

December 15, 2011

A Regular Meeting of the Board of Fire and Police Commissioners was held on the above date, commencing at 5:35 P.M.

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

ABSENT: Commissioner: Paoi X. Lor (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department; and Assistant Chief Darryl Winston, representing the Milwaukee Police Department.

The Chair reconvened the Board in Regular Session, having previously met in Executive Session from 4:30 p.m. to 5:30 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, to wit: Hearing Examiner Employment Evaluation.

The Director presented for adoption minutes of the Regular Meeting of October 12, 2011. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Hein. The motion was carried unanimously.

The Director presented for adoption minutes of the Regular Meeting of November 3, 2011. 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 correspondence from Troy Hamblin, Labor Negotiator, regarding Reduction of Salary or Compensation for Members of the Milwaukee Police Association. The Director indicated upon the Board's approval of this resolution, a letter would be sent to the Common Council confirming such approval. Commissioner Stark moved approval for the reduction, seconded by Commissioner Morgan. The motion carried unanimously.

2. EXAMINATIONS:

a) The Director presented for approval an examination announcement bulletin for the position of Fire Cadet in the Fire Department. Commissioner Stark asked whether someone with a diploma other than a high school diploma could apply for this position. Toni Vanderboom, Human Resources Analyst -- Sr. with the Fire and Police Commission, indicated that only individuals with a four (4)-year high school diploma and a cumulative GPA of 2.0 were eligible for this position. Ms. Vanderboom communicated that this program is an apprenticeship designed to help an outstanding high school student learn fire services; however, this requirement does not bar application for a Firefighter position when that application is available. Commissioner Morgan moved approval of the bulletin, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented correspondence regarding the Fire Lieutenant Eligible List extension requested at the December 5, 2011 meeting. The Director summarized the correspondence by indicating staff looked at

the history of requests to extend the eligible list over the last 10 years. Throughout this history, all requests to extend the list for the purpose of reaching certain persons to improve diversity have been denied. In 2003, the Fire and Police Commission requested an opinion from the City Attorney's Office and the City Attorney opined the list not be extended for the purpose of improving diversity. Based upon this history, the Fire and Police Commission staff recommends the current list be allowed to expire on the scheduled date.

Firefighter Rickey Price addressed the Board and requested the list be extended for reasons of diversity and consistency and, given the lack of funding available to support a new list, called for the extension of the current list. The Chair noted there are funds available in the 2012 budget to establish a new list. Everett Cocroft, President of the Milwaukee Brotherhood of Firefighters, echoed Firefighter Price's concerns and questioned the timeline for the job analysis. The Director indicated job analyses are being conducted in the Milwaukee Police Department and those eligible lists were allowed to expire. The Director anticipates a four (4) to five (5) month process once a job analysis is started. Further, the Director recommends considering the new Professional Development Program education requirements that would be in place upon the establishment of a new list and those currently on the eligible list are not subject to that prerogative. Finally, the Director indicated Professional Firefighters Association Local 215's contract with the Milwaukee Fire Department contains a provision that provides equal pay for equal work; i.e., temporary promotions to Fire Lieutenant receive the economic benefit of the rank they are filling. Dave Seager, President of Milwaukee Professional Firefighters Association Local 215, said there is a provision in the current contract with the Milwaukee Fire Department that allows qualified members on an exhausted eligible list to be promoted to Lieutenant by temporary promotion.

Commissioner Stark asked what the drawbacks were to extending the list. The Director stated the need to do the right testing for the position based upon the job analysis, the number of employees already chosen from the list, the Fire Chief's new Professional Development Program (PDP) educational requirements will take time for individuals to complete, and it would lend consistency with the Police Department as to how eligible lists are handled.

Commissioner Stark asked what happens if the list expires, there is no list in place, and the expired list is exhausted due to temporary promotions and retirements. Ms. Battle indicated this situation had occurred previously and these vacancies were filled with individuals working overtime or in an 'acting' capacity. The Director added that this situation occurs every day on the Milwaukee Police Department and it provides members with good experience that they can apply in the next examination process.

Firefighter Kelly Winfrey addressed the Board and said he is #35 on the eligibility list. He indicated he has already started working on the educational requirements to prepare for his next position, just as other individuals on the list are taking classes to enhance their skills.

Commissioner O'Hear asked Chief Rohlfing if letting the list expire would adversely affect the Fire Department's operations. Chief Rohlfing responded he did not believe so because the Department responds to situations on a daily basis related to minimum staffing by filling positions using individuals in an acting capacity, with temporary promotions, or by hiring the next special duty if staffing called for that hire.

The Chair asked for clarification regarding individuals serving in an acting capacity versus a temporary promotion. The temporary promotion carries with it the economic benefit of the Lieutenant, while the acting promotion does not. Commissioner Morgan moved for approval of the request for the expiration of the list, seconded by Commissioner Stark. The motion carried 3-2, with the Chair and Commissioner Hein voting against the motion.

3. FIRE DEPARTMENT:

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

TO FIRE CAPTAIN, on a waiver basis, from eligible list established February 20, 2011, effective December 25, 2011:

#8 – MICHAEL S. AMBROCH.

TO FIRE LIEUTENANT, on a waiver basis, from eligible list established December 17, 2009, effective December 25, 2011:

#32 – SHARON P. PURIFOY.

b) The Director presented correspondence dated December 6, 2011, from Chief Rohlfing, wherein he notifies the Board that Fire Recruit Larry J. Murphy has been placed on Workers' Compensation due to an on-duty injury sustained during training, effective November 28, 2011.

Chief Rohlfing addressed the Board and indicated as of January 3, 2012 the Milwaukee Fire Department will be switching from the analog radio system to the Open Sky digital radio system.

4. POLICE DEPARTMENT:

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

TO SCHOOL CROSSING GUARD (REGULAR) with effective dates:

JAMES E. ALLEN (11/21/11), ALEXIS BARBOSA-RIVERA (11/23/11), JOSE A. VARGA (11/23/11), and HENRY L. HERRON (12/5/11).

b) The Director presents correspondence dated December 7, 2011, from Chief Flynn, wherein he notifies the Board that Police Officer Joshua Brown returned from an unpaid military leave of absence granted October 30, 2011, effective November 27, 2011; Detective Reginald Thomas was granted an unpaid medical leave of absence commencing November 13, 2011, and concluding March 13, 2012; and Police Officer Christopher Bowers was granted an unpaid military leave of absence commencing January 29, 2012, and concluding January 2, 2013.

5. PUBLIC COMMENT:

Dave Seager, President of Milwaukee Professional Firefighters Association Local 215, addressed the Board regarding an International Association of Fire Fighters Human Relations Conference specific to diversity, recruitment, and retention that some members will attend. Mr. Seager communicated the importance of labor and management working together to achieve diversity goals within the Milwaukee Fire Department so the Department reflects the City it serves.

Edgar Brooks, former Milwaukee Firefighter and Paramedic, requested a review of his case for review of reinstatement to the Milwaukee Fire Department. Mr. Brooks stated he resigned with charges pending and took Union advice to resign. Since that time, Mr. Brooks believes he was not treated fairly and has attorneys looking into the matter. In addition, Mr. Brooks has contacted the Mayor's Office, Common Council, and elected officials. Mr. Brooks requests the Board look at his case again to consider his reinstatement.

(Public Comment:)

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Commissioner Cox stated he appreciated Mr. Brooks' request, but based on the Fire and Police Commission Rule XIII this is not a matter before the Fire and Police Commission and cannot be resolved. Mr. Brooks must resolve this issue with the Office of the City Attorney. Mr. Brooks asked Commissioner Cox if the Board was aware of his circumstances. Commissioner Cox said yes.

The Director wanted to thank Mr. Seager and Mr. Cocroft in advance for their help with Fire Cadet recruitment efforts.

6. ADJOURNMENT:

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

The meeting concluded at 6:19 P.M.

Respectfully submitted,



Michael G. Tobin  
Executive Director

MGT:MK:kj