

October 16, 2008

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 6:13 P.M., at the Wilson Park Senior Center, 2601 W. Howard Avenue.

PRESENT: Commissioners: Leonard J. Sobczak, Chair  
Ernesto A. Baca  
Earl A. Buford  
Richard C. Cox  
Kathryn A. Hein  
Carolina M. Stark  
Paoi X. Lor

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 5:34 p.m. to 6:10 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; and pursuant to Section 19.85 (1) (g) Wis. Stats. to confer with a representative of the City Attorney's Office who will render oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved, to wit: Firefighter examination process.

The Director administered the oath of office to Commissioner Paoi X. Lor, the first Southeast Asian on the Board of Fire and Police Commissioners.

The Director presented for adoption minutes of the Regular Meeting of October 2, 2008. Commissioner Cox moved approval of the minutes as presented, seconded by Commissioner Baca. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director announced that the election of officers would be held now that the seventh and final Commissioner has been sworn in. Commissioner Sobczak nominated Commissioner Cox for Chairman. The motion was seconded by Commissioner Baca and carried unanimously. Commissioner Sobczak handed the gavel over to Chairman Cox, who then called for nominations for the position of Vice-Chair. Commissioner Baca nominated Commissioner Stark. Commissioner Buford seconded the motion, which carried unanimously.

The Chair announced that the standing committees of the Commission (Committee on Rules and Complaints, Committee on Policy Review) have been restructured and made the following assignments: Commissioners Stark, Hein, and Sobczak will serve on the Committee on Complaints and Discipline; Commissioners Buford, Sobczak and Hein will serve on the Committee on Policies and Standards; and Commissioners Buford, Baca, and Lor will serve on the Committee on Testing and Recruiting. Each committee will elect its own chair and report the election results to the Board.

2. NEW BUSINESS:

a) The Director introduced Melanie Swank, Assistant City Attorney, who gave a presentation to the Board on the Wisconsin Open Meetings Law. Some of the topics covered included what a governmental body is, the purpose of the open meetings law, what a "walking quorum" is, whether e-mail messages are covered by the law, quorums and sub-committee meetings, information required in public notices, criteria for closed meetings, and penalties for violations. Ms. Swank also talked about the law and open record requests.

3. EXAMINATIONS:

a) The Director presented a request from staff to amend the February 15, 2007 Fire Captain Eligible List by adding Bradley Davis in position #8A. Mr. Davis had been on military leave and took the examination upon his return in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Commissioner Buford moved approval of the request, seconded by Commissioner Sobczak. The motion carried unanimously.

4. FIRE DEPARTMENT:

a) The Director presented a letter dated October 9, 2008, from Chief Douglas Holton, wherein he nominates Battalion Chief Randall Zingler to the exempt position of Deputy Chief, Fire in the Fire Department, to be effective November 16, 2008. The Director also presented a letter dated October 9, 2008, from Chief Holton, wherein he nominates Fire Captain Alonzo Chapman to the exempt position of Battalion Chief, Fire in the Fire Department, to be effective November 16, 2008. Pursuant to Rules of the Board, final action on these nominations were laid over to permit the nominees to be interviewed.

b) The Director presented a letter dated October 8, 2008, from Chief Holton, wherein he notifies the Board that Firefighter John O. Craney has been granted a Medical Leave of Absence without pay effective October 2, 2008, and expiring January 2, 2009.

c) The Director presented a letter dated October 8, 2008, from Chief Holton, wherein he requests that one position of Business Finance Manager in Salary Grade 009 be reclassified to Salary Grade 011. The Chair referred the request to the Department of Employee Relations for study and report.

d) The Director presented a letter dated October 8, 2008, from Chief Holton, wherein he requests that one position of Paramedic Field Lieutenant be reclassified to Fire Lieutenant due to a retirement, in accordance with the Salary Ordinance. Commissioner Stark moved approval of the request, seconded by Commissioner Sobczak. The motion carried unanimously.

e) Chief Holton gave a brief presentation on Project Focus which came into being after the many child fire fatalities from 1987 to 1991. On-duty firefighters target a neighborhood and conduct a door-to-door campaign to educate residents on fire safety and prevention every year in spring and fall for three weeks. In addition to installing smoke detectors, a recent donation of carbon monoxide detectors will be also be given away. Milwaukee and Louisville, Kentucky are the only two departments in the country who use on-duty firefighters for Project Focus.

5. POLICE DEPARTMENT:

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

TO OFFICE ASSISTANT II, from Office Assistant I, effective October 19, 2008:

VICTORIA M. SMEJKAL.

b) The following appointments, as presented by Assistant Chief Monica Ray, were approved by the Board:

TO OFFICE ASSISTANT I, from Department of Employee Relations eligible list, contingent upon successful completion of a medical examination and drug screen, retroactive to October 6, 2008:

CARLA D. MCGEE and ANTHONY F. RUPERT.

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

TO SCHOOL CROSSING GUARD, with effective dates:

JENNIFER K. FONSECA (9/19/08), MARLENE REYES (9/19/08), and ELMER L. JONES (rehired 9/5/08).

c) The Director presented a letter dated October 9, 2008, from Chief Flynn, wherein he requests that the probationary period of Police Sergeant Thomas M. Lieske be extended for a maximum period of 98 days due to a military leave. Should Sgt. Lieske return before his probationary period is over, the time period will be adjusted. Commissioner Hein moved approval of the request, seconded by Commissioner Baca. The motion carried unanimously.

d) The Director presented a letter dated October 9, 2008, from Chief Flynn, wherein he notifies the Board that Police Officer David Heard has been granted a one year extension to his leave of absence for the purpose of continuing to assume the exempt position of Community Relations Manager with the Fire and Police Commission. The leave shall expire November 14, 2009, and may be renewed upon request.

The Director presented a letter dated September 30, 2008, from Chief Flynn, wherein he notifies the Board that Police Officer William Morales has been granted a one year leave of absence for the purpose of assuming the exempt position of Regional Coordinator with the Office of Violence Protection, Mayors Against Illegal Guns, for the City of Milwaukee. The leave shall expire November 16, 2009, and may be renewed upon request.

e) The Director presented a letter dated September 23, 2008, from Chief Flynn, wherein he requests that three positions of Safety Specialist Senior and one position of Office Assistant III, all assigned to the Safety Division, be studied for reclassification. The Chair referred the request to the Department of Employee Relations for study and report.

#### 6. PUBLIC COMMENT:

John Balcerzak, President of the Milwaukee Police Association, stated that he was happy with the amount of cooperation given by the Police Department, especially Assistant Chiefs Dale Schunk and Monica Ray, regarding resolving the problems with implementing the new police radio system.

Fire Lieutenant Robert Kendall, Jr. addressed the Board to appeal its decision to add Robert Davis to the Fire Captain Eligible List. (See item 3. Examinations above.) He stated he was guaranteed that he would be promoted in November based upon a retirement and has just been told that his promotion will go to Davis instead. None of the candidates who took the original exam were told that something like this might happen. He cannot take the new Fire Captain exam because the closing date for applications was October 10<sup>th</sup>. Even if he could take the exam, he would not have the same amount of time to study as the other applicants. He asked the Board to guarantee that he will either get promoted from the current list before it expires or get promoted first from the new list when it is established. The Chair stated that no promotion is ever guaranteed. The Board will consider what he has said and meet with staff regarding this matter.

Bobbie Webber, President of Local 215, commended the Board on allowing Davis to take the exam after his return from military leave. He suggested that the Board consider extending the current list for three to four months to make sure that Lt. Kendall receives a promotion in view of the fact that he cannot participate in the new exam.

8. ADJOURNMENT:

The Chair announced that the agenda for this meeting has been concluded. There will be a separate meeting involving Commissioners Baca, Stark and Sobczak where they are anticipated to conduct deliberations in closed session pursuant to proper notice which was given on October 14, 2008.

Commissioner Baca moved to adjourn the regular meeting, seconded by Commissioner Buford. The motion carried unanimously.

The meeting concluded at 7:04 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Tobin".

Michael G. Tobin  
Executive Director

MGT:REK:rk