

December 16, 2010

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:37 P.M.

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

ABSENT: Commissioner: Paoi X. Lor (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and Edward Flynn, Chief, Milwaukee Police Department.

The Director presented for adoption minutes of the Regular Meeting of December 2, 2010. The Director noted at that meeting the first part of the Fire Department reorganization plan involving command staff was approved. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Morgan. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director presented a letter dated December 9, 2010, from Chief Rohlfing, wherein he requests the 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 requests 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). This is the second part of the Fire Department's reorganization. Chief Rohlfing stated the second part finishes up movement of positions and fills the FIU. The Director noted that previous sworn administrative positions will now be filled through competitive examination. Commissioner O'Hear asked if filling the FIU is effective if the police counterpart is assigned to different tasks. Chief Rohlfing stated the FIU has great collaboration with the Police Department and they investigate different parts; the Fire Department investigates cause and origin, and the Police Department collects evidence and handles the criminal case. Commissioner O'Hear stated his concern is that the FIU does a terrific job on their end, but there is no follow up by the Police Department. Chief Rohlfing stated through the working relationships he has built up there is follow through. The Director added that about one year ago the Fire and Police Departments put together a memorandum of understanding regarding assigned duties for fire investigations. Currently the Police Department has three detectives that are certified arson investigators who work solely on arson cases, and what Chief Rohlfing is referring to is the assignment of other detectives who do arson work, but not as a primary assignment. The Chair referred the requests to the Department of Employee Relations.

b) The Director presented the Greg Koestering v. Board of Fire and Police Commissioners and City of Milwaukee Court of Appeals decision dated December 7, 2010. He stated the Court of Appeals affirmed the decision of the Circuit Court, which upheld the decision of the Board to sustain the termination of Police Officer Greg Koestering for mistreatment of a prisoner. The Court of Appeals affirmed that the Board adhered to all just cause standards when they upheld his termination by former Chief Nannette Hegerty.

2. NEW BUSINESS:

a) The Director presented a letter dated December 13, 2010, from staff, wherein Police Officer Richard

D. Michalak, Jr. requests a temporary exemption from the City residency requirement. The Director noted Officer Michalak was hired on July 12, 2010 and is required to live in the City by January 12, 2011. He owns a home in Oak Creek with his spouse, and he put up their home for sale on July 30, 2010. He is having difficulty selling the home. Commissioner Stark asked Officer Michalak if he has reduced the price of his home in the last six months. Officer Michalak responded that he has not, but the value of his home is \$220,000 and the asking price is \$189,000. Commissioner Stark asked if granted the exemption would Officer Michalak be willing to reduce the asking price of his home or what would he do differently. Officer Michalak responded he would do whatever it takes to get it sold and has been in contact with his realtor about lowering the price. The Chair added that he generally does not support residency exemptions to new hires because the job is taken with the understanding that you have six months to move into the City, but he would be willing to grant a one to two month extension because of the current time frame. He will also vehemently oppose an additional exemption past that time frame because there is an expectation at time of hire that the employee has six months to move into the City. Commissioner Stark moved approval of the temporary exemption until the second Board meeting in March, seconded Commissioner O'Hear. The motion carried 4-1, with the Chair voting against the motion.

b) The Director presented a letter dated December 13, 2010, from staff, wherein Police Officer Ralph L. Salyers, III requests a temporary exemption from the City residency requirement. Commissioner Stark asked Officer Salyers if he has reduced the price of his home since putting it on the market in August and if he would be willing to reduce the price further if his request is granted. Officer Salyers responded that he has not reduced the price yet but he is willing to. When he bought his home in 2008 it was appraised at \$267,000 and he is asking \$259,000. There are approximately 461 homes for sale in Waukesha, 61 are similar to his home, and in the past 12 months only four have sold. Commissioner Morgan asked why Officer Salyers waited until mid-August to put his home on the market. Officer Salyers responded he was debating which realtor to use and to make sure the Police Department was the right decision for him. Commissioner Hein stated she agrees with the Chair, that new hires know about the residency requirements, she understands the current situation, but she will not be inclined to grant an additional exemption. Officer Salyers stated a closing can take one to two months, but he hopes the market will turn around in the spring. Commissioner Stark added she agrees with the Chair and Commissioner Hein, but if there was no evidence of a closing date she would not extend the exemption any further. Commissioner Stark moved approval of the temporary exemption until the second Board meeting in March, seconded Commissioner O'Hear. The motion carried 4-1, with the Chair voting against the motion.

c) The Director presented a letter dated October 21, 2010, to the Public Safety Committee of the Milwaukee Common Council from Maria Monteagudo, Director of the Department of Employee Relations, wherein she reports on 2009 occupational injuries of police and fire department employees. The Fire Department (MFD) had \$1.4 million in injury pay and the Police Department (MPD) had \$768,000 in injury pay. 2009 was the second straight year of city-wide injury reductions and claims, which included MPD and MFD. MFD experienced a 9% reduction in claims, a 8% reduction in recordable cases, and a 64% reduction in lost workdays. He attributes the reduction to the initiation of the return-to-work program. There was a 72% increase in training injuries, and Chief Rohlfing is taking measures to reduce that number. MPD experienced a 10% reduction in claims and a 2.7% reduction in recordable cases. He attributes this reduction to the use of the Differential Police Response (DPR) Unit to allow people who would not normally be working to be assigned to the DPR unit. The Department of Employee Relations has recommendations for MPD and MFD to further improve their numbers for 2011, how to report and collect data, and strategies to reduce worker's compensation expenses.

### 3. COMMITTEE REPORTS:

a) Commissioner Hein presented the report of the Committee on Testing and Recruiting. The Committee met this morning and received updates on several items. Police Aide recruitment and applications were discussed. 806 applications for Police Aide were received, with 627 applicants meeting the minimum requirements. 300 Police Officer candidates were invited to the physical ability test, 198 passed and

proceeded to the next step in the process. 599 applications for Police Dispatcher were received, with 226 applicants meeting the minimum qualifications. The next Firefighter recruit class will be a class of 50. The Background Investigation Unit is one-quarter of the way through the backgrounds and hopes to be completed by the end of January. The schedule for the 2011 recruit class is the same as the 2010 class, with the Candidate Physical Ability Test orientation in March, the test in May, and the recruit class starting in July. The timeline for hiring a new psychologist was discussed, with plans to begin the search process in January. A letter from Chief Flynn regarding recommendations for the Police Lieutenant test was also discussed.

4. FIRE DEPARTMENT:

- a) The Director noted that the promotion to Heavy Equipment Operator had been removed from the agenda.
- b) The Director presented a letter dated December 9, 2010, from Chief Rohlfing, wherein he requests that the appointments of #10–Melanie Paolo and #13–Nanette Neu to Fire Equipment Dispatcher be rescinded. Commissioner Stark moved to rescind the appointments, seconded by Commissioner Morgan. The motion carried unanimously.
- c) The Director presented a letter dated December 9, 2010, from Chief Rohlfing, wherein he notifies the Board that the contingency appointment of #14–Megan Hart to Fire Equipment Dispatcher has been used.
- d) The Director presented two letters, the first dated December 3, 2010, from Chief Rohlfing, wherein he notifies the Board that Fire Lieutenant William Echevarria returned from his unpaid military leave of absence effective December 1, 2010, which was granted November 2, 2010; and the second dated December 9, 2010, from Chief Rohlfing, wherein he notifies the Board that Fire Lieutenant Ryan P. Shinn has returned from his unpaid family medical leave of absence effective December 9, 2010, which was granted October 22, 2010.
- e) The Director presented a letter dated December 9, 2010, from Chief Rohlfing, wherein he notifies the Board of the guidelines for 2011 furloughs. The Director noted the guidelines are similar to those of the 2010 furloughs. All civilian personnel and sworn fire management are subject to furloughs. Commissioner Hein moved approval of the furlough guidelines, seconded by Commissioner O’Hear. The motion carried unanimously.

5. POLICE DEPARTMENT:

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

TO POLICE SERGEANT, from eligible list established October 1, 2009, contingent upon successful completion of a drug screening, effective December 26, 2010:

#24 – ANTHONY G. SCHMITZ, and #25 –RICHARD J. HOFFMAN\*.

\*Note: #25 was promoted on a waiver basis.

TO ACCOUNTING ASSISTANT II, from Accounting Assistant I, effective December 26, 2010:

JACQUELINE E. PEETE.

TO POLICE DISTRICT OFFICE ASSISTANT, from Office Assistant I, effective December 26, 2010:

TARA D. YOUNG.

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

TO POLICE BUILDINGS AND FLEET MANAGER, from eligible list established October 21, 2010, contingent upon successful completion of a medical examination and drug screening, effective January 10, 2011:

#1 – RICHARD W. MOORE.

TO OFFICE ASSISTANT II, from an eliminated position, effective December 26, 2010:

RENEE D. RODGERS.

TO OFFICE ASSISTANT I, from a Department of Employee Relations eligible list, contingent upon successful completion of a medical examination and drug screening, effective January 10, 2011:

VENETTA A. CLAYBROOKS; SALLIE A. KALLAS; and DANIEL S. POLANS.

TO OFFICE ASSISTANT I, from a Department of Employee Relations eligible list, contingent upon successful completion of a medical examination and drug screening, effective January 17, 2011:

HEATHER BERENS.

c) The Director presented a letter dated December 3, 2010, from Chief Flynn, wherein he notifies the Board that Police Officer Ladmarald Cates has been discharged for violation of Department Rules under Personnel Order 2010-203 dated December 3, 2010.

d) The Director presented a letter dated December 1, 2010, from Chief Flynn, wherein he notifies the Board of the layoff plan for four Data Entry Operator II positions, two of which are currently filled. The layoff plan is part of the Police Department's adopted 2011 budget. The Director asked Personnel Administrator Val Williams what the plan was for the current employees. Ms. Williams responded that one took the layoff, and the other took a vacant Office Assistant II position and was appointed earlier in the meeting. Commissioner Stark moved approval of the layoff plan, seconded by Commissioner Morgan. The motion carried unanimously.

e) The Director presented a letter dated December 7, 2010, from Chief Flynn, wherein he notifies the Board of the guidelines for 2011 furloughs. The Director noted the furlough date of March 18, 2011 should be changed to April 25, 2011. All civilian members and non-represented management are subject to furloughs. Commissioner O'Hear moved approval of the furlough guidelines, seconded by Commissioner Morgan. The motion carried unanimously.

6. PUBLIC COMMENT:

Michael Crivello, President of the Milwaukee Police Association (MPA), spoke regarding his concerns with the changes established by Chief Flynn. He stated that he is against any decision that does not include Detectives in the process for the promotional examination for the new combined rank of Police Lieutenant. He feels this would cut off future promotional opportunities for MPA members. He believes quality investigations can only be conducted by Detectives. He also addressed his concerns with the problems the OpenSky radio system is encountering and requests oversight by the Board.

7. ADJOURNMENT:

(Adjournment:)

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Commissioner Stark moved to adjourn the meeting, seconded by Commissioner Morgan. The motion carried unanimously.

The meeting concluded at 6:25 P.M.

Respectfully submitted,



Michael G. Tobin  
Executive Director

MGT:mk