

**BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE CITY OF MILWAUKEE**

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**In the Matter of the Appeal of Peggy A. Granzow-Hanley**

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Hearing Date: October 6, 2020

Hearing Location: City Hall, 200 E. Wells Street,  
Milwaukee, Wisconsin  
Room 301-A, 8:30 A.M.

Commissioners: Everett L. Cocroft  
Fred L. Crouther  
Angela McKenzie, Esq.

Hearing Examiner: Rudolph M. Konrad, Esq.

Appearances: For the Milwaukee Police Department,  
Robin A. Pederson, Esq.  
Office of the City Attorney

For Appellant, Peggy A. Granzow-Hanley, *Pro se*

**PROCEDURAL HISTORY**

In Personnel Order 2020-63, dated June 23, 2020, Chief of Police Alfonso Morales (“Chief Morales” or “Chief”) found that Emergency Communications Operator Peggy A. Granzow-Hanley (“ECO Granzow-Hanley”) had violated Milwaukee Police Department Code of Conduct provision, Core Value 3.00, Integrity, referencing Guiding Principle 3.10, which requires all members to be forthright and candid, orally or in writing, in connection with any administrative inquiry or report. Specifically, Chief Morales found that on January 18, 2020, ECO Granzow-Hanley was ordered to remain on duty beyond her scheduled shift do to a critical shortage in staffing for the next shift. ECO Granzow-Hanley claiming her limited duty status precluded her from working a longer shift; however, she was under no such restriction on that day. For this violation, Chief Morales suspended her for four (4) working days without pay. Chief Morales also found that ECO Granzow-Hanley had violated Core Value 5.00, Respect, referencing Guiding Principle 5.03, which requires all members to promptly obey a proper or lawful order of a higher ranking officer and to report an improper or unlawful order to a supervisor of a higher rank. Specifically, Chief Morales found that on January 18, 2020, ECO Granzow-Hanley was assigned to the 7:30 A.M. to 3:30 P.M. shift. Three hours before the end of the shift, her supervisor ordered her to remain at work beyond her scheduled shift because of a staffing shortage. She disobeyed

the order and left at the end of her shift. For this violation, Chief Morales suspended her for four (4) working days without pay.

ECO Granzow-Hanley appealed the Chief's order to the Milwaukee Fire and Police Commission.

### **SUMMARY OF PROCEEDINGS**

A hearing was held and recorded by a stenographic reporter. Testimony was taken from the following witnesses:

For the Chief of Police:       ECO Peggy A. Granzow-Hanley  
  Sergeant Kieran Sawyer  
  TCD Sergeant Joel Fells  
  Assistant Chief Terrance Gordon

For ECO Granzow-Hanley:   ECO Peggy A. Granzow-Hanley

### **FINDINGS OF FACT**

We find the following facts have been established by a preponderance of the evidence.

1.       This discipline arises out of an incident that occurred on January 18, 2020, at the Technical Communications Division. ECO Granzow-Hanley, a nineteen (19) year police telecommunications veteran, was working as a day shift dispatcher from 7:30 A.M. to 3:30 P.M. Six days earlier, on January 12<sup>th</sup>, she was injured on her way to work as she slipped and fell on ice as she exited her car in the police parking structure. She reported for work the next three (3) days in spite of pain from the injuries she sustained in the fall. On January 15<sup>th</sup>, however, she could not continue working because of her pain. She left work on sick leave and sought medical attention at the Columbia St. Mary's Urgent Care Clinic. At the clinic she received a Work Injury Summary form, a copy of which was to be submitted by the clinic to the police department. The only work restriction noted on the form is "Light Work," which states she is not to lift more than twenty (20) pounds or frequently lift or carry objects weighing more than ten (10) pounds. Her work at the Technical Communications Division requires no lifting. (Ex. 2)

2.       At about noon on the 18th, Sergeant Kieran Sawyer ("Sergeant Sawyer"), the Technical Communications Division day shift supervisor reviewed the staffing level for the upcoming early shift and learned that due to sick calls the division would be below the minimum staffing level. He needed three (3) members on the day shift to stay and work from 3:30 P.M. until 7:30 P.M. Following the seniority based protocol, he determined that ECO Granzow-Hanley was next in line. He told her she was required to stay and work an additional four hour shift under the mandatory protocol. She told him she would not stay because she is on limited duty but did not have a medical excuse. Sergeant Sawyer checked her status but found nothing on file indicating she was on light duty or any other restriction that would preclude her from working the extra shift. He called her by phone at about 12:30 P.M., and told her again she was mandated to work early shift due to a critical staffing shortage. She again told him she would not stay because she is on light duty from a slip-and-fall incident last week. He told her that nothing has been placed on file regarding light

duty and that the directive to work the next shift is an order from a supervisor. She told him that she would not stay as mandated and left work when her shift ended. She made no effort to report the order to a higher supervisor. (Ex. 5)

3. ECO Granzow-Hanley testified that she had been in pain since the fall on January 12<sup>th</sup>. In addition to taking over-the-counter medications for her pain, she had been prescribed an opiate based pain medication. Before going to work she only took over-the-counter medications. Working while taking opiate based medications was not permitted. On the 18<sup>th</sup>, the over the counter pain medication was not sufficient to address her pain. She planned to take the prescribed medication as soon as she got home. She maintains that she could not continue to work another four (4) hours with the pain she was in. She told none of this to Sergeant Sawyer or to any higher ranking officer. To her, light duty meant not working more than eight (8) hours and she assumed the MPD was aware of the restriction, but, as noted above, the medical restriction issued says no such thing and might not yet have been on file.

### CONCLUSIONS OF LAW

4. This appeal is governed by the seven just-cause standards set forth in Wis. Stat. sec. 62.50(17)(b). The Commission must find by a preponderance of the evidence that there is just cause to sustain the charges. Preponderance of the evidence means “more likely than not,” rather than just possible. See, e.g., *U.S. v. Johnson*, 342 F.3d 731, 734 (7th Cir. 2003). We conclude that the first six just cause standards are satisfied and sustain the imposition of discipline. In reference to the seventh standard, however, we conclude that the preponderance evidence supports a two (2) day suspension on each count in lieu of a four (4) day suspension on each count.

5. The appellant did not challenge just cause standards one (1) through four (4); therefore, there is no need to address them in this decision.

6. The fifth just cause standard asks, “whether the Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.” It is undisputed that: (1) ECO Granzow-Hanley was not on light or limited duty status on January 18, 2020; (2) that Sergeant Sawyer did not excuse her from the mandated extension of duty on that date that would preclude her from working beyond her shift; (3) that she left work at 3:30 P.M. in violation of Sergeant Sawyer’s order; (4) that she did not inform Sergeant Sawyer about her pain and the need for her to take an opiate based medication; and, (5) she made no effort to report Sergeant Sawyer’s order to a higher supervisor. (Ex. 3, 5, 6) It is therefore established that EOC Granzow-Hanley was not candid in her conversation with Sergeant Sawyer and that she intentionally disobeyed his order to remain at work. Moreover, she failed to seek a review of his order by a higher supervisor although she had three (3) hours to do so. We conclude the Chief has satisfied the fifth standard by a preponderance of the evidence.

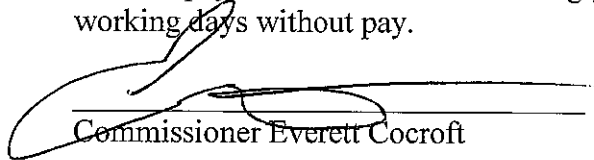
7. The sixth just cause standard asks, “whether the Chief is applying the rule or order fairly and without discrimination against the subordinate.” As discussed above, we find a thorough investigation was conducted with no credible evidence of animus against the emergency communications operator. The testimony of Assistant Chief Terrance Gordon, the Discipline Review Summary, and the supporting documents establish the considerations that were presented

for the Chief's review. (Ex. 7) We conclude the Chief has satisfied the sixth standard by a preponderance of the evidence.

8. The seventh and final just cause standard asks, "whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the department." This case involves a failure to communicate that unfortunately resulted in discipline. It might be viewed as ironic that this failure occurred in the MPD's communication division, but the location might have been a contributing cause. The first conversation took place while ECO Granzow-Hanley was also handling calls. The second conversation was over the phone in the same setting. In spite of the difficulty the setting might have caused, ECO Granzow-Hanley should have been more candid about her situation and should have tried to contact a higher supervisor before taking it upon herself to leave her post without approval. Taking these factors into consideration, her nineteen (19) years of service, and her prior disciplinary record, we conclude that a two (2) working day suspension on each count without pay is the appropriate discipline.

**DECISION**

The Chief's discipline is sustained and the Appellant, Peggy A. Granzow-Hanley, is ordered suspended from the Milwaukee Police Department for a period of two (2) working days without pay on each count. Accordingly, she is to be suspended for a total period of four (4) working days without pay.

  
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Commissioner Everett Cocroft

*Fred L. Crouther*  
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Commissioner Fred Crouther

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Commissioner Angela McKenzie, Esq.

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10/23/20