

**MILWAUKEE COUNTY  
CIVIL SERVICE  
COMMISSION MEETING**

**Friday, October 31, 2014**

**10:00 am**

**Courthouse Room 306**

**MILWAUKEE COUNTY  
CIVIL SERVICE COMMISSION MEETING  
October 31, 2014 11:00 am  
Courthouse Room 306**

**AGENDA**

**ROLL CALL:**

**OLD BUSINESS:**

**NEW BUSINESS:**

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

**Recommendation of the Department of Human Resources: Approve**

2. The Secretary to the Civil Service Commission forwards the minutes of the Milwaukee County Personnel Review Board of September 16 and September 30, 2014.

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

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

- a. **George Joshua**, CNA, BHD  
Hearing Examiner – Omar Mallick

- b. **Lorraine Luster**, CNA, BHD  
Hearing Examiner – Omar Mallick

- c. **Audra Hale**, RNIII, BHD  
Hearing Examiner – Omar Mallick

- d. **Status Updates on Cases Not Requiring Commission Action**

***Wanda Williams (CNA-BHD), Christine Hinton (Clerical Asst. 1-BHD), Cynthia Caldwell (CNA-BHD), Brendette Williams (CNA-BHD), Sandra Gayle (Clerical Asst. 1-BHD), Karen Haglund (RN-BHD), Lajestic Haynes (CNA-BHD), & LaRuthia Jones (RN-BHD)***

Hearing Examiner – Omar Mallick/Chuck Schumacher

*(Per Section 19.85(1)(b) of the Wisconsin Statutes, the Civil Service Commission may convene into closed session to discuss these items and may reconvene into open session to take action on the items.)*

*The next regularly scheduled Civil Service Commission meeting will be  
Wednesday, December 17, 2014 at 2:00 p.m. in Courthouse, Room 306*

**MILWAUKEE COUNTY  
CIVIL SERVICE COMMISSION MEETING  
Wednesday, October 1, 2014, 2:00 pm  
Courthouse Room 306**

**Minutes**

**ROLL CALL:**

Present: Mary Ellen Powers, Arthur Phillips, Maria Monteagudo, Janet Cleary  
Excused: Erbert Johnson

**OLD BUSINESS: None**

**NEW BUSINESS:**

1. The Secretary to the Civil Service Commission requests the approval of the Civil Service Commission minutes from August 25, 2014.

**Recommendation of the Department of Human Resources: Approve**

**ACTION:** Arthur Phillips made a motion to approve the minutes; it was seconded by Maria Monteagudo.

**Ayes – 4:** Mary Ellen Powers, Arthur Phillips, Maria Monteagudo, Janet Cleary.

**Noes – 0**

2. The Secretary to the Civil Service Commission forwards the minutes of the Milwaukee County Personnel Review Board of August 5, August 19, and September 2, 2014.

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

**ACTION:** So ordered.

3. From the Department of Human Resources, a request to recreate Rule VIII of the Rules of the Civil Service Commission.

**Appearances:** Rick Ceschin, Deputy HR Director, Kerry Mitchell, Chief Human Resources Officer, Calvin Lee, District Council 48

**ACTION:** Maria Monteagudo made a motion to replace Rule VIII with the Commission's proposed changes; it was seconded by Janet Cleary.

**Ayes – 3:** Mary Ellen Powers, Maria Monteagudo, Janet Cleary. (Arthur Phillips left before the vote)

**Noes – 0**

**To Convene Into Closed Session**

**ACTION:** Maria Monteagudo made a motion to convene into closed session Per Section 19.85(1)(b) of the Wisconsin Statutes; it was seconded by Janet Cleary.

**Ayes – 4:** Mary Ellen Powers, Arthur Phillips, Maria Monteagudo, Janet Cleary.

**Noes – 0**

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

- a. **Loraine Luster**, CNA, BHD  
Hearing Examiner – Omar Mallick  
Written Charges for Suspension, dated 4/17/14

**ACTION:** No Action Taken – There was an agreement to reduce the suspension from three (3) days to one (1) day.

- b. **Kalehia Cheely**, CNA, BHD  
Hearing Examiner – Omar Mallick  
Written Charges for Discharge, dated 9/12/14

By a vote of **4-0**, the Civil Service Commission accepted the findings and recommendation of the hearing examiner of the discharge for violation of the Behavioral Health Division attendance policy.

Motion by Janet Cleary, Second by Maria Montegudo

**Ayes – 4:** Mary Ellen Powers, Arthur Phillips, Maria Montegudo, Janet Cleary  
**Noes – 0**

- c. **Sylvia Colon**, CNA, BHD  
Hearing Examiner – Omar Mallick  
Written Charges for Discharge, dated 9/12/14

By a vote of **3-1**, the Civil Service Commission amended the discharge to a suspension of time served, plus two (2) days with the understanding that any violations of the work rules shall result in immediate discharge.

Motion by Arthur Phillips, Second by Maria Montegudo

**Ayes – 3:** Mary Ellen Powers, Arthur Phillips, Maria Montegudo,  
**Noes – 1:** Janet Cleary

- d. **Kathy Allen-Owten**, CNA, BHD  
Hearing Examiner – Omar Mallick  
Written Charges for Discharge, dated 8/7/13

By a vote of **4-0**, the Civil Service Commission directs the appointing authority to give the employee the opportunity to resign. If the employee declines to resign, then the Commission upholds the discharge.

Motion by Maria Montegudo, Second by Janet Cleary

**Ayes – 4:** Mary Ellen Powers, Arthur Phillips, Maria Montegudo, Janet Cleary  
**Noes – 0**

*(Per Section 19.85(1)(b) of the Wisconsin Statutes, the Civil Service Commission may convene into closed session to discuss these items and may reconvene into open session to take action on the items.)*

**To Reconvene Into Open Session**

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

**Ayes – 4:** Mary Ellen Powers, Arthur Phillips, Maria Montegudo, Janet Cleary.  
**Noes – 0**

**Meeting Adjournment**

Janet Cleary made a motion to adjourn and Mary Ellen Powers adjourned the meeting.

Meeting adjourned at 5:10 pm.

Approved by:

A handwritten signature in black ink, appearing to read "Rick Ceschin", written over a horizontal line.

Rick Ceschin  
Secretary to the Civil Service Commission

RC:jam

C: Personnel Review Board

***Milwaukee County Personnel Review Board  
Meeting Minutes – September 16, 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, September 16, 2014, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Mary K. Bruno, Ms. Melissa D. Hudson Clark, and Ms. Melissa Soberalski.

Ms. Susan A. Lueger was excused.

**II. Approval of Minutes of the August 19, 2014 Meeting**

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by vote of 4-0, approved the minutes of the September 2, 2014 meeting.

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

The Board heard the report of Craig Johnson, Attorney, AFSCME District Council 48, regarding Louvenia Wilson. Mr. Johnson reported that Ms. Wilson would like to have her hearing certain set for September 30 instead of giving an update on that date. Molly Zillig, Assistant Corporation Counsel, stated the appointing authority had no objection subject to the availability of its witnesses. Mr. Dennehy set the matter for a hearing and noted that if the appointing authority's witnesses were unable to attend, the appointing authority could contact the Board's office two days before September 30 to request a continuance.

**IV. Correspondence**

None.

**V. First Appearances**

**A. DISCHARGES**

**SUSAN M. GROOMS, Stores Clerk, SHERIFF**

Case 2-4148 dated 8/28/2014 for IA #14-168

Case 2-4149 dated 8/28/2014 for IA #14-186

(Refer to Agenda Item VII.B.)

**KENNETH R. SEALS, Correction Officer, SHERIFF**

Case 2-4150 dated 08/28/2014 for IA #14-151

Case 2-4151 dated 08/28/2014 for IA #14-167

Case 2-5152 dated 08/28/2014 for IA #14-180

Case 2-5153 dated 08/28/2014 for IA #14-181

The Board heard the report of Charmaine Gee, Administrative Assistant, that Kenneth R. Seals resigned effective August 28, 2014. The Board acknowledged Mr. Seals' resignation and closed the cases.

## **B. SUSPENSIONS**

### **SHAMEEKA D. COLLINS, Correction Officer, SHERIFF**

Case 1-4146 for IA #14-079 dated 08/28/2014 for 15 days

The Board heard the report of Molly Zillig, Assistant Corporation Counsel, and Charmaine Gee, Administrative Assistant, that Shameeka D. Collins would like to waive her right to a hearing within 21 days. Ms. Clark moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), voted to accept Ms. Collins' waiver and continue the matter for hearing certain on September 30, 2014.

### **FELICIA Y. NOBLE, Licensed Practicing Nurse, SHERIFF**

Case 1-4147 for IA #14-173 dated 08/28/2014 for 20 days

(See Agenda Item VII.A.)

## **C. GRIEVANCE**

### **SEAN TOURTILLOTT, Airport Maintenance Worker, DOT**

Case 4-4154 dated 9/13/2014

The Board heard the parties' arguments regarding whether the Board could take jurisdiction of this appeal. Craig Johnson, Attorney, AFSCME District Council 48, on behalf of Sean Tourtillott, argued that the Board had jurisdiction of the appeal because the grievance is about the denial of Mr. Tourtillott's *Weingarten* right to union representation while being disciplined at work. Thus, the grievance concerns working conditions, which are explicitly included in M.C.G.O. § 17.207. Molly Zillig, Assistant Corporation Counsel, argued that Mr. Tourtillott's grievance is really about the discipline he received, which cannot be grieved under § 17.207.

Mr. Dennehy moved to deny jurisdiction of the appeal because non-unionized employees, like Mr. Tourtillott, do not have *Weingarten* rights and Mr. Tourtillott's appeal goes beyond the jurisdiction of the Board according to the recent circuit court opinion in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536. Ms. Clark seconded, and the Board, by unanimous vote (4-0), declined jurisdiction of the appeal and closed the case.

## **VI. Updates**

### **A. DISCHARGE**

#### **SCOTT M. KUHTZ, Deputy Sheriff I, SHERIFF**

**Case 2-4128 dated 06/18/2014 for IA # 14-134**

The Board heard the report of Roy Felber, President, Deputy Sheriff's Association, that Scott M. Kultz retired as of September 12, 2014. The Board acknowledged Mr. Kultz's retirement and closed the case.

## **VII. Hearings**

### **A. SUSPENSION**

#### **FELICIA Y. NOBLE, Licensed Practicing Nurse, SHERIFF**

Case 1-4147 for IA #14-173 dated 08/28/2014 for 20 days

*At 3:55 p.m., Ms. Clark moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Felicia Noble and Donna Flees matters. At 4:15 p.m., the Board reconvened in open session.*

Ms. Bruno moved, Ms. Clark seconded, and the Board, by a vote of 4-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) (specifically Milwaukee County Sheriff's Office Rules and Regulations, 202.03 Tardiness) and (p), and upheld the 20 day suspension of Felicia Y. Noble. The Board also recommended that the Sheriff's Office clarify its tardiness policy to explicitly note that arriving a half-hour or less will not be excused simply because an employee previously notified his or her supervisor; that a failure to report violation can occur if an employee fails to report for duty and is more than half an hour late without previously notifying the supervisor; and that to excuse a tardy, an employee must call in by a certain time before his or her shift or have an emergency situation.

#### **DONNA FLEES, Paralegal, FAMILY CARE**

Case 1-4144 dated 08/13/2014 for 5 days

*At 3:55 p.m., Ms. Clark moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Felicia Noble and Donna Flees matters. At 4:15 p.m., the Board reconvened in open session.*

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by a vote of 4-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), (o), and (q), and the Board increased the length of Donna Flees' suspension to ten (10) days due to the severity of the violations. The Board also recommended management training for Ms. Flees' supervisor, Valerie Woods.

### **B. DISCHARGE**

#### **SUSAN M. GROOMS, Stores Clerk, SHERIFF**

Case 2-4148 dated 8/28/2014 for IA #14-168

Case 2-4149 dated 8/28/2014 for IA #14-186

*At 11:51 a.m., Ms. Clark moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Susan M. Grooms matters. At 12:03 p.m., the Board reconvened in open session.*

Ms. Bruno moved, Ms Soberalski seconded, and the Board, by a vote of 4-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) (specifically Milwaukee County Sheriff's Office Rules and Regulations, 202.17 Conduct of Members and 202.23 Truthfulness) and (w), and the Board upheld the discharge of Susan M. Grooms for Case 2-4148.

Ms. Clark moved, Ms Bruno seconded, and the Board by a vote of 4-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) (specifically Milwaukee County Sheriff's Office Rules and Regulations,

202.21 Reporting for/Absence from Duty) and (o), and the Board upheld the discharge of Susan M. Grooms for Case 2-4149.

**VIII. Adjournment**

Ms. Lueger moved, Ms. Clark seconded, and the Board, by vote of 3-0, adjourned the meeting at 11:04 a.m.

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

**Milwaukee County Personnel Review Board**  
**Meeting Minutes – September 30, 2014**

**I. Roll Call**

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:02 a.m. on Tuesday, September 30, 2014, in Medical Examiner's Conference Room, 933 West Highland Avenue, Milwaukee, WI 53233.

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

Ms. Susan A. Lueger and Ms. Melissa D. Hudson Clark were excused.

**II. Approval of Minutes of the September 16, 2014 Meeting**

Ms. Soberalski moved, Ms. Bruno seconded, and the Board, by vote of 3-0, approved the minutes of the September 16, 2014 meeting.

**III. Status Update from the PRB Administrator**

The Board heard the report of Rebecca M. Janz, Administrator, regarding current case load.

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

The Board heard the report of Charmaine Gee, Administrative Assistant, that some people who were to appear before the Board today had gone to the wrong building, but they would be arriving shortly.

**V. Correspondence**

None.

**VI. First Appearances**

**A. SUSPENSIONS**

**JUANITA HARRIS, Secretarial Assistant, FAMILY CARE**  
Case 1-4155 dated 9/19/2014

The Board heard the report of Calvin Lee, Staff Representative, District Council 48, AFSCME, that Juanita Harris, who was present, waived her right to a hearing within 21 days and was seeking a hearing certain date. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (3-0), voted to accept Ms. Harris's waiver and continue the matter for hearing certain on October 14, 2014.

**VII. Updates**

**A. DISCHARGE**

**SHANNON CHACHERE-MINDINGALL, Clerical Assistant 1, COURTS**  
Case 2-4081 dated 3/24/2014

The Board heard the report of Lee Jones, Assistant Corporation Counsel, that Attorney. Jones spoke with Paul Kuglitsch, Assistant Corporation Counsel, who was

handling Ms. Chachere-Mindingall's case. Mr. Kuglitsch expected a resolution to the case and that a hearing would not be necessary. Calvin Lee, Staff Representative, District Council 48, AFSCME, reported on behalf of Ms. Charchere-Mindingall, who was not present, that Ms. Charchere-Mindingall was mistaken about her hearing date and Mr. Lee expected Ms. Charchere-Mindingall to sign her agreement with the County this week. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (3-0), set Ms. Charchere-Mindingall's hearing certain date for October 14, 2014; if the agreement is not signed and received by the Board at that time, Ms. Charchere-Mindingall's hearing will continue from where the Board left off at her previous hearing.

## **VIII. Hearings**

### **A. DISCHARGE**

#### **SHAMEEKA COLLINS, Correction Officer 1, SHERRIFF**

Case 1-4146 for IA #14-079 dated 08/28/2014 for 15 days

The Board heard the report of Lee Jones, Assistant Corporation Counsel, that Shameeka Collins, who was not present, verbally confirmed to him that she would sign a waiver of hearing and accept her suspension. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (3-0), accepted the waiver and closed this case.

#### **LOUVENIA WILSON, Correction Officer 1, SHERIFF**

Case 2-4136 for IA #14-107 dated 6/26/2014

*At 10:42 a.m., Ms. Soberalski moved, Ms. Bruno seconded, and the Board voted 3-0 to go into closed session to deliberate the Louvenia Wilson matter. At 11:15 a.m., the Board reconvened in open session.*

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by a vote of 3-0, found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (t), and the Board upheld the discharge of Ms. Wilson, and recommended the County implement a more interactive process between disabled employees and the Persons with Disabilities Office.

## **IX. Discussion of Milwaukee County Personnel Review Board Rules of Procedure and Potential Revisions**

The Board reviewed potential revisions to the Board's rules of procedure. No action was taken at this time. Rebecca M. Janz, Administrator, will incorporate the suggestions into a new document to discuss at the next meeting of the Board on October 14, 2014, at the Gordon Park Pavilion, 2828 N. Humboldt Blvd., Milwaukee, WI 53212.

## **X. Adjournment**

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by vote of 3-0, adjourned the meeting at 1:02 p.m.

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