

MILWAUKEE COUNTY
CIVIL SERVICE COMMISSION MEETING
Thursday, December 17, 2014, 2:00 pm
Courthouse Room 306

Minutes

ROLL CALL:

Present: Arthur Phillips, Janet Cleary, Maria Monteagudo, and Erbert Johnson (arrived at 2:43 pm)

Excused: Mary Ellen Powers

ACTION: Janet Cleary made a motion to nominate Maria Monteagudo to run the meeting; it was seconded by Arthur Phillips.

Ayes – 3: Arthur Phillips, Janet Cleary, Maria Monteagudo.

Noes – 0

OLD BUSINESS: None

NEW BUSINESS:

1. The Secretary to the Civil Service Commission requests the approval of the Civil Service Commission minutes from October 31, 2014.

Recommendation of the Department of Human Resources: Approve.

ACTION: Janet Cleary made a motion to approve the minutes as provided; it was seconded by Arthur Phillips.

Ayes – 3: Arthur Phillips, Janet Cleary, Maria Monteagudo.

Noes – 0

2. The Secretary to the Civil Service Commission forwards the proposed rule changes and the minutes of the Milwaukee County Personnel Review Board of October 14, October 28, November 11, and November 25, 2014.

Recommendation of the Department of Human Resources: Receive & Place on File

ACTION: So ordered.

3. From the Administrator, Behavioral Health Division, presenting on the attendance policies of the Behavioral Health Division.

Appearances: Jim Kubicek, Interim Administrator, BHD.

Recommendation of the Department of Human Resources: Receive & Place on File

ACTION: So ordered.

4. From the Milwaukee County Information Management Services Division, requesting to transfer the position of Director of Project Management Office from the classified to the unclassified service.

Appearances: Laurie Panella, IT Director, IMSD.

Recommendation of the Department of Human Resources: Approve.

ACTION: Janet Cleary made a motion to approve the request; it was seconded by Arthur Phillips.

Ayes – 3: Arthur Phillips, Janet Cleary, Maria Monteagudo.

Noes – 0

5. From the Milwaukee County Information Management Services Division, requesting to transfer the position of Manager of Security and Continuity from the classified to the unclassified service.

Appearances: Laurie Panella, IT Director, IMSD.

Recommendation of the Department of Human Resources: Approve.

ACTION: Janet Cleary made a motion to approve the request; it was seconded by Arthur Phillips.

Ayes – 3: Arthur Phillips, Janet Cleary, Maria Monteagudo.

Noes – 0

6. From the Milwaukee County Executive's Office, requesting to transfer the position of Director of the Emergency Preparedness from the classified to the unclassified service.

Appearances: Rick Ceschin, Deputy Director, Department of Human Resources.

Recommendation of the Department of Human Resources: Approve.

ACTION: Janet Cleary made a motion to approve the request; it was seconded by Arthur Phillips.

Ayes – 3: Arthur Phillips, Janet Cleary, Maria Monteagudo.

Noes – 0

7. Discussion on the recreated Rule VIII of the Rules of the Civil Service Commission.

Appearances: Attorney Mark Sweet, Sweet and Associates, Legal Counsel for District Council 48, AFSCME and Jeff Weber, President, Wisconsin Federation of Nurse and Health Professionals.

ACTION: None.

8. Discussion of the 2015 Civil Service Commission tentative meeting dates.

ACTION: 2015 dates scheduled: February 12, April 9, June 4, August 13, October 8, and December 17, 2015.

Ayes – 4: Arthur Phillips, Ebert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

9. Election of the Civil Service Commission officers for 2015.

ACTION: Arthur Phillips made a motion to lay this item over; it was seconded by Janet Cleary.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

To Convene Into Closed Session for Consideration of items 10 - 12

ACTION: Arthur Phillips made a motion to convene into closed session Per Section 19.85(1)(c) of the Wisconsin Statutes; it was seconded by Erbert Johnson. Upon reconvening in open session, the Commission took the following actions on items 10 - 12.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

10. Consideration of contract extension of independent legal counsel for the Civil Service Commission.

ACTION: Erbert Johnson made a motion to approve the extension of the independent legal counsel for the Civil Service Commission; it was seconded by Arthur Phillips.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

11. Consideration of contract extension of Hearing Examiner – Omar Mallick.

ACTION: Erbert Johnson made a motion to approve the extension of the Hearing Examiner, Omar Mallick for the Civil Service Commission; it was seconded by Arthur Phillips.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

12. Consideration of contract extension of Hearing Examiner – Chuck Schumacher.

ACTION: Erbert Johnson made a motion to approve the extension of the Hearing Examiner, Chuck Schumacher for the Civil Service Commission; it was seconded by Arthur Phillips.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

To Reconvene Into Open Session

ACTION: Janet Cleary made a motion to reconvene into open session; it was seconded by Arthur Phillips.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

13. Consultation with Counsel regarding an update on the status of pending litigation.

ACTION: No Updates.

To Convene Into Closed Session for Consideration of item 14

ACTION: Erbert Johnson made a motion to convene into closed session Per Section 19.85(1)(b) of the Wisconsin Statutes; it was seconded by Janet Cleary. Upon reconvening in open session, the Commission took the following actions on item 14.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.
Noes – 0

14. From the Civil Service Hearing Examiners submitting recommendations relating to employee suspensions and/or discharges.

- a. **Sylvia Colon, CNA, BHD**
Hearing Examiner – Omar Mallick
Written Charges for Discharge, dated November 12, 2014

ACTION: Arthur Phillips made a motion to sustain the charges for discharge; it was seconded by Erbert Johnson.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.
Noes – 0

- b. **Karen Haglund, Registered Nurse, BHD**
Hearing Examiner – Omar Mallick
Written Charges for Discharge, dated October 9, 2014

Recommendation of the Department of Human Resources: Receive Resignation & Place on File

ACTION: So ordered.

- c. **Arvaya Corbins, CNA, BHD**
Hearing Examiner – Omar Mallick
Written Charges for Discharge, dated May 9, 2014

Recommendation of the Department of Human Resources: Receive Resignation & Place on File

ACTION: So ordered.

- d. **Lajestic Haynes, CNA, BHD**
Hearing Examiner – Omar Mallick
Written Charges for Discharge, dated November 11, 2014

Recommendation of the Department of Human Resources: Case Recommendation from Hearing Examiner is not ready due to the case being heard earlier in the day. Final decision to be made at next meeting on February 12, 2015.

ACTION: So ordered.

- e. **Mary Hamilton, CNA, BHD**

**Hearing Examiner – Chuck Schumacher
Notice of Suspension, dated November 19, 2014, for 5 days**

Recommendation of the Department of Human Resources: Receive Waiver of Suspension & Place on File

ACTION: So ordered.

- f. **Adewunmi George, CNA, BHD
Hearing Examiner – Chuck Schumacher
Notice of Suspension, dated October 21, 2014, for 2 days**

Recommendation of the Department of Human Resources: Receive Waiver of Suspension & Place on File

ACTION: So ordered.

To Reconvene Into Open Session

ACTION: Erbert Johnson made a motion to reconvene into open session; it was seconded by Janet Cleary.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

Meeting Adjournment

ACTION: Janet Cleary made a motion to adjourn the meeting; it was seconded by Erbert Johnson.

Ayes – 4: Arthur Phillips, Erbert Johnson, Janet Cleary, Maria Monteagudo.

Noes – 0

Meeting adjourned at 3:24 pm.

Approved by:

Rick Ceschin
Secretary to the Civil Service Commission

RC:cjg

C: Personnel Review Board

MILWAUKEE COUNTY PERSONNEL REVIEW BOARD

RULES OF PROCEDURE

(Pursuant to Milwaukee County Code of General Ordinances Chapter 33.03(3))

Effective: February 3, 2015

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PREAMBLE

STATUTORY REFERENCE

WHEREAS, pursuant to Chapter 33 of the Milwaukee County Code of General Ordinances, the Milwaukee County Personnel Review Board (“PRB”) was established to administer the quasi-judicial duties formerly performed by the Milwaukee County Civil Service Commission as they relate to the discipline and discharge of County employees and the hearing of appeals of certain grievance in a fair and impartial manner; and,

WHEREAS, in accordance with the establishment of the Personnel Review Board, the duties and responsibilities set forth in Wisconsin Statutes Sections 63.10 and 63.12 and Chapter 17.207 of the Milwaukee County Code of General Ordinances relating to discipline and discharge of employees have been delegated to the Personnel Review Board; and,

WHEREAS, pursuant to Chapter 33.03(3) of the Milwaukee County Code of General Ordinances, the Personnel Review Board has been given authority to adopt rules and regulations enabling it to properly conduct its hearings and to insure compliance with the due process rights of individuals as set forth in the Wisconsin Constitution and that of the United States of America; now, therefore,

BE IT RESOLVED that, pursuant to this grant of authority, the Personnel Review Board issues the following rules and regulations.

RULE I

OFFICERS AND DUTIES

The Personnel Review Board (“PRB”) shall annually elect a president and vice-president in November. The president, or vice-president in the absence of the president, shall act as chairperson of all meetings of the PRB. If both the president and vice-president are absent from a meeting, the PRB members present shall designate a PRB member to act as chairperson and preside over the meeting. The chairperson shall make rulings on the admission of evidence, legal objections, legal motions, and procedural questions that may arise. The chairperson’s ruling on procedural aspects of any meeting or hearing shall be final, except that any member of the PRB present at such meeting or hearing may request a vote by the PRB on the chairperson’s ruling. The chairperson’s decision may be overridden by a majority vote of the PRB members present at the meeting.

RULE II

QUORUM

A majority of all confirmed PRB members shall constitute a quorum for the transaction of business of the PRB. All decisions of the PRB must be concurred in by at least a majority of those present at the hearing or meeting unless otherwise provided by these rules. Any member not present at a meeting during which any portion of a disciplinary hearing is heard may not participate in any discussion surrounding or decision relating to such hearing, unless the missing member(s) listen to all recordings of the evidentiary hearing, review all exhibits admitted into evidence, confer with PRB members who were present, and read all briefs submitted by the parties. This process will only be applicable in cases where a quorum of current board members was or is not available to hear the charges.

RULE III

MEETINGS AND NOTICES

Section 1 Notice of all Meetings

The executive secretary of the PRB shall give notice of all meetings in conformity with the Wisconsin Statutes governing “Open Meetings of Governmental Bodies” (Wis. Stat. §§ 19.81–19.88). Notice of all meetings shall be furnished to the Courthouse Building Superintendent for public posting within the Courthouse, the County Board of Supervisors, and any other person or organization who requests such notice. The public meeting notice must list all locations where the meeting will be held, including the approximate time of when the PRB will be in each location. The PRB may cancel a scheduled or noticed meeting if no disciplinary hearings are scheduled for the meeting.

Section 2 Accessibility of Meetings

All public meetings must be held in places reasonably accessible to members of the public and shall be open to all citizens at all times the PRB meets in open session

Section 3 Other Business for PRB Consideration

All agendas will include notice that the PRB will consider “Communications and/or comments from the public.” The purpose of this entry is to allow the public to raise any matters related to the work of the PRB

not known at the time the agenda is drafted by the executive secretary. Absent a showing of urgency, PRB action on any topics not specifically noticed in the agenda shall be considered by the PRB at an appropriate later meeting.

Section 4 Notices Relating to Proposed Closed Sessions

All notices relating to proposed closed sessions shall be reviewed by the executive secretary for the PRB prior to publication to determine compliance with the Wisconsin Statutes Section 19.85(1).

Section 5 Disqualification of PRB Members

If a PRB member has a conflict of interest or bias related to a specific proceeding or matter, the PRB Member shall not participate in the PRB's consideration of that case. If a party believes a PRB Member to have a conflict of interest or bias, the party may move for disqualification of that member. The remaining members of the PRB will vote as to whether the PRB member should be disqualified for that matter. A majority vote of the remaining members is required to disqualify a PRB member.

RULE IV

CONDUCT, PROCEDURES OF MEETINGS, AND MINUTES OF MEETINGS

Section 1 Public Comment Before a Vote Is Taken

Public comment may be allowed before any vote is taken on any agenda item discussed in open meetings. The chairperson may allocate an appropriate length of time for such comment.

Section 2 Voting

A. Voting Procedure

All votes by members of the PRB when the PRB is in open meeting shall be by voice, excepting a vote on whether the PRB should go into closed session. A roll call vote is required when requested by any PRB member. All motions made and carried to go into closed session shall be recorded in the minutes in such a manner that the vote of each member can be ascertained and recorded. All votes while in closed session shall be by voice vote, except if requested by a PRB member.

B. PRB Actions Involving a Tie Vote

In the event of a tie vote, the matter fails, and the case may be scheduled for a rehearing before the whole PRB.

Section 3 Minutes of All Meetings

The minutes of all meetings shall be a summary of the events of such meeting and shall include those significant points brought to the PRB's attention by the public. The original minutes shall be recorded by the PRB's executive secretary or designee. The digital recording of each hearing and other processes shall be the official minutes of the PRB and the topic of the completed meetings shall be available for public review at the office of the executive secretary of the PRB during normal working hours.

Copies of approved minutes of every meeting, except those portions covering hearings of charges against employees, shall be submitted to the Chief Human Resources Officer; County Executive; Chair of the County Board; Chair of the Finance, Personnel, and Audit Committee of the County Board; and any other persons requesting copies of said minutes. Submission of the copies shall be within two weeks following the meeting during which the PRB approves said minutes.

RULE V

PROCESSING OF DISCIPLINARY CHARGES AND HEARINGS

Section 1 Who Can File Charges

- A. It shall be the duty of the superior officer¹ to file charges against any person in the classified service and subordinate to that superior officer if, in that officer's opinion, there is cause for demotion, suspension, or discharge.
- B. If a superior officer neglects or refuses to file charges, it shall be the duty of the Chief Human Resources Officer to file charges if the Chief Human Resources Officer believes that there is cause to file charges against any person in the classified service.
- C. Any citizen, excepting parties mentioned in A and B above or an individual acting in a representative capacity for any group or organization, may file charges against any person in the classified service pursuant to the Wisconsin Statutes Section 63.10(1) as long as:
 - 1. The allegations contained in the charge are made under oath and formally notarized;
 - 2. Such allegations are supported by the affidavit of one or more witnesses who are alleged to have first-hand knowledge of the facts underlying the allegations; and
 - 3. The allegations and facts, if charged and established, would amount to cause for discharge of the officer or employee in the judgment of the PRB.

Upon the filing of such charge, the executive secretary shall verify compliance of such charge with 1 and 2 above; and, when so verified, the executive secretary shall place said charge on the agenda for the PRB's determination as to whether the charges are grave enough to warrant a hearing.

- D. The Milwaukee County Ethics Board may file charges alleging violation(s) of the Milwaukee County Ethics Code, pursuant to the MCGO chapters 9.11(2) or 9.11(3), after the Ethics Board finds probable cause to believe that such violation(s) have occurred.

¹ Superior Officer, as used in this rule, shall include a person possessing appointing authority with the County, a department head, board chair, the County Election Commission, or the County Civil Service Commission.

Section 2 Contents of Charges

A. Format

Whenever a superior officer, Chief Human Resources Officer, or citizen has decided to charge any person in the classified service as acting in such a manner as to show him/herself to be incompetent to perform his/her duties or to have merited demotion or discharge, that superior officer, Chief Human Resources Officer, or citizen shall file a complaint which sets forth:

1. The name of the person complained against.
2. A description of the act or omission complained of.
3. The date or dates such act or omission occurred.
4. The location where such act or omission occurred.
5. A specific recitation of that portion of the rule or regulation allegedly violated by the person complained of.

When the Milwaukee County Ethics Board files charges with the PRB under Rule V, Section 1.D., the Ethics Board shall file the verified written complaint received by the Ethics Board under MCGO chapter 9.09(1) (including any amendments adopted under MCGO chapter 9.09(3)(b)) or made by the Ethics Board under MCGO chapter 9.09(3)(a), together with the written findings of fact, conclusions of law and recommendations issued by the Ethics Board under MCGO chapter 9.11(1).

B. Time Limits for Filing/Suspension Pending Hearing

All written charges or notices of suspension must be filed with the PRB within three business days² after the superior officer or Director of Human Resources takes disciplinary action within the jurisdiction of the PRB. All written charges or notices of suspension shall be filed at the PRB office during regular business hours.

For written charges of discharge, the superior officer or Director of Human Resources may suspend a person in the classified service pending review of the charges, provided that the complaint indicates that such a suspension has been imposed. Such suspension will be continued, honored, and granted until the matter is decided by the PRB.

If written charges are not timely and properly filed with the PRB, the PRB may dismiss the charges and reinstate the employee with back pay.

² A “business day,” as used in these rules, is defined as a day that the PRB staff office is open for business. If any deadline falls on a non-business day, the deadline rolls to the next business day. When calculating time periods stated in days under these rules, exclude the day of the event that triggers the period.

C. Limits of Jurisdiction/Waiver of Hearing

Nothing in this section shall limit the power of a superior officer to suspend a person in the classified service for a reasonable period not to exceed ten days. If the person is suspended more than once within any six-month period for any length of time whatsoever, that person shall have the right to a hearing before the PRB for any suspensions subsequent to the first suspension within the six-month period, unless the employee so suspended, freely and in writing, gives notice to the PRB that he/she waives the right to such hearing.

Section 3 Scheduling of Hearings

A. Hearing Within 21 Days Unless Continued/Adjourned

Upon receipt by the executive secretary of the PRB of a complaint or request for rehearing under Rule V, Section 7, of these rules, the PRB shall set a time and place for a hearing. Said hearing shall be held within 21 days of the receipt of the complaint or request, unless the hearing is:

1. Laid over by stipulation of all parties.
2. Laid over in the interest of fairness upon the PRB's own motion.
3. Laid over upon motion of the charged party.

B. Continuations/Adjournments Must Be for Good Cause

If a continuation/adjournment is not agreed to by all parties, the PRB may, upon presentation of a good cause, make a decision to continue/adjourn the matter.

C. Notice to Parties of Hearing and Adjournments

Notice of hearing date and any adjournments thereof shall be given to the person filing the charges and the employee. If a representative appears on behalf of the employee, notices shall be given to the representative who shall have the responsibility to convey notice to the employee. Failure of the employee's representative to convey notice to the employee shall not constitute grounds for delay of any PRB action.

D. Notice to Witnesses

Each party is responsible for advising the party's own witnesses of any continuance or adjournment.

Section 4 Charges of Off-Duty Criminal Activity

Where charges filed by a superior officer, Chief Human Resources Officer, or a citizen contain allegations that an employee was involved in off-duty criminal activity, it is preferred that such complaint include a statement showing the relationship between the employee's job performance and the alleged off-duty criminal activity. It is required of the charging party that such relationship is shown at the time of the hearing. If, at the time of hearing, a sufficient relationship between the alleged off-duty criminal activity

and the employee's job is not shown, the PRB will not sustain discharge and shall dismiss all charges against said employee and reinstate the employee with back pay.

Section 5 Representation of Parties

The superior officer, Chief Human Resources Officer, or citizen who files a complaint with the PRB may be represented at any PRB proceedings by counsel or other person authorized by the charging party. The person against whom charges are filed may appear in person and/or be represented by an attorney or other person authorized by the charged party. Failure of any party to appear at a hearing shall not preclude the PRB from proceeding with a hearing on any matter where notice was properly served upon all parties.

Section 6 Adjournments

Adjournment of any hearing other than the initial hearing may be granted upon written request which is received by the executive secretary of the PRB at least three business days before the scheduled hearing date. Such written request must specify the reasons for the adjournment and shall contain a date when the person making such request will be ready to proceed. The executive secretary will notify the PRB of the request. If the PRB approves such request, it shall set another date for the hearing. If it does not agree to the adjournment, the hearing shall proceed as scheduled. Any request for adjournment not made in compliance with this section will generally not be granted; however, the PRB may grant an untimely request for good cause.

Section 7 Petition for Rehearing

The petition for a rehearing of any PRB action must be made in writing and filed with the executive secretary of the PRB within 30 days after the decision of the PRB has been made public. A rehearing by petition may be sought by any party to the action and shall only be granted when the petitioner demonstrates, by way of specific affidavit, to the PRB's satisfaction that the evidence petitioner expects to present at the rehearing could not, by the exercise of due diligence, have been discovered and submitted at the original hearing. Further it must be shown that such evidence is of such magnitude that, if proven at the hearing, it could have changed the findings of those PRB members who attended the hearing in question and participated in making the decision on same. The petition for rehearing shall include such affidavits as are necessary to describe the evidence expected to be presented at said rehearing and why such evidence was not presented at the original hearing.

Section 8 Amendments to Charges

Amended charges must be submitted to the PRB in writing and the employee may be given an opportunity to object to their submission. If the objection is sustained by the PRB, the Party requesting to amend the charges may file them as new charges. Charges may be amended to cure technical defects; to clarify or amplify allegations in the charges; or to set forth additional facts or allegations related to the subject matter of the original charges. Amended charges, with the exception of technical defects, must be submitted at least 10 business days prior to the scheduled hearing.

RULE VI

CONDUCT OF HEARINGS

Section 1 Admissibility of Evidence

The PRB is not bound by the rules of evidence as contained within the Wisconsin Statutes. Irrelevant, immaterial, or unduly repetitious evidence will be excluded. Hearsay evidence will be admissible and given whatever weight or credence the PRB members wish such evidence to have. However, the PRB will not rely on uncorroborated hearsay evidence alone to sustain a finding. Summaries of records shall not be admissible as evidence unless the records from which the summaries are compiled are available for examination by opposing parties and the PRB members. A hearing may be delayed for purposes of allowing opposing parties to view the records upon which the summaries are compiled

Section 2 Time Limits to Hearings

Although each hearing is unique and may require longer or shorter sessions, the PRB expects that it will allot four hours or less (two hours for each side) for discharges and two hours or less (one hour for each side) for suspensions. Should either side believe that the hearing will require more time than what the PRB generally allocates, the party should notify the PRB or the PRB office of the potential for a longer hearing prior to the meeting.

Section 3 Examination of Witness

A witness shall be examined first by the party who calls the witness. Witnesses generally testify by answering questions; however, an unrepresented party may testify in the narrative form to provide evidence on his or her own behalf. Cross-examination of a witness is not limited to those matters to which a witness testified to on direct examination. Direct and cross-examination shall not be interspersed with argument or commentary by the questioner. A party shall not make statements relating to the admission of evidence while examining a witness.

Section 4 Exhibits

Nine copies of all proposed exhibits shall be provided to the executive secretary to be marked appropriately and made available to the PRB, the opposing party, and the witness stand before being shown to any witness. Exhibits entered into record are to remain in the custody of the PRB's executive secretary or designees unless withdrawn. In the event such exhibits are withdrawn, copies of such exhibits shall be submitted to the executive secretary to be maintained in the file.

Section 5 Order of Testimony

In all cases, excepting a petition for rehearing or a grievance, the charging party shall proceed first with its evidence. The person charged in the complaint shall then have an opportunity to present evidence in defense of any charges. Further evidence, the nature of rebuttal, shall be allowed by the PRB upon motion of the party requesting the opportunity to present such evidence. In the case of a rehearing or a grievance, the petitioning party shall proceed first. The opposing party shall then respond, and any further evidence in the nature of rebuttal may be allowed at the discretion of the PRB.

Section 6 Subpoena and Witness Fees

Each party is entitled to call witnesses on his/her behalf. If requested by a party, the PRB shall supply the party with necessary subpoenas to compel the testimony of any witness. In the case a refusal of any person to comply with a subpoena issued under this rule or to testify to any matter regarding which the person may lawfully be compelled to testify, the PRB may direct its legal counsel to begin proceedings in the Circuit Court of Milwaukee County to compel the person's attendance and/or testimony.

Pursuant to the Wisconsin Statutes Section 63.12(3), any person who is not in the civil service of Milwaukee County and appears before the PRB by order of the PRB shall receive witness fees and mileage as provided for a witness in a civil action in Milwaukee County Circuit Courts, and such fees will be paid by the PRB. No witness subpoenaed by the PRB at the insistence of any party other than the PRB will be entitled to witness fees or mileage unless the PRB, at the time of the hearing, certifies on the record that the witness's testimony was both relevant and material to the matter heard by the PRB. In cases where the PRB does not pay witness fees or mileage, the party who subpoenaed the witness is responsible for payment of such fees.

Section 7 Legal Briefs

The PRB, on its own motion or upon the request of any party, may allow parties to submit legal briefs or memoranda in support of their respective positions. When such briefs or memoranda are requested, seven copies shall be submitted to the executive secretary of the PRB and one copy to each opposing party. At the time legal briefs or memoranda are requested, the PRB may set a schedule for filing of same.

Section 8 Burden of Proof

The party who brings charges or petitions for a rehearing shall have the burden of proving the allegations by a preponderance of evidence on all complaints or petitions, other than allegations that the employee complained of engaged in criminal activity. In order to sustain a complaint or petition alleging criminal activity as the basis for the charges, the allegations of criminal activity must be proven by clear and convincing evidence.

Section 9 Employee Reevaluation Period

In addition to those sanctions authorized by Wisconsin Statutes Section 63.10(2), the PRB, at its option, may provide for an employee reevaluation period imposed upon the party(ies) following the PRB's post-hearing findings that charges filed against the employee were well-founded and the facts and circumstances of the case dictate the remedy's use.

The length of the employee reevaluation period and the employee conduct to be rectified during that period will be decided, identified, set forth, and disclosed to the parties by order of the PRB upon approval or imposition of the employee reevaluation period. A decision detailing the conduct for which an employee may be separated without recourse to the PRB will be made in each case where the PRB approves or imposes a reevaluation period in accordance with this rule. The employee reevaluation period shall provide the employee an opportunity to rectify the conduct delineated by the PRB so as to conform to the standards required by county management for such conduct, and the employee shall be on notice from the time of approval or imposition of the employee reevaluation period that failure to rectify said conduct to the satisfaction of county management may result in the employee's being separated from county employment by the appointing authority at any time during the employee reevaluation period. Such separation during the employee reevaluation period shall be without further review by the PRB. In the event the appointing

authority does separate the employee prior to completion of the employee reevaluation period, it shall submit to the PRB, on a form provided, a written statement giving the date and reasons for such separation.

The employee reevaluation period shall not affect the employee's status as it relates to working conditions, employee benefits, or those protections afforded under the Wisconsin Statutes Section 63.10 that are unrelated to the conduct for which the PRB has approved or imposed the employee reevaluation period.

The above Reevaluation Period differs from a Last Chance Agreement, which is negotiated between the parties who then request that the PRB accept the provisions presented either orally or in writing to the PRB.

Section 10 Motions

A. Motions to Dismiss Based on Lack of Subject Matter Jurisdiction

A party may move at any time to dismiss the charges because the PRB does not have subject matter jurisdiction. The PRB may also raise issues on its own motion relating to its jurisdiction to hear the charges. Each party shall be afforded an opportunity to make oral arguments regarding such a motion. The PRB may request written arguments/further briefing on the issue at its discretion.

B. Other Motions

All other motions to the PRB, unless made during a hearing, shall be made in writing, state with particularity the grounds therefor, and set forth the relief or order sought. The PRB shall set a time for the opposing party to respond.

Section 11 Withdrawal of Charges

A. When Charges May Be Withdrawn

Subject to approval of the PRB, the charging authority or his/her representative may withdraw a case at any time prior to a matter proceeding to hearing.

B. Reinstatement of Employee upon Withdrawal of Charges

If an employee was suspended without pay prior to the withdrawal, said employee shall be reinstated as of the date of suspension.

Section 12 Dismissal of Charges

Any dismissal order issued by the PRB shall be on the merits unless otherwise expressly stated. The PRB may request the filing of a copy of any settlement prior to dismissing a case.

Section 13 Hearing Examiner for Ethics Board Charges

In a case where the Milwaukee County Ethics Board files charges with the PRB under Rule V, Section 1.D of these rules, the PRB may, by a majority vote of the members present, appoint a hearing examiner to hear the case. The hearing examiner shall be a retired or reserve judge or an attorney who, based on the attorney's experience and reputation, the PRB deems appropriate to serve in that capacity. The hearing examiner shall conduct an evidentiary hearing on the charges that shall conform, so far as practicable, to the provisions of

these rules governing the conduct of hearings. After the hearing is concluded, the hearing examiner shall prepare written proposed findings of fact and conclusions of law. The PRB shall review and may adopt or modify the proposed findings of fact and conclusions of law. To the extent that the findings of fact and conclusions of law are adopted by the PRB, and subject to any modifications made by the PRB, they shall constitute the PRB's determination whether violations of the Ethics Code, MCGO chapter 9, have occurred, and they shall be sent to the Ethics Board as provided in MCGO chapter 9.13.

RULE VII

ADMINISTRATIVE BUDGETARY FUNCTIONS

The PRB shall authorize by formal vote the PRB's annual budget and any subsequent requests for additional funds to that budget or requests for carrying over of funds to the following year to complete unfinished business. The executive secretary shall administer all lawful payments from the authorized budget as set forth by the PRB.

RULE VIII

AMENDMENTS TO RULES

These rules may be amended, modified, or repealed by a majority of the members present at a meeting of the PRB. Advance notice of an intended rule change will be made at least one PRB meeting prior to any action taken by the PRB.

RULE IX

PROVISIONS FOR TRANSCRIPTS

The official record of a PRB hearing is the audio recording of the meeting. The parties, courts, or others may request copies of the recordings to prepare a written transcript of a hearing; however, both the recording and the written transcript must be obtained by the requester at its own cost. The original of such transcript ordered shall be filed with the executive secretary of the PRB. The PRB will only bear the cost of any transcripts ordered for its own purposes.

RULE X

SERVICE UPON THE PRB OF LEGAL PROCESS

Service of legal process shall be deemed effective when made upon the executive secretary or upon the president or vice-president of the PRB in accordance with the Wisconsin Statutes Section 801.11(4)(a)7.

Effective as approved this 3rd day of February, 2015.

MILWAUKEE COUNTY PERSONNEL REVIEW BOARD

CODE REVISIONS

1. February 3, 2015 Created Rule III, Section 2 – Accessibility of Meetings, Rule VI, Section 2 – Time Limits to Hearings; General Revisions Throughout.
2. July 19, 2005 Created Rule V, Section 1. D filing of Ethics charges; amended by adding

Rule V, Section 2 A. what must be filed on Ethics charges; created Rule VI, Section 12 – Hearing Examiner for Ethics Charges.

3. February 3, 2004 Created Rule III, Section 4 – Disqualification of PRB members, relating to recusal.
4. May 6, 1997 Created Rule VI, Section 9 – Motions
5. February 28, 1988: Created Rule VI, Section 8 – Employee Reevaluation Period

Milwaukee County Personnel Review Board
Meeting Minutes – December 9, 2014

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, December 9, 2014, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Susan A. Lueger, Ms. Mary K. Bruno, and Ms. Melissa Soberalski.

II. Approval of the Minutes of the November 25, 2014 Meeting

Ms. Soberalski moved, Ms. Bruno seconded, and the Board, by vote of 4-0, approved the minutes of the November 25, 2014 meeting.

III. Status Update from the PRB Administrator

Rebecca M. Janz, Administrator, reported that the Circuit Court sustained the PRB's decision in *Sherron Battle v. Milwaukee County Personnel Review Board*, Case No. 13-CV-11710; explained the procedure for the Board to changes its rules of procedure; and gave an update on potential changes to staffing in the office.

IV. Communications and/or comments from the public, if any

Calvin Lee, Staff Representative, AFSCME District Council 48, requested that all matters against Kim Lisowski remain at the call of the chair to await the results of the pending disability retirement application. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) continued all matters of Kim Lisowski at the Call of the Chair.

V. Correspondence

None.

VI. First Appearances

A. SUSPENSIONS

DENISE LUNA, Correction Officer 1, HOC

Case 1-4168 dated 11/18/2014 for HOC IA #14-142 for 20 days

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that Denise Luna has waived her right to a hearing, accepted her suspension, and submitted a copy of her waiver to the Board. Ms. Lueger moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0) accepted Ms. Luna's waiver and closed the case.

RODNEY BROWN, Forensic Investigator, MEDICAL EXAMINER

Case 1-4170 dated 12/2/2014 for 3 days

(See item VII.A. below)

B. DISCHARGES**MICHAEL JONES, Correction Officer, HOC****Case 2-4167 dated 11/18/2014 for HOC IA #14-162**

The Board heard the report of Calvin Lee, Staff Representative, AFSCME District Council 48, that Michael Jones, who was present, waived his right to a hearing within 21 days, authorized the union to represent him, and was seeking a hearing date certain. Paul Kuglitsch, Assistant Corporation Counsel, had no objection. Ms. Lueger moved, Ms. Soberalski seconded, and Board, by unanimous vote (4-0), scheduled the matter for hearing certain on January 20, 2015.

SHEILA CLAYTON, Clerical Assistant, COMPTROLLER**Case 2-4166 dated 11/17/2014**

The Board heard the report of Calvin Lee, Staff Representative, AFSCME District Council 48, that Sheila Clayton, who was present, waived her right to a hearing within 21 days and authorized the union to represent her. Mr. Lee requested that Ms. Clayton's hearing be put to the call of the chair pending the outcome of her disability retirement application. Paul Kuglitsch, Assistant Corporation Counsel, had no objection. Ms. Bruno moved, Ms. Soberalski seconded, and Board, by unanimous vote (4-0), placed the matter at the call of the chair, pending the results of Ms. Clayton's application for disability retirement.

JESSICA MUNSON, Zoo Area Supervisor, ZOO**Case 2-4169 dated 11/20/2014**

The Board heard the report of Craig Johnson, Attorney, AFSCME District Council 48, that Jessica Munson, who was present, waived her right to a hearing within 21 days, authorized Mr. Johnson to represent her, and was seeking a hearing date certain. Paul Kuglitsch, Assistant Corporation Counsel, had no objection. Ms. Bruno moved, Ms. Soberalski seconded, and Board, by unanimous vote (4-0), scheduled the matter for hearing certain on February 3, 2015.

VII. Hearings**A. SUSPENSIONS****RODNEY BROWN, Forensic Investigator, MEDICAL EXAMINER****Case 1-4170 dated 12/2/2014 for 3 days**

At 9:52 a.m., Ms. Lueger moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session for the evidentiary hearing and deliberations concerning the Rodney Brown matters. At 11:09 a.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (o), and upheld both 3-day suspensions of Michael Brown. The Board also recommended more communication between the Office of Risk Management and managers about FMLA availability for employees prior to counseling.

VIII. Discussion of the Milwaukee County Personnel Review Board Rules of Procedure and Potential Revisions

The Board approved the final version of the brochure for employees about the Board's hearing procedures.

The Board also approved the final draft of revisions to the Board's rules of procedures. The draft will be circulated to interested parties and included in the January 6, 2015 meeting notice for the public to submit comments before or at the Board's January 6, 2015 meeting. **The Board intends to change its rules of procedure at the January 6, 2015 meeting.**

IX. Adjournment

Ms. Lueger moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 11:22 a.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator

Milwaukee County Personnel Review Board
Meeting Minutes – January 6, 2015

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:01 a.m. on Tuesday, January 6, 2015, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Susan A. Lueger, and Ms. Melissa Soberalski. Ms. Mary K. Bruno arrived at 9:09 a.m.

II. Approval of the Minutes of the December 9, 2014 Meeting

Ms. Soberalski moved, Ms. Lueger seconded, and the Board, by vote of 3-0, approved the minutes of the December 9, 2014 meeting.

III. Communications and/or comments from the public, if any

Charmaine Gee, Administrative Assistant, reported that Correction Officer Michael Jones, scheduled for hearing on January 20, 2015, submitted a letter of resignation effective December 11, 2014. The Board recognized Officer Jones' resignation and closed the case.

IV. Revisions to the Milwaukee County Personnel Review Board Rules of Procedure

Molly Zillig, Assistant Corporation Counsel, requested that the Board lay over the discussion of adopting the revised rules of procedure until its next meeting on January 20, 2015, due to the number of cases that are expected and scheduled to go to hearing today. Ms. Soberalski moved, Ms. Lueger seconded, and the Board, by a vote of 3-0, laid over the discussion of adopting the revised rules to January 20, 2015. The Board suggests that any parties with comments should submit them before the meeting so the Board will be prepared to discuss those comments on January 20.

V. Correspondence

None.

VI. First Appearances

A. DISCHARGES

**GILLION V. SIMPSON, IT Manager – Applications, IMSD
Case 2-4171 dated 12/17/2014**

The Board read the request of Attorney Martin C. Kuhn to continue the matter of Gillion V. Simpson for hearing certain on February 3, 2015. Gillion V. Simpson, who was present, waived her right to a hearing within 21 days and authorized Attorney Martin C. Kuhn to represent her before the Board in all matters regarding the instant charges. Attorney Lee Jones, Assistant Corporation Counsel, had no objection. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (3-0), scheduled the matter for hearing certain on Tuesday, February 3, 2015.

**CORY CHAMPION, Airport Maintenance Worker, AIRPORT
Case 2-4177 dated 12/24/2014**

(See item VII.B. below)

B. SUSPENSIONS**ZAMBIA BROWN, Correction Officer, SHERIFF****Case 1-4172 dated 12/18/2014 for IA #14-136 for 30 days**

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that Zambia Brown waived her right to a hearing within 21 days and was seeking a hearing date certain. Charmaine Gee, Administrative Assistant, confirmed that the Office of the Board received confirmation of the waiver. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on February 17, 2015.

NATHANIEL DITTBERNER, Correction Officer, SHERIFFA**Case 1-4173 dated 12/18/2014 for IA #14-288 for 5 days**

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that Nathaniel Dittberner submitted a signed waiver of hearing on the notice of suspension. Mr. Dittberner, who was present, confirmed that he was waiving his right to a hearing. Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (4-0) accepted Mr. Dittberner's waiver and closed the case.

TONYA KUYKENDOLL, Correction Officer, SHERIFF**Case #1-4174 dated 12/18/2014 for IA #14-252 for 5 days****Case #1-4175 dated 12/18/2014 for IA #14-235 for 60 days**

(See item VII.A. below)

LATISIA MCNEAL, Clerical Assistant II, SHERIFF**Case #1-4176 dated 12/18/2014 for IA #14-099 for 30 days**

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that Latisia McNeal, who was not present, waived her right to a hearing within 21 days and was seeking a hearing date certain. Charmaine Gee, Administrative Assistant, reported that the Office of the Board received a copy of the email from Ms. McNeal confirming the waiver and request. Ms. Lueger moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on February 17, 2015.

VII. Hearings**A. SUSPENSIONS****TONYA KUYKENDOLL, Correction Officer, SHERIFF****Case #1-4174 dated 12/18/2014 for IA #14-252 for 5 days****Case #1-4175 dated 12/18/2014 for IA #14-235 for 60 days**

At 1:35 p.m., Mr. Dennehy moved, Ms. Lueger seconded, and the Board voted 4-0 to go into closed session to deliberate the Tonya Kuykendoll and Cory Champion matters. At 2:04 p.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (4-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (p), and upheld the 5-day suspension.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), (u), and (ee), and upheld the 60-day suspension. Furthermore, pursuant to Rule VI, Section 8 of the Board's Rules of Procedure, the Board imposes a 2,080 hour re-evaluation period upon the parties. The re-evaluation period is effective January 6, 2015, and a copy of the agreement will be sent to the parties.

B. DISCHARGES

CORY CHAMPION, Airport Maintenance Worker, AIRPORT Case 2-4177 dated 12/24/2014

At 1:35 p.m., Mr. Dennehy moved, Ms. Lueger seconded, and the Board voted 4-0 to go into closed session to deliberate the Tonya Kuykendoll and Cory Champion matters. At 2:04 p.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (4-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (k),(l),(o), and (p), and upheld the charges for discharge.

ROBERT COLLAZO, Zookeeper, ZOO Case 2-4158 dated 10/29/2014

The Board heard the report of Attorney Mark Sweet, Sweet and Associates, on behalf of Robert Collazo, who was present, that Mr. Collazo was resigning without any admission of wrongdoing. Paul Kuglitsch, Assistant Corporation Counsel, concurred. The Board acknowledged Mr. Collazo's resignation and closed the case.

VIII. Adjournment

Ms. Soberalski moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 2:23 p.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator

Milwaukee County Personnel Review Board

Meeting Minutes – January 20, 2015

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, January 20, 2015, in Room 306 of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Susan A. Lueger, and Ms. Melissa Soberalski. Ms. Mary K. Bruno was excused.

II. Approval of the Minutes of the January 6, 2015 Meeting

Ms. Soberalski moved, Ms. Lueger seconded, and the Board, by vote of 3-0, approved the minutes of the January 6, 2015 meeting.

III. Communications and/or comments from the public, if any

Charmaine Gee, Administrative Assistant, reported that Attorney Martin Kuhn, on behalf of Gillion Simpson (who was present), requested an adjournment of Ms. Simpson's February 3, 2015 hearing because he and Ms. Simpson have submitted public records requests to the County and Board, and they will not receive the documents in time for the hearing. Attorney Lee Jones, Assistant Corporation Counsel, did not object.

Ms. Soberalski moved, Ms. Lueger seconded, and the Board, by unanimous vote (3-0), adjourned Ms. Simpson's hearing to March 17, 2015.

IV. Correspondence

None.

V. First Appearances

A. DISCHARGE

SALVADOR RENTERIA, Highway Maintenance Worker, DOT Case 2-4178 dated 01/05/2015

The Board read the report of Charmaine Gee, Administrative Assistance, that Mr. Renteria contact the office of the Board to report he would be unable to appear due to an emergency dental visit. Mr. Renteria has retained Stix Law Firm as counsel, is waiving his right to a hearing within 21 days, and requests a hearing certain date.

Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (3-0), scheduled the matter for hearing certain on February 3, 2015. The Board requests that Mr. Renteria brings confirmation of his dental visit to his hearing.

VI. Hearings

A. SUSPENSIONS

VICTORIA MIKULA, Deputy Sheriff, SHERIFF

Case #1-4161 dated 10/30/2014 for IA #14-132 for 10 days

The Board heard the report of Attorney Molly Zillig, Assistant Corporation Counsel, and Attorney Ryan MacGillis, MacGillis Wiemer, that Deputy Mikula is on medical leave until the end of February and cannot have her hearing during this period. Attorney MacGillis stated he has another hearing in the morning of March 3, 2015, and he cannot attend a hearing that day until mid-morning or afternoon.

Ms. Soberalski moved, Ms. Lueger seconded, and the Board, by unanimous vote (3-0), rescheduled the hearing for March 3, 2015, at 11:15 a.m.

VII. Revisions to the Milwaukee County Personnel Review Board Rules of Procedure

The Board responded to written comments on the revised rules of procedure received from Captain James Cox, Milwaukee County Sheriff's Office; Attorney Graham Wiemer, MacGillis Wiemer, LLC; and Assistant Corporation Counsel Molly Zillig, Corporation Counsel. Additionally, Attorney Craig Johnson, Sweet & Associates; Assistant Corporation Counsel Paul Kuglitsch; and Assistant Corporation Counsel Molly Zillig appeared in person and made additional comments.

The Board intends to approve the final rules, as revised at the hearing, at its February 3, 2015 meeting. The final draft rules of procedure will be included with the February 3, 2015 meeting notice.

VIII. Adjournment

Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (3-0), adjourned the meeting at 10:26 a.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator

County of Milwaukee
Office of the Sheriff



David A. Clarke Jr.
Sheriff

Date: January 27, 2015
To: Rick Ceschin, Deputy Director, Department of Human Resources
From: Mary Dutkiewicz, Sr. HR Generalist
Subject: Request for Wavier of Commission Rules under Civil Service Rule IV, Section 1, Paragraph 3(a) and Paragraph 4

In the past the Civil Service Commission has approved waivers to Civil Service Rule IV, Section 1, paragraph 3(a) and Paragraph 4 along with permission to have the entire list of names on the eligible list certified for all vacancies in the Correction Officer classification.

These waivers have been invaluable to the Milwaukee County Sheriff's Office's efforts in filling Correction Officer vacancies. Our goal continues to be to fill positions in order to reduce overtime.

At this time the Sheriff's Office is working to create a list of eligible candidates for the Deputy Sheriff position. We have been given approval to fill vacant positions in this classifications and there is a critical need for an expeditious hiring process. Due to the time period involved in the hiring process we need to have as many names certified as possible. The entire list will allow us to have an adequate pool of candidates available for whom intensive background investigations will be conducted in addition to panel interviews, physical agility testing and psychological testing.

This request is consistent with waivers granted in the past.

Thank you for your consideration of this request.

Mary Dutkiewicz, Sr. HR Generalist

Cc: Inspector Richard Schmidt
File

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1
2
3 **RULE II. APPLICATIONS FOR ORIGINAL EXAMINATION**

4 Section 1. Filing applications.

5 Section 2. Residence.

6 ~~Section 3. Age.~~

7 ~~Section 4. Sex.~~

8 Section ~~3~~5. Health and physical ability.

9 Section ~~4~~6. Special qualifications.

10 Section ~~5~~7. Disqualification.

11 ~~Section 8. Applications not to be returned.~~

12
13
14 **Section 1. Filing applications.**

15 ~~(1) No person shall be admitted to an original examination unless such person shall have he~~
16 ~~or she has completed a job application for an open, posted position, prepared and filed~~
17 ~~an application for said examination upon the form furnished by the department of human~~
18 ~~resources, which application shall not have been rejected by ~~the director of human~~~~
19 ~~resources may reject an application for cause in accordance with the provisions of these~~
20 ~~rules.~~

21 (12) Applications for an original examination shall be received only during the period
22 prescribed for filing applications in the public notice of said examination, ~~which period~~
23 ~~shall be subsequent to the call thereof,~~ provided, however, that in the case of
24 examinations ~~which that~~ the department of human resources advertises as continuous
25 examinations, applications may be filed at any time prior to the time of the examination.

26 (23) The applicant shall be required to complete an ~~make~~ application, ~~either typewritten or~~
27 ~~in his own handwriting,~~ and to certify that the statements made are true, complete, and
28 correct; ~~provided, however, that applications may be received from any person who is~~
29 ~~unable to write, filled out by another person other than the applicant, but certified to by~~
30 ~~him or her and signed with the mark of the applicant, duly witnessed.~~

31
32 **Section 2. Residence.**

33 (1) Applicants for examinations must be residents of the State of Wisconsin ~~for a period of at~~
34 ~~least one (1) year~~ prior to making application for examination in accordance with and
35 except as otherwise provided in Chapter 63.08(1)(a) of Wisconsin State Statutes. ~~and~~
36 ~~residents of Milwaukee County for a period of at least thirty (30) days immediately~~
37 ~~preceding examination, unless longer periods of residence in the county are prescribed;~~
38 ~~provided, however, that in examinations for classifications requiring technical,~~
39 ~~professional or scientific knowledge and experience, such residence requirement may be~~
40 ~~waived by the director of human resources and the director of human resources may~~

41 waive the requirement for one (1) year state residence for applicants to be licensed in the
42 health care field.

43 (2) All employees in the classified service shall maintain their domicile and principal place of
44 residence within the geographic limits of Milwaukee County during their employment,
45 except persons holding the following job titles who may maintain their domicile and
46 principal place of residence in Racine, Kenosha, Walworth, Waukesha, Washington, and
47 Ozaukee counties: [4] within the confines of the State of Wisconsin: [5]

48 All classifications which require that the incumbent be registered or eligible for registration as
49 a nurse in the State of Wisconsin.

50 Assistant director of nutrition and food service (clinical)

51 Assistant director of nutrition and food service (operations)

52 Assistant director of medical services

53 Assistant head lifeguard [6]

54 Assistant medical director (psychiatry)

55 Central service supervisor

56 Certified occupational therapy assistant*

57 Chemistry technologist

58 Child psychiatrist

59 Clinical laboratory supervisor*

60 Clinical psychologist I*

61 Clinical psychologist II*

62 Clinical psychologist III*

63 Clinical program director (psychology)*

64 Community mental health center director

65 Cytotechnologist I*

66 Cytotechnologist II

67 Dietitian I

68 Dietitian I (hourly)

69 Director of forensic program

70 Director of medical records

71 Director of nutrition and food service

72 Director of pharmacy

73 Dosimetrist

74 Eye bank technical specialist

75 Head lifeguard‡

76 Laboratory information systems supervisor*

77 Lifeguard‡

78 Medical director (CATC)

79 Medical director (MHES)

80 Medical examiner

81 Medical record administrator I

82	Medical record administrator II
83	Medical record administrator III
84	Medical technologist I
85	Medical technologist II
86	Medical technologist manager
87	Medical technologist supervisor*
88	Medical technologist manager
89	Microbiology technologist
90	Occupational therapist I*
91	Occupational therapist II*
92	Occupational therapist III*
93	Pharmacist I
94	Pharmacist II
95	Physical therapist I
96	Physical therapist II
97	Physical therapist III
98	Physician I
99	Physician II
100	Physician III
101	Physician IV
102	Pediatricist
103	Psychiatrist
104	Quality assurance & research coordinator
105	Radiation oncology therapist I
106	Radiation oncology therapist II
107	Radiation oncology therapy supervisor
108	Radiology equipment engineer
109	Radiologic technologist III
110	Recreation therapist I [7]
111	Recreation therapist II*
112	Respiratory therapist*
113	Respiratory therapist in charge*
114	Respiratory therapy assistant supervisor*
115	Respiratory therapy supervisor*
116	(3) The only classifications exempt from the Milwaukee County residency requirement are
117	those which the civil service commission determines essential to effective functioning of
118	county operations and which, on the basis of classification, vacancy, experience and
119	difficulty in recruitment cannot be filled with qualified personnel without waiving the
120	restriction. The director of human resources shall annually review eligibility lists,
121	classification scientific, professional, technical, or skill requirements, response to
122	recruitment, and qualifications of applicants and determine whether the residence

123 requirement prevents or deters adequate staffing of qualified personnel. Classifications
124 shall be added to or deleted from the exempt list in conformity with his/her findings.

- 125 (4) ~~Employes holding classifications removed from the exempt list and who have established~~
126 ~~and maintained domicile and principal residence in the counties of Racine, Kenosha,~~
127 ~~Walworth, Waukesha, Washington or Ozaukee* or outside Milwaukee County [8] at the~~
128 ~~time the classification is removed from the exempt list shall not be required to establish~~
129 ~~and maintain domicile and principal residence within Milwaukee County. However,~~
130 ~~should employes who have established and maintained domicile and principal~~
131 ~~residence in the counties set forth above* or outside Milwaukee County† remove such~~
132 ~~residence and establish and maintain domicile and permanent residence in Milwaukee~~
133 ~~County, such employes shall not be again permitted to establish and maintain domicile~~
134 ~~and principal residence outside Milwaukee County. Employes holding classifications~~
135 ~~removed from the exempt list and who presently maintain domicile and principal~~
136 ~~residence within Milwaukee County shall not be permitted to establish and maintain~~
137 ~~domicile and principal residence outside Milwaukee County.~~

- 138 (5) ~~Employes who fail to comply with this rule shall be subject to rule VII.~~

139 **Section 3. Age.**

140 ~~No applicant shall be permitted to complete an original or promotional examination who is~~
141 ~~less than eighteen (18) years of age on the last day for filing applications for such~~
142 ~~examination; provided, however, that the director of human resources may fix other age~~
143 ~~limits when deemed appropriate which shall be specified in the notice of examination for~~
144 ~~such classification.~~

145 **Section 4. Sex.**

146 ~~Unless the call for any examination otherwise provides, applicants of either sex may be~~
147 ~~admitted to any examination, if, in other respects, they meet the preliminary~~
148 ~~requirements.~~

149 **Section 35. Health and physical ability.**

- 150 (1) Applicants may, at the discretion of the director of human resources, be required to
151 submit to a physical examination to be conducted by such physician or physicians as
152 may be designated by the director of human resources.
- 153 (2) Such physician or physicians must submit a statement upon forms prescribed and
154 furnished by the director of human resources that the applicant has the physical ability to
155 perform the duties of the position to which he seeks appointment.
- 156 (3) The name of any applicant who fails to receive the endorsement of the physician or
157 physicians as designated in subsection (2) above, shall be withheld from certification and
158 removed from the eligible ~~register~~list, and such applicant shall be viewed as having failed
159 the examination.
- 160 (4) Physical examinations, as prescribed in this section, shall be required when necessary to
161 comply with federal regulations, Wisconsin Statutes or Wisconsin Administrative Code
162 relating to the classification or position to which the applicant seeks appointment.

163 (5) Any person aggrieved by the action of the director of human resources may appeal such
 164 action to the civil service commission.

165 Section 46. Special qualifications.

166 In applications for examination for classifications which are scientific, professional
 167 and technical, or for classifications the duties of which require special qualifications, the The
 168 director of human resources may require demand evidence of a satisfactory degree of
 169 education, training or experience, ~~and may demand~~ certificates of competency or the
 170 possession of required such licenses as the law may provide as necessary for the practice of
 171 the profession, art or trade involved and may exclude applicants who fail to give such
 172 evidence or certificates or who do not possess such evidence or licenses. All such
 173 requirements or evidence of education, or licenses shall be prescribed in the public notice of
 174 the examination.

175 Section 57. Disqualification.

- 176 (1) The director of human resources may refuse to examine an applicant or after
 177 examination to certify as eligible one who:
- 178 (a) Is found to lack any of the established preliminary [9] minimum [10] requirements for
 179 the classification ~~for which he applies; or~~
 - 180 (b) Cannot perform the requirements of the job with reasonable accommodations
 181 provided; or
 - 182 (c) Has been found to have violated any law, ordinance, or regulation, the circumstances
 183 of which are substantially related relevant to the position for which the
 184 applicant/eligible seeks employment; or
 - 185 ~~(d) guilty of a crime or of infamous or disgraceful or immoral conduct; or*~~
 - 186 ~~(e) Has been convicted of a violation of the law relevant to the classification for which he~~
 187 ~~applies; or†~~
 - 188 ~~(ed) Has failed to pass any pre-employment physical assessment, including drug~~
 189 ~~screening; or Has been guilty of a dishonest or cruel act; or*~~
 - 190 ~~(fe) Has been dismissed for good cause from the public service; or~~
 - 191 ~~(gf) Has used or attempted to use any personal or political influence to further his/her~~
 192 ~~eligibility or appointment; or~~
 - 193 ~~(hg) Has intentionally made a false statement in any material fact; or*~~
 - 194 ~~(ih) Has practiced or attempted to practice any deception or fraud in his/her~~
 195 ~~application, interview† or examination, or in securing his/her eligibility or~~
 196 ~~appointment; or~~
 - 197 ~~(ij) Is found to have committed any act, either while in the service of the county or~~
 198 ~~otherwise that would constitute cause for discharge under Rule VII, Section 4 of~~
 199 ~~these rules. May be found to be deficient in personal qualifications requisite for the~~
 200 ~~position for which he applies.~~
- 201

202 (2) Any of the foregoing disqualifications shall be deemed sufficient cause to exclude such
203 applicant from examination or to remove such person from any eligible list or from the
204 county service after appointment; ~~provided, however, that when the application of any~~
205 ~~applicant is rejected, or he/she has been declared by the director of human resources to~~
206 ~~have failed in the examination, or his/her name is stricken or erased from any~~
207 ~~reinstatement or eligible for layoff/recall list, for any of the causes enumerated in this~~
208 ~~rule, he/she may, by petition to be filed within ten (10) days from issuance of notice of~~
209 ~~such action, make a written statement of the facts involved and ask for appropriate action~~
210 ~~by the commission, and the commission shall investigate the petition and enter in its~~
211 ~~minutes a finding thereon within ninety (90) days. The complaint shall state with~~
212 ~~specificity the written statements of the facts involved and the complainant's requested~~
213 ~~action by the Commission.~~

214
215 **~~Section 8. Applications not to be returned.~~**

216 ~~Applications, whether accepted or rejected, shall remain on file and shall not be~~
217 ~~returned. Minor defects or omissions in an application on file may be corrected or supplied~~
218 ~~only after special permission granted by the director of human resources. The date and hour~~
219 ~~of receipt of applications shall be endorsed thereon. Applications of persons who fail to~~
220 ~~appear for examination shall not be used for any later examination, but shall be cancelled.~~

221
222

1 RULE III. EXAMINATIONS

- 2 Section 1. Announcement of examination.
 3 Section 2. Notice of examinations.
 4 Section 3. Competition.
 5 Section 4. Special examiners.
 6 Section 5. Subject and weights.
 7 Section 6. Rating General average.
 8 ~~Section 7. Scope of subjects.~~
 9 Section 78. Eligible lists.
 10 Section 89. Life of eligible lists.
 11 Section 940. Review of examinations.
 12 Section 1044. Provisions for the disabled handicapped.
 13 Section 1142. Noncompetitive examinations.

14 Section 1. Announcement of examination.

- 15 (1) The director of human resources shall issue announcements for open or promotional
 16 examinations to fill vacancies in the classified service or to provide eligible lists for
 17 positions where vacancies are likely to occur.
 18 (2) The director of human resources shall include in such announcement a statement of:
 19 (a) The classification and ~~limits of pay~~ range of the position to be filled;
 20 (b) The period during which applications will be received, which shall not be less than
 21 ~~seven (7) three (3)~~ three (3) calendar days ~~unless otherwise noted on the announcement;~~
 22 (c) Any special physical or medical requirements, or special qualifications as to
 23 training, certifications, licenses or experience demanded of applicants;
 24 (d) The requirements ~~restrictions~~ as to previous service in the case of promotional
 25 examinations, and as to age, sex or residence (if there be such restrictions) in
 26 the case of open examinations, and as to such other qualifications as may be
 27 required.
 28 (3) The director of human resources shall give the examination such publicity as in his/her
 29 judgment will bring it to the attention of persons qualified to fill the classification.
 30 Announcements shall be ~~furnished applicants and~~ posted or circulated in publicly
 31 accessible media and as the department of human resources deems advisable. ~~A copy~~
 32 ~~of every announcement shall be sent to the county departments, institutions and~~
 33 ~~boards concerned and shall be posted in a conspicuous place in the department of~~
 34 ~~human resources for the time period specified in the announcement. Access to the~~
 35 ~~department of human resources and to examination announcements shall be provided~~
 36 ~~to people with handicaps.~~
 37 (4) Job announcements shall be reviewed to assure compliance with federal and state
 38 laws, as well as county ordinances and resolutions.

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39 (54) The director of human resources may issue one announcement for a competitive or
 40 non-competitive examination for two or more classifications which require similar
 41 training, education, experience and skills, and may create one or more eligible lists as
 42 a result of such examination. ~~Candidates certified as eligible for appointment from the~~
 43 ~~eligible list(s) created under this provision may be removed for one year from the~~
 44 ~~eligible list(s) upon accepting an appointment to any of the classifications for which the~~
 45 ~~examination was conducted, as indicated on the examination announcement and may~~
 46 ~~be restored to the eligible list(s) by the director of human resources after completion of~~
 47 ~~one year of service. The director of human resources may request applicants for~~
 48 ~~examinations announced under this provision to identify specific classifications in~~
 49 ~~which he/she is interested, or various work experience or skills possessed which may~~
 50 ~~be used to certify qualified individuals to vacancies in classifications requiring such~~
 51 ~~experience or skills. Examinations may be announced under this provision on an~~
 52 ~~original or promotional basis. The director of human resources may refuse to re-~~
 53 ~~examine an applicant deemed not eligible for a period not to exceed twelve months as~~
 54 ~~noted on the examination announcement.~~

55 (65) The director of human resources may announce examinations for classifications in
 56 which there are no current vacancies and indicate on the announcement a specified
 57 time period during which an application would remain active. Upon conducting an
 58 examination, only those applicants who have active applications will be examined.

59 (76) The director of human resources may establish a maximum number of applications for
 60 positions and may terminate a recruitment prior to the stated closing date on the
 61 announcement upon receiving the maximum number of applications.

62 Section 2. Notice of examinations.

- 63 (1) The department of human resources shall prepare a notice of examination which shall
 64 include the date, the hour and the place where such examination shall be held, except
 65 in those instances where such an examination does not require the actual presence of
 66 the applicant.
- 67 (2) The examination shall not be held less than ~~seven (7) two (2) calendar-business~~ days
 68 following the closing date of the announcement.

69 Section 3. Competition.

70 All original examinations for classifications held under the provisions of the Civil
 71 Service Act or of these rules shall be public, competitive and open to all persons who have
 72 filed applications and who have not been debarred for cause in accordance with the
 73 provisions of these rules. The rules governing promotion examinations shall be the same as
 74 for original examination, except where otherwise provided in these rules. ~~No examination~~
 75 ~~shall be held unless there are two (2) or more eligible persons competing; provided,~~
 76 ~~however, where notification and advertising of such examination in a highly technical or~~

77 ~~professional classification reveals that no more than one (1) candidate can be obtained, the~~
 78 ~~commission director of human resources, may in its his or her discretion approve the~~
 79 ~~eligibility of such candidate if the representative examining committee certifies that such~~
 80 ~~candidate meets the qualifications therefore. Should not more than one (1) eligible candidate~~
 81 ~~register for promotion examination, or should a sufficient number of candidates to fill existing~~
 82 ~~vacancies fail to pass, an original examination shall be held.~~

83 ~~However, any employee in the classified service whose position has been~~
 84 ~~reclassified in accordance with the provisions of these rules shall not be required to take any~~
 85 ~~original or promotional examination for that classification and shall be given a regular~~
 86 ~~appointment in the new classification upon receipt of written notification in the manner~~
 87 ~~prescribed by the director of human resources from the department head or appointing~~
 88 ~~authority that such employee is performing the duties of the new classification adequately.~~

89 **Section 4. Special examiners.**

90 All examinations shall be conducted under the direction of the director of human
 91 resources and the director of human resources may designate and appoint special
 92 examiners to personally conduct any part of an examination.

93 **Section 5. Subject and weights.**

94 (1) Examinations shall be job related and will consist of one or more of the following:
 95 education and experience evaluation, written, oral or performance tests, or other
 96 assessment methods. ~~practical in their character and~~ Each examination shall relate to
 97 such matters as will test fairly and practically the ability of each applicant to fulfill the
 98 requirements of the classification to which he or she seeks to be appointed and may
 99 include tests of physical qualifications, and, when appropriate, of administrative or
 100 manual skill. ~~No question pertaining to political affiliation or religious faith shall be asked~~
 101 of any applicant. Each examination shall be in compliance with professional testing
 102 standards, including those of reliability and validity.

103 (2) Examinations shall assign weights to each subject as determined by the director of
 104 human resources on the basis of a qualified job analysis. ~~embrace certain subjects to~~
 105 which weights shall be assigned, the weights given to each subject to represent its
 106 relative value in ascertaining the fitness of applicants. The subjects and respective
 107 weights thereof in all original and promotion examinations for classifications in the
 108 classified service shall conform to such schedule of subjects and weights for each
 109 classification as shall be set by the director of human resources for each examination at
 110 the time of advertising. For examinations for administrative or professional
 111 classifications, and for such other classifications for which specific written or performance
 112 tests are not practicable, the director of human resources may conduct an investigation

113 of the careers of the applicants, and such examinations need not be divided into phases
114 for which definite or specific subjects or weights need be given.

- 115 (3) Promotional examinations shall be conducted in accordance with the provisions of this
116 section, and may further evaluate the efficiency of the promotional candidate ~~according~~
117 the requirements of Rule VI, Section — ("Efficiency").through evaluation of employee
118 performance records.

119 **Section 6. RatingGeneral average.**

- 120 (1) Each subject for examination shall be graded independently and the proficiency of each
121 applicant in each of the subjects of examination shall be rated on a scale applied
122 uniformly to each applicant for a given position, on the scale of 100, which shall
123 represent the maximum possible attainment; the ranking on the scale of 100 on each
124 subject separately shall be multiplied by the weight assigned to such subject; the
125 resulting products from all subjects of examination shall be added and the total product
126 shall be divided by the total weights of all subjects in the examination and the resulting
127 quotient shall be the general average which The resulting rating shall be used in
128 determining the order in which the name of the candidate shall appear on the eligible
129 registerlist.

- 130 (2) The Director of Human Resources may eliminate from further competition any candidate
131 whose rating as measured herein fails to attain at least 60% of the maximum proficiency
132 score or has failed at least one component of the examination.

133
134
135 **Section 7. Scope of subjects.**

- 136
137 (1) Under the subject termed "special subject" in original examinations, the candidate shall
138 be examined in such matters as are involved in the duties of the classification to be
139 filled, or as will test his fitness to discharge such duties and meet such requirements.
140 The examinations in "special subject" for any classification may be written, oral,
141 performance, or practical tests of skill, or a combination of either or all of them, except
142 when the oral test is given in combination with the written or practical tests or both, the
143 oral shall not have a weight of more than one-half the total weight of the "special
144 subject."
145 (2) Under the subject termed "experience," in original or promotion examinations, the
146 candidate shall be required to give his age, education, training, and a concise

- 147 statement of his practical experience, with names of employers, dates and description
 148 of the work performed.
- 149 (3) Under the subject termed "physical," in original or promotion examinations, the
 150 candidate shall be tested as to his bodily condition, muscular strength, agility and
 151 physical fitness to perform the duties of the position to be filled.
- 152 (4) Under the subject termed "duties" in promotion examinations, the candidate shall be
 153 examined in such matters as will fairly test his knowledge of the actual duties,
 154 responsibilities and requirements of the position to be filled and his fitness to discharge
 155 such duties and meet such requirements. The examination in the subject "duties" may
 156 be written, oral, performance, or practical tests of skill, or a combination of either or all
 157 of them, except when the oral test is given in combination with the written or practical
 158 or both, the oral shall not have a weight of more than one-half the total weight of the
 159 subject "duties."
- 160 (5) The subject "seniority" in promotion examination shall not consist of any tests in
 161 examination but shall consist of a marking determined for each individual candidate in
 162 the manner prescribed in section 4 of rule VI of these rules.
- 163 (6) The subject "efficiency" in promotion examination shall not consist of any tests in
 164 examination but shall consist of a marking determined for each individual candidate in
 165 the manner prescribed in section 5 of rule VI of these rules.
- 166 (7) The director of human resources may eliminate from further competition in the
 167 examination any candidate whose grade in the written, performance, or practical test
 168 under "special subject," or "duties," or in a written, performance, or practical test used
 169 as a verification of claimed training or experience, is less than sixty (60) percent, or is
 170 less than the median.

171 Section 78. Eligible lists.

- 172 (1) On the basis of ratings conducted under this rule, a list of eligible candidates shall be
 173 prepared of all applicants who achieved a passing score as determined in the rating
 174 established under Section 6 of this rule. From the return of reports of examiners or
 175 from the examinations made by the director of human resources for classifications, an
 176 eligible list for such classification shall be prepared upon which shall appear the names
 177 of all persons whose general average, calculated as set forth in section 6 of this rule, is
 178 a standard score of seventy (70) percent or more, of complete proficiency, and the The
 179 names of such persons shall appear on such list in the order determined by the rating
 180 said general average of each, those with a higher rating average taking precedence.
 181 The name of no person shall be entered on such eligible list whose grade in the
 182 subject termed "special subject" in original examination or in the subject termed
 183 "duties" in promotion examination is less than a standard score of sixty (60) percent of
 184 complete proficiency. Whenever two (2) or more eligible candidates shall have the
 185 same average percentages, priority of application shall determine their respective
 186 standings on the eligible list. Veterans who receive a general average rating of a

187 standard score of seventy (70) percent or more as calculated in section 6 of this rule
 188 shall be given preference points in accordance with s. 230.16(7), Wis. Stats. Proof of
 189 such status as a veteran, plus proof of disability which is directly traceable to war
 190 service, if additional points are to be granted, shall be required for each application
 191 submitted. Such proof shall be presented by the applicant at any time during the
 192 selection procedure but not to exceed ~~ten (10)~~ three (3) working days after the
 193 establishment of the eligible list.

- 194 (2) The names of eligible candidates established through examinations which the
 195 department of human resources has advertised as continuous shall be placed on
 196 eligible lists at such times as determined by the director of human resources; ~~provided,~~
 197 ~~that any person aggrieved by the action of the director of human resources may appeal~~
 198 ~~such action to the civil service commission.~~
- 199 (3) The director of human resources may authorize an appointing authority to make an
 200 emergency appointment whenever:
- 201 (a) The labor market is inadequate within a given classification; or
 - 202 (b) No applications have been received from persons meeting the requirements set
 203 forth in the call for such examination within the time limit prescribed for filing
 204 applications; or
 - 205 (c) No persons taking such examination have a general average of a standard score
 206 of seventy (70) percent or more; or
 - 207 (d) All persons having a general average of a standard score of seventy (70) percent
 208 or more cannot meet the physical or medical requirements established for the
 209 classification; or
 - 210 (e) A position must be filled pending an examination. Upon the making of an
 211 emergency appointment, an examination for the classification shall be called,
 212 unless emergency appointment is to an hourly position or is contingent upon the
 213 incumbent's completion of licensing requirements. In January of each year the
 214 director of human resources shall inform the commission of all emergency
 215 appointments which have been in effect for six (6) months or more.

216 **Section 99. Life of eligible lists.**

- 217 (1) Eligible lists for classifications in the classified service shall expire when deemed
 218 appropriate by the director of human resources.
- 219 (a) Provided that any person whose name appears on an eligible list, and who has
 220 been in the employ of Milwaukee County on temporary appointment shall have
 221 his/her name retained on such eligible list during such period of temporary
 222 appointment and from the expiration of his/her appointment for the life of the
 223 eligible list, providing his/her services while on temporary appointment have been
 224 satisfactory;
 - 225 (b) And provided, further, that the name of any person appearing on an eligible list,
 226 who has signed a written statement that he/she is not interested in accepting

227 appointment to a permanent position or who has failed to respond to a written
 228 request for a statement as to his/her willingness to accept appointment to a
 229 permanent position, be removed from the eligible list; ~~provided, that any person~~
 230 ~~whose name is removed from the eligible list by action of the director of human~~
 231 ~~resources may have the action reviewed by the civil service commission.~~

232 (c) Any name which has been removed from the eligible list by error shall be
 233 reinstated to the eligible list by action of the director of human resources. Any
 234 person aggrieved by the action of the director of human resources may appeal
 235 such action to the civil service commission.

236 (2) ~~The life of layoff/recall lists shall be three (3) years and one (1) day from the day the~~
 237 ~~individual became eligible for layoff/recall except that when an employe on regular~~
 238 ~~appointment has been laid off from a permanent position in the classified service and~~
 239 ~~recalled to a temporary position and is again laid off by reason of the termination of~~
 240 ~~his/her temporary appointment, his/her name shall remain on the layoff/recall list from~~
 241 ~~the date of the termination of the temporary appointment as if he/she had originally~~
 242 ~~been laid off as of that date.~~

243 (3) Any person whose name appeared on an eligible list and who entered the military
 244 service of the government of the United States in any branch of its armed forces during
 245 the life of such eligible list, may have his/her name restored to such eligible list
 246 following his/her honorable discharge from active service, providing (a) that he/she is
 247 still qualified to perform the duties of the classification, and (b) that he/she request
 248 restoration of his/her name to the list of eligible candidates within ninety (90) days after
 249 the termination of services in the armed forces or of hospitalization continuing after
 250 discharge for a period of not more than one (1) year. The name of the eligible so
 251 restored to the eligible list shall remain on such list for the life of the eligible list.

252 **Section 940. Review of examinations.**

253 In the absence of proof of fraudulent acts or of false statements by an applicant, no
 254 examination or papers connected therewith shall be subject to review after the posting of an
 255 eligible list resulting therefrom, except that the director of human resources may correct
 256 clerical errors of examiners or errors made in calculating averages any time before the
 257 cancellation of such list; provided, however, that no person theretofore certified from such list
 258 shall be displaced by reason of such correction. Examination papers of any examination
 259 shall be preserved as required by applicable law ~~for a period of one (1) year from the date of~~
 260 ~~the examination, after which they may be destroyed if considered desirable.~~

261 **Section 1044. Provisions for the disabledhandicapped.**

262 (1) *Nondiscrimination.* No otherwise qualified handicapped persons shall be discriminated
 263 against in examination, reexamination, reinstatement, promotion or demotion due to
 264 disability, as provided in Chapter 63.08(1)(c) of Wisconsin State Statutes, unless the

265 handicap is reasonably related to the individual's ability to adequately perform the
 266 required job related responsibilities.

267 (a) To ensure equality with nonhandicapped applicants, the handicapped applicants
 268 may request the director of human resources to provide reasonable
 269 accommodations to take an examination; and

270 (b) Any ~~handicapped disabled applicant or employe who feels he/she was~~
 271 ~~appropriate state agency as provided in Chapter 63.08(1)(e) of Wisconsin State~~
 272 ~~Statutes to that the state department of health and social services obtain, from~~
 273 the fulfillment of the duties of the job and report its findings as to the physical
 274 ability of the applicant, eligible person or employe to perform the duties of the
 275 position to the director of human resources. The findings shall be conclusive as
 276 to the physical qualifications of the applicant, eligible person or employe.

277 (2) ~~Special lists of handicapped eligibles, certification and appointment.~~

278 (a) The director of human resources may prepare without examination, a special list
 279 of eligible persons ~~under Chapter 63.085 of Wisconsin State Statutes, certified as~~
 280 ~~having a severe physical or mental impairment, who are physically and mentally~~
 281 ~~capable and adequately trained to qualify for a position in the classified service.~~
 282 The director of human resources shall determine that all individuals on a special
 283 list of handicapped eligibles meet the minimum qualifications for the classification
 284 to which the individuals will be certified as eligible and present such special list of
 285 handicapped certified eligibles to an appointing authority; and

286 (b) An appointing authority may appoint a person from a special list under this
 287 section of handicapped eligibles to a temporary appointment for a period of six (6)
 288 months. ~~Upon~~ The successful demonstration of the ability to perform the duties of
 289 the classification during the temporary appointment ~~period the handicapped~~
 290 ~~person~~ shall qualify a person for a regular appointment to the position; and

291 (c) The director of human resources may limit the number of persons who may be
 292 appointed from the special list of handicapped eligible candidates.

293 Section ~~1142~~. Noncompetitive examinations.

294 The director of human resources may hold a noncompetitive original entrance
 295 examination or a noncompetitive promotional examination if it is impractical to hold a
 296 competitive examination and if the examination is for a classification:

297 (a) In an unskilled class of work which had no administrative or supervisory
 298 responsibilities ~~and which requires no verbal or clerical skills for proper~~
 299 ~~performance of the duties of the classification~~; or

300 (b) Requiring highly specialized or technical training which can be adequately
 301 demonstrated by possession of related certification or licensing; or

- 302 (c) In an established unit, department, or entity brought into county service which are
- 303 required to be in the classified service and are filled at the time of transfer to the
- 304 county.

