

September 20, 2018

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 6:00 P.M.

PRESENT: Commissioners: Marisabel Cabrera, Chair
Nelson Soler
Ann Wilson
Steven M. DeVougas
Fred Crouther
Angela McKenzie

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and Alfonso Morales, Chief, Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 4:40 p.m. to 5:55 p.m. pursuant to Section 19.85 (1)(f) Wis. Stats. to consider financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, to wit: review of residency exemption requests; and 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: requests for reappointment to Police Officer, Custodial Worker II and Fire Mechanic III.

The meeting was staffed by Executive Director La Keisha W. Butler. The Chair opened the meeting with Public Comment.

1. PUBLIC COMMENT:

Shane Thomas (Milwaukee Firefighter): Mr. Thomas has filed a grievance regarding not yet being promoted to Fire Lieutenant from the list that expires in October 2018. Although there are 2 vacancies that occurred in July the Chief is choosing to fill them from the new list. He spoke about having filled all the requirements for promotion whereas the candidates on the new list were not required to meet the same qualifications. He has been told that he is not being promoted due to potential future budget cuts which he believes is unfair.

Jarrett English (ACLU-WI): Mr. English stated that there have been comments from public officials this week regarding the settlement of the ACLU lawsuit which is giving the perception that it's not an official agreement. He displayed a copy of the signed agreement. He asked whether the time frame the FPC and MPD has set for implementation differs from the one contained in the agreement, and when he can expect a public statement from the FPC regarding this.

Mark Bruto (David Unlimited, Inc.): Mr. Bruto spoke regarding evidence gathered through history, natural science, mathematics, etc. as proof that Officers Irvine, Jr. and Michalski will inherit heaven here on earth.

Trasus Wright (Milwaukee Resident): Mr. Wright stated he would like to see more squads around when members of the association are out talking to community members. He was also concerned about the length of time it took First Responders to secure the scene on 18th and Brown Street where a deceased victim lay at a crime scene.

Maurice Fair (Milwaukee Resident): Mr. Fair lives in the Lindsay Heights community. He would like to see the area restored in its economic growth and development. He asked for money generated from court fines to be reinvested in the Milwaukee Public School system and community members who are willing to interact with the Milwaukee Police Department in a positive way.

Paul Mozina: Mr. Mozina has asked for an hoc committee to be formed to handle the implementation of the ACLU settlement. His request includes assigning a project manager for the implementation.

Cynthia Greenwood (Milwaukee Resident): Ms. Greenwood stated she was treated unprofessionally by a Milwaukee Police Officer when she reported vandalism to her property. She also stated District Two is the worst district due to its problem with prostitution and drug activity.

2. CONSENT AGENDA:

The Director presented the following items for approval on the consent agenda. (Detailed information concerning the items can be found under the appropriate regular meeting agenda heading in the minutes.)

- A. Regular Meeting Minutes – July 26, 2018
- B. Promotions:
 - 1. Emergency Communications Operator II (Police Dept.)
 - 2. Helpdesk Specialist II (Police Dept.)
 - 3. Office Assistant III (Fire Dept.)
- C. Appointments: School Crossing Guard (Police Dept.) (2 letters, 6 positions)
- D. Request to Rescind Firefighter Appointments (4 positions)
- E. Request to Rescind Emergency Communications Operator I Appointments (2 positions)
- F. Request to Rescind Fire Cadet Appointments (3 positions)
- G. Request to Rescind Police Aide Appointments (11 positions)
- H. Correspondence regarding Firefighter Appointments (4 positions)
- I. Correspondence regarding Police Officer Appointments (2 positions)
- J. Correspondence regarding Fire Cadet Appointments (2 letters, 7 positions)
- K. Correspondence regarding Police Aide Appointment
- L. Correspondence regarding Termination of Probationary Police Officer (3 positions)
- M. Correspondence regarding Suspension of Heavy Equipment Operator
- N. Correspondence regarding Suspension of Police Officer (2 letters, 2 positions)
- O. Request to Approve Fire Health and Safety Manager Eligible List
- P. Request to Approve Building Maintenance Mechanic II-MPD Eligible List
- Q. Request to Approve Building Maintenance Supervisor II Job Announcement Bulletin
- R. Request to Approve Programmer Analyst Job Announcement Bulletin
- S. Request to Approve Systems Security Administrator Job Announcement Bulletin
- T. Request for Maintenance Technician II Examination (Police Dept.)
- U. Request for Accounting Assistant II Examination (Police Dept.)

There being no objections, all of the items were approved for adoption.

3. UNFINISHED BUSINESS:

a) The Director returned to the Board a request from Chief Morales to amend the Police Lieutenant Promotion Criteria which will also affect the qualifications for the upcoming Detective exam. The Chair referred this item to the Committee on Testing and Recruiting for further discussion.

4. NEW BUSINESS:

a) The Director presented a classification report dated September 20, 2018, from Maria Monteagudo, Director of Employee Relations, regarding six new positions in the Forensics Section. Five of the positions are to be titled Forensic Identification Processor and one position is to be titled Forensic Processor Supervisor. Ms. Monteagudo recommends that the Salary Ordinance be amended under Pay Range 1AX to add the title of "Forensics Processor Supervisor" and under Pay Range 5DN add the title of "Forensic Identification Processor (6)" and that the footnote designation read as follows: "(6) To be paid the following

rates \$1,521.77 - \$1,713.29 (\$39,566.02 - \$44,545.54)." She also recommends that in the Position Ordinance, under Police Department, Forensics: Delete five positions of "Prisoner Processors" and one position of "Civilian Forensics Supervisor"; and add five positions of "Forensic Identification Processor" and one position of "Forensic Processor Supervisor". Sarah Trotter, Human Resources Representative, was present and stated that these new civilian positions will free up sworn officers to return to the street. Commissioner Crouther moved approval of the report, seconded by Commissioner McKenzie. The motion carried unanimously.

b) The Director presented a hardship residency exemption request from Heavy Equipment Operator Nate Valley to continue to reside outside the 15-mile jurisdictional boundary for emergency personnel based upon his current family situation. FPC staff recommended granting a temporary extension until June 30, 2028 or the date that the youngest of the minor reaches 18 years of age, graduates and/or is emancipated whichever is earlier. Requirements for the submission of certain documents were also set. Mr. Valley was interviewed in closed session regarding his request. Commissioner Wilson moved approval of the recommendation, seconded by Commissioner Soler. The motion carried unanimously.

The Director presented a second request for temporary residency extension from Recruit Police Officer Stanislav Rabinovich for another three-month period. Officer Rabinovich needs more time to sell his home and move within the 15-mile jurisdictional boundary for emergency personnel. FPC staff recommended granting a temporary extension until December 20, 2018. Requirements for the submission of certain documents were also set. Officer Rabinovich was interviewed in closed session regarding his request. Commissioner Wilson moved approval of the recommendation, seconded by Commissioner DeVougas. The motion carried unanimously.

The Director presented a residency exemption request from Recruit Officer Casey Ebert to have more time to repair the water damage to his family home, place the house on the market and relocate his family within the 15-mile jurisdictional boundary. FPC staff recommended granting a temporary extension until October 30, 2019 and set certain conditions to be met by certain dates. Officer Ebert was interviewed in closed session regarding this request. Commissioner Wilson moved approval of the recommendation, seconded by Commissioner Soler. The motion carried unanimously.

5. EXAMINATIONS:

a) The Director presented for adoption an eligible list for the position of Heavy Equipment Operator in the Fire Department, consisting of seven names. Commissioner Crouther moved approval of the list, seconded by Commissioner DeVougas. The motion carried unanimously.

b) The following requests, as presented by the Department of Employee Relations (DER), were approved by the Board under the Consent Agenda, Items O-P:

A request from the (DER) to approve an eligible list for the position of Fire Health and Safety Manager in the Fire Department, consisting of eight names.

A request from the (DER) to approve an eligible list for the position of Building Maintenance Mechanic II in the Police Department, consisting of eight names.

c) The Director presented for approval an examination announcement bulletin for the position of Fire Cadet in the Fire Department. Katrina Whittle, Human Resource Analyst-Sr., spoke about the recruitment process. Applications will be accepted from September 21, 2018 to November 28, 2018. Ms. Whittle will furnish the Commissioners with copies of the bulletin for their distribution. Commissioner Wilson moved approval of the bulletin, seconded by Commissioner Soler. The motion carried unanimously.

d) The Director presented for approval an examination announcement bulletin for the position of Police Aide in the Police Department. Ms. Whittlely also spoke about this recruitment process. Applications will be accepted from September 21, 2018 to November 28, 2018. Ms. Whittlely will also furnish the Commissioners with copies of this bulletin. Commissioner Wilson moved approval of the bulletin, seconded by Commissioner Soler.

e) The following requests, as presented by the Department of Employee Relations (DER), were approved by the Board under the Consent Agenda, Items Q-S:

A request from DER to approve a job announcement bulletin for the position of Building Maintenance Supervisor II in the Police Department.

A request from DER to approve a job announcement bulletin for the position of Programmer Analyst in the Police Department.

A request from DER to approve a job announcement bulletin for the position of Systems Security Administrator in the Police Department.

6. FIRE DEPARTMENT:

a) The following promotion, as presented by Chief Rohlfing, was approved by the Board under the Consent Agenda, Item B-3:

TO OFFICE ASSISTANT III, from underfill as Office Assistant II, effective retroactive to September 9, 2018:

BETHANY L. JULSON.

b) The following requests were previously approved by the Board under the Consent Agenda, Items D and F:

A letter dated August 1, 2018, from Chief Rohlfing, wherein he requests that the appointments to Firefighter of Fire Cadet Imani K. Sprewer and #16 – Joseph L. Hordyk, #31 – Christopher M. Pirrello, and #33 – Marshall J. Bates, approved at the July 12, 2018 Regular Meeting, be rescinded as the candidates either withdrew or did not qualify for the position.

A letter dated August 29, 2018, from Chief Rohlfing, wherein he requests that the appointments to Fire Cadet of #16 - Idalyse I. Martinez, #23 – Calvin J. Brown and #27 – Max B. Lenett, approved at the July 26, 2018 Regular Meeting, be rescinded as the candidates either withdrew or did not qualify for the position.

c) The following communications were previously received by the Board under the Consent Agenda, Items: H, J and M.

A letter dated August 1, 2018, from Chief Rohlfing, wherein he notifies the Board that the contingency appointments to Firefighter of #40 – Marquez R. Prewitt, #42 – Joseph M. Spiewak, #43 – Joseph K. Gabriel and #44 – James R. Pfeifer, approved at the July 12, 2018, meeting were utilized.

Two letters dated August 29, 2018, from Chief Rohlfing wherein he informs the Board that #30 – NyQuestra A. Thompson joined the Fire Cadet class on August 16, 2018, after fulfilling her military commitment, and that the following contingency appointments to Fire Cadet were utilized:

#33a – PEARL M. WALKER; #36 – WILLIAM L. CURTIS; #37 – CHRISTIAN A. HOLLEY; #38 – DYLAN J. BRODACZYNSKI; #40 – PARKER J. RUTOWSKI; AND #41 – JORDAN D. BREZNIK.

A letter dated August 22, 2018, from Chief Rohlifing, wherein he notifies the Board that Heavy Equipment Operator Mark T. Pegelow has been suspended for 30 days, with 10 days held in abeyance pending the successful completion of an approved program, and pending no further occurrences of this nature for 1 year following these charges, for violation of Department Rules and Code of Conduct under an order dated August 22, 2018.

d) The Director presented a letter dated August 30, 2018, from Chief Mark Rohlifing, wherein he presents a request for reappointment to the position of Fire Mechanic III for Mitchell Gawin. Mr. Gawin was a Fire Mechanic III and resigned to accept the position of Firefighter on July 28, 2018. Due to an injury, Mr. Gawin is not able to continue recruit training and seeks reappointment to Fire Mechanic III retroactive to August 13, 2018. Mr. Gawin was interviewed in closed session earlier. Commissioner Soler moved approval of the reappointment request. Commissioner DeVougas seconded the motion, which carried unanimously. The Chair then asked for a motion to go into closed session pursuant to Section 19.85 (1)(f) Wis. Stats. regarding this matter. Commissioner Soler so moved, seconded by Commissioner DeVougas. The motion carried on a roll call vote of 6-0. The Board went into closed session at 6:35 p.m.

The Board reconvened in open session at 6:48 p.m. Mr. Gawin also requested that he be retained on the Firefighter Eligible List for inclusion in the 2019 Firefighter recruit class, contingent upon successful completion of the Firefighter recruit return-to-duty protocol. Commissioner DeVougas moved approval of the request, seconded by Commissioner Soler. The motion carried unanimously.

e) The Director presented for discussion the Fire Department's Vacant/Abandoned Structure Placarding Program. The Chair referred this matter to the Committee on Policies and Standards for further discussion and report.

7. POLICE DEPARTMENT:

a) The Director presented a letter dated September 10, 2018, from Chief Alfonso Morales, wherein he nominates Police Lieutenant Cassandra I. Libal to the exempt position of Captain of Police in the Police Department, to be effective October 7, 2018. Pursuant to Rules of the Board, final action on this nomination was laid over to permit the nominee to be interviewed.

b) The following promotions, as presented by Chief Morales, were approved by the Board under the Consent Agenda, Items B-1 & 2:

TO EMERGENCY COMMUNICATIONS OPERATOR II, from EMERGENCY COMMUNICATIONS OPERATOR I, effective retroactive to August 26, 2018:

QUIANA STATEN.

TO HELPDESK SPECIALIST II, from HELPDESK SPECIALIST I, effective September 23, 2018:

LINDA M. LONG.

c) The following appointments, as presented by Chief Morales, were approved by the Board under the Consent Agenda, Item C:

TO SCHOOL CROSSING GUARD, with effective dates:

KAYLYNN M. FULLER (8/29/18), ALFRED H. HAYES (8/29/18), ROBERT I. SMITH (8/29/18), EMELY B. VEGA (8/29/18), VERGIA J. COTTON (8/31/18), AND NANCY J. BENNATON (8/27/18).

d) The Director presented four requests to exempt the following positions: Police Information Systems Director, IT Support Specialist – Senior, Community Service Officer, and Program Assistant III. The Chair referred these requests to the Policies and Standards Committee for discussion as the Board wishes to develop a procedure for handling these requests.

e) The appointment of IT Support Specialist - Senior Kari Turner, to be effective September 24, 2018, as presented by Chief Morales, was recommended to be laid over pending the development of the procedure for handling exempt status requests. Commissioner DeVougas moved approval of the recommendation, seconded by Commissioner Soler. The motion carried unanimously.

f) The following requests were previously approved by the Board under the Consent Agenda, Items E and G:

A letter dated August 27, 2018, from Chief Morales, wherein he requests that the appointments to Emergency Communications Operator I of #91 – Robyn Piotrkowski and #121 – Richard Pladies, approved at the July 12, 2018 Regular Meeting, be rescinded as the candidates either withdrew or did not qualify for the position.

A letter dated August 15, 2018, from Chief Morales, wherein he requests that the following appointments to Police Aide, approved at the July 26, 2018 Regular Meeting, be rescinded as the candidates either withdrew, did not qualify:

#3 – NYQUESTA THOMPSON; #9 – JAILEEN DIAZ; #11 – SHANIA STAPLES; #26 – ADAM HANSEN; #28 – MATTHEW KLECHA; #29 – JEFREY JUAREZ; #36 – JORDAN BOETTCHER; #39 – MAGGIE HOWELL; #42 – TREY JONES; #44 – DYLEN STEWART; AND #45 – JOHN PAZ.

g) The following communications were previously received by the Board under the Consent Agenda, Items I, K, L and N:

A letter dated August 2, 2018, from Chief Morales, wherein he notifies the Board that the contingency appointments to Police Officer of #404 – Hector Sosa, Jr. and #406 – Austin Grabowski, approved at the July 12, 2018, meeting, were utilized.

A letter dated August 15, 2018, from Chief Morales, wherein he notifies the Board that the contingency appointment to Police Aide of #48 – Xavier Gall, approved at the July 26, 2018, meeting, was utilized.

A letter dated August 20, 2018, from Chief Morales, wherein he notifies the Board that Probationary Recruit Police Officer Larry D. Jackson has been terminated for violation of Department Core Values under Personnel Order 2018-91 dated July 27, 2018.

A letter dated August 20, 2018, from Chief Morales, wherein he notifies the Board that Probationary Recruit Police Officer Daniel R. Lorum has been terminated for violation of Department Core Values under Personnel Order 2018-92 dated July 27, 2018.

A letter dated September 13, 2018, from Chief Morales, wherein he notifies the Board that Probationary Recruit Police Officer Joel J. Swieczak has been terminated for violation of Department Core Values under Personnel Order 2018-108 dated September 10, 2018.

A letter dated August 7, 2018, from Chief Morales, wherein he notifies the Board Police Officer Joshua G. Albert has been suspended for ten days, for violation of Department Core Values under Personnel Order 2018-93 dated August 7, 2018.

A letter dated September 6, 2018, from Chief Morales, wherein he notifies the Board Police Officer Juan L. Garcia has been suspended for 45 days, for violation of Department Core Values under Personnel Order 2018-105 dated September 6, 2018.

h) The Director presented a letter from Chief Morales, dated September 11, 2018, requesting a 30-day probation extension until October 25, 2018 for Police Lieutenant Marlon E. Davis. Commissioner DeVougas moved approval of the request, seconded by Commissioner Soler.

The Director presented two letters from Chief Morales, both dated September 11, 2018, each requesting a 30-day probation extension until October 25, 2018 for the following members: Police Sergeant Lucas M. McAleer; and Police Sergeant Kenton R. Burtch. Commissioner McKenzie moved approval of the request, seconded by Commissioner Crouther.

i) The Director presented a letter dated July 5, 2018, from Chief Morales requesting the reclassification of 5 Police Officer positions to Crash Reconstruction Specialist. The Chair referred this request to DER for study and report prior to its presentation to the Common Council.

j) The Director presented a letter dated August 28, 2018, from Chief Morales, wherein he presents a request for reappointment to the position of Police Officer from Michael J. H. Allen. Mr. Allen was appointed on December 7, 2015, and resigned in good standing in April, 2018. Mr. Allen was interviewed in closed session earlier. Commissioner Crouther moved approval of the reappointment request, seconded by Commissioner McKenzie. The motion carried on a roll call vote of 5-0, with Commissioner Soler voting against.

The Director presented a letter dated August 31, 2018, from Chief Morales, wherein he presents a request for reappointment to the position of Police Officer from Mr. Antonio R. Rivera. Mr. Rivera was appointed on December 7, 2015, and resigned in good standing on July 29, 2018. Mr. Rivera was interviewed in closed session earlier. Commissioner Wilson moved approval of the reappointment request, seconded by Commissioner McKenzie. The motion carried on a roll call vote of 5-0, with Commissioner Soler voting against.

The Director presented a letter dated September 13, 2018, from Chief Morales, wherein he presents a request for reappointment to the position of Police Officer from Benjamin T. Ade. Mr. Ade was appointed on December 10, 2014, and resigned in good standing on August 9, 2018. Mr. Ade was interviewed in closed session earlier. Commissioner McKenzie moved approval of the reappointment request, seconded by Commissioner Wilson. The motion carried on a roll call vote of 6-0.

k) The Director presented a letter dated September 10, 2018, from Chief Morales, wherein he presents a request for reappointment to the position of Custodial Worker II from Albert M. Greene Jr. Mr. Greene was appointed on September 15, 2014, and resigned in good standing in December 2, 2017. Mr. Greene was interviewed in closed session earlier. Commissioner Wilson moved approval of the reappointment request, seconded by Commissioner Crouther. The motion carried on a roll call vote of 6-0.

l) The following requests were previously approved by the Board under the Consent Agenda, Items T-U:

A letter dated August 24, 2018, from Chief Morales, wherein he requests that an examination be conducted for the position of Maintenance Technician II. The request will be referred to the Department of Employee Relations for implementation.

A letter dated September 10, 2018, from Chief Morales, wherein he requests that an examination be conducted for the position of Accounting Assistant II. The request will be referred to the Department of Employee Relations for implementation.

m) The Director presented a request from staff dated September 17, 2018, requesting approval of an amendment FPC Rule V, Section 4, adding the title "Program Assistant III" followed by the "(E)" designation. The Chair referred the request to the Committee on Policies and Standards.

n) The Director presented a staff report dated September 14, 2018, regarding a request from Chief Morales to amend Milwaukee Police Department Standard Operating Procedure 130 – Foreign Nationals – Diplomatic Immunity – Immigration Enforcement. The Chair referred the request to the Committee on Policies and Standards.

8. ADJOURNMENT:

Commissioner DeVougas moved to adjourn the meeting, seconded by Commissioner McKenzie. The motion carried unanimously.

The meeting concluded at 6:57 P.M.

Respectfully submitted,



La Keisha W. Butler
Executive Director

LWB:REK:rk