaid military leave of absence effective December 22, 2010; and that Heavy Equipment Operator Eric A. Draeger returned from his unpaid military leave of absence effective December 22, 2010, which was granted on November 16, 2010.

b) The Director presented a letter dated December 29, 2010, from Acting Assistant Chief Gerard Washington, wherein he notifies the Board that all active members, except two on long-term military leave, have completed the Residency Compliance Certification.

### 5. POLICE DEPARTMENT:

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

TO SCHOOL CROSSING GUARD (REGULAR), with effective dates:

TANISHA SPEARS (11/23/10); JESSICA GUERRERO-RAMOS (11/29/10); and ALEXIS CALDWELL (11/29/10).

b) The Director presented a letter dated December 30, 2010, from Assistant Chief Edward Liebrecht, wherein he notifies the Board that Police Officer Trevor Deboer returned from an unpaid military leave of absence effective November 28, 2010, which commenced on February 2, 2009; Police Officer Scott Kaiser returned from an unpaid military leave of absence effective November 28, 2010, which commenced March 22, 2008; and Police Officer William Morales returned from an unpaid leave of absence effective December 26, 2010, which commenced November 16, 2010.

c) The Director presented a letter dated December 13, 2010, from Chief Flynn, wherein he requests that the position of Police Budget and Administration Manager be classified as an exempt position under Commission Rule V, Section 4. Commissioner O'Hear asked how long it would take to fill the position through competitive examination. The Director responded it would take four to six months, but the candidate will still be subject to interview and approval by the Board even if the position becomes exempt. Commissioner Stark asked if there is a process for an interim fill if a competitive examination is performed. The Director responded there are two positions in the Police Department that report to the Police Budget and Administration Manager that could perform some of the duties, but temporary appointments can also be made. He believes the request is more about streamlining the process. The position is very specialized, with a limited number of people able to perform the duties requested. Val Williams, Personnel Administrator, explained that this position oversees the largest budget of the City and gives financial advice to the Chief and command staff. Commissioner Morgan asked if the request was not granted would an exam be created. The Director responded that an exam would have to be created. Commissioner Morgan asked what the long term implications would be. The Director responded that once it is made exempt, that does not mean it can never be changed back again. Commissioner O'Hear approved the request, seconded by Commissioner Morgan. The motion carried unanimously.

d) The Director presented a letter dated December 20, 2010, from Chief Flynn, wherein he notifies the Board that Police Officer Steven A. Mahnke has been suspended for 20 working days for violation of Department Rules under Personnel Order 2010-221 dated December 20, 2010.

e) The Director presented a letter dated December 20, 2010, from Chief Flynn, wherein he notifies the Board that all active employees, except 29 members who are on leaves of absence, have completed the Residency Compliance Certification.

6. PUBLIC COMMENT:

There was no comment made from the public present.

7. ADJOURNMENT:

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

The meeting concluded at 6:18 P.M.

Respectfully submitted,



Michael G. Tobin  
Executive Director