

MILWAUKEE COUNTY
CIVIL SERVICE COMMISSION MEETING
Wednesday, October 2, 2013, 2:00 pm
Courthouse Room 201-B

Minutes

ROLL CALL:

Present: Anne Szczygiel, Chair, Maria Monteagudo, Mary Ellen Powers, Arthur Phillips
Absent: 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 27, 2013.

Recommendation of the Department of Human Resources: Approve

ACTION: Mary Ellen Powers made a motion to approve the minutes; it was seconded by Arthur Phillips.

Ayes – 4: Maria Monteagudo, Mary Ellen Powers, Arthur Phillips, Anne Szczygiel.

Noes – 0

2. The Secretary to the Civil Service Commission forwards the minutes of the Milwaukee County Personnel Review Board of August 6, August 20, September 3 & September 4, 2013.

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

ACTION: So ordered.

3. Request from the HR Manager, who provides HR support to the Office of the Sheriff, for a waiver of Commission rules under Civil Service Rule IV, Section 1, Paragraph 3(a) and Paragraph 4, to have the entire list of names on the eligible list certified for all vacancies in the Correction Officer I classification.

Recommendation of the Department of Human Resources: Approve

Appearances: Rick Ceschin, Deputy HR Director

ACTION: Mary Ellen Powers made a motion to approve the request; it was seconded by Arthur Phillips.

Ayes – 4: Maria Monteagudo, Mary Ellen Powers, Arthur Phillips, Anne Szczygiel.

Noes – 0

4. Appeal from Tameka Faulkner in pursuant to Milwaukee County Civil Service Rule VIII—Section 9 – Appeal to Civil Service Commission. Ms. Faulkner is appealing the decision for terminating her recall rights.

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

Appearances: Tameka Faulkner, Rick Ceschin, Deputy HR Director, Ara Garcia, HR Manager,

ACTION: Mary Ellen Powers made a motion to deny the appeal to overturn the termination of recall rights; it was seconded by Maria Montegudo.

Ayes – 4: Maria Montegudo, Mary Ellen Powers, Arthur Phillips, Anne Szczygiel.

Noes – 0

5. Proposed rule changes for Civil Service Rule II-Applications for Original Examination Section VII (2)-Disqualification.

Appearances: Rick Ceschin, Deputy HR Director

ACTION: Maria Montegudo made a motion to approve the item as amended with the layover of lines 18 through 29; it was seconded by Arthur Phillips. **See Attachment**

Ayes – 4: Maria Montegudo, Mary Ellen Powers, Arthur Phillips, Anne Szczygiel.

Noes – 0

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

ACTION: Informational Only

Meeting adjourned at 3:25 pm.

Approved by:



Rick Ceschin
Secretary to the Civil Service Commission

RC:jam

ATTCH

C: Personnel Review Board

1 From the Civil Service Legal Counsel recommending a rule change to the Civil Service
2 Rule II, Section 7 (2) by recommending adoption of the following:

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

4 **Section 7 Disqualification**

5 2) Any of the foregoing disqualifications shall be deemed sufficient cause to exclude such
6 applicant from examination or to remove such person from any eligible list or from the county
7 service after appointment; provided, however, that when the application of any applicant is
8 rejected, or he/she has been declared by the director of human resources to have failed in the
9 examination, or his/her name is stricken or erased from any reinstatement or eligible or
10 layoff/recall list, for any of the causes enumerated in this rule, he may, by petition to be filed
11 within ten (10) days from issuance of notice of such action, make a written statement of the
12 facts involved and ask for appropriate action by the commission, and the commission shall
13 investigate the petition and enter in its minutes a finding thereon within ~~thirty (30) days~~ ninety
14 (90), days. The complaint shall state with specificity the written statements of the facts involved
15 and the complainant's requested action by the Commission.

Milwaukee County Personnel Review Board

Special Meeting Minutes Continuation

CSC 12/19/13
Item #2
Receive & Place
on File

I. Roll Call

Board President Coral D. Pleas called to order the special meeting of the Personnel Review Board at 09:04 AM on Thursday, September 12, 2012 in MARCIA P. COGGS HUMAN SERVICES, 1220 W. Vliet St., Milwaukee, WI 53205 – Room 309.

The following Board Members were present: Ms. Coral D. Pleas, Mr. H. Fred Delmenhorst and Ms. Fran Bauer.

Ms. Mary Kathleen Bruno and Ms. Susan A. Lueger were excused.

II. Hearings

A. **HEARINGS CONTINUATION**

The Board recalled the matters of Marlon A. Hannah and Corrine D. Ehmke.

At 10:32 AM, Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (3-0) to go into closed session to deliberate both matters.

MARLON A. HANNAH, Correction Officer 1, SHERIFF

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (3-0) found the evidence was sufficient to sustain the Sheriff's Office Rules and Regulations 202.06, 202.07.3, 202.14, to wit: Special Needs Inmate Directive issued 12/27/2012, 202.17 and 202.20 and the violations of Civil Service Rule VII, Section 4(1), paragraphs (i), (k), (l) and (u). Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (3-0) found the penalty of discharge too severe. The Board imposed a penalty of suspension without pay from March 6, 2013 through September 12, 2013, time served, plus an additional 60-working-day suspension without pay.

CORRINE D. EHMKE, Correction Officer 1, SHERIFF

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (3-0) found the evidence was sufficient to sustain the Sheriff's Office Rules and Regulations 202.06, 202.07.3, 202.14, to wit: Special Needs Inmate Directive issued 12/27/2012, 202.17 and 202.20 and the violations of Civil Service Rule VII, Section 4(1), paragraphs (i), (k), (l) and (u). Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (3-0) found the penalty of discharge too severe. The Board imposed a penalty of suspension without pay from March 6, 2013 through September 12, 2013, time served, plus an additional 60-working-day suspension without pay.

After deliberating the matter in closed session, the Board reconvened in open session. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (3-0) to come out of closed session at 11:28 AM.

III. Adjournment

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 3-0, adjourned the meeting at 11:28 AM

Minutes submitted by: Veronica W. Robinson, Executive Secretary

Milwaukee County Personnel Review Board

Meeting Minutes

I. Roll Call

Board President Coral D. Pleas called to order the regular meeting of the Personnel Review Board at 9:00 AM on Tuesday, September 17, 2013 in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Ms. Coral D. Pleas, Mr. H. Fred Delmenhorst and Ms. Mary K. Bruno.

Ms. Susan A. Lueger arrived at 9:06 AM.

Ms. Fran M. Bauer was excused.

II. Approval of Minutes

Due to the absence of Ms. Bauer, the approval of the September 12, 2013 minutes will be held over until October 1, 2013 per the request of Ms. Coral Pleas, Board President..

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

MICHAEL A. HUNTER, Highway Maintenance Worker 1, DTPW

The Board heard the report of Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority that Mr. Hunter had resigned from his position in County Services as of September 16, 2013. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board, by vote of 3-0, accepted the resignation of Michael A. Hunter, and closed the case.

IV. Correspondence

None

V. First Appearances

A. DISCHARGES

LAKIA' N. BOBBITT, Correction Officer 1, HOUSE OF CORRECTION

The Board heard the report of Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority, to place the matter of LaKia N. Bobbitt to the Call of the Chair to await the pending outcome of her criminal case. Calvin Lee, Staff Representative, District Council 48, AFSCME, authorized to represent Ms. Bobbitt, concurred. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board, by vote of 3-0, placed the matter of LaKia' N. Bobbitt to the Call of the Chair.

B. SUSPENSIONS

LETRINA L. TURNER, Certified Nursing Assistant, BHD

The Board heard the report of Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority that LeTrina Turner had submitted a signed waiver of hearing on the Notice of Suspension. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board, by vote of 3-0, accepted the waiver and closed this case.

PAULA J. WILLIAMS, Office Support Assistant 2, CHILD SUPPORT

The Board heard the report of Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority to continue the matter of Paula J. Williams for hearing certain. This continuation is made with the knowledge and consent of Paula J. Williams, who was not present that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board, by vote of 3-0, scheduled the matter on Tuesday, March 4, 2014.

VI. Update

A. DISCHARGES

TWANA BURRIS, Correction Officer 1, SHERIFF

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board that Ms. Burris had resigned from her position in County Service effective September 16, 2013. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board, by vote of 4-0, accepted the resignation of Twana M. Burris, and closed this case.

IRBY ALEXANDER, Correction Officer 1, SHERIFF

DIS dated 04/28/11 for IA # 10-501

DIS dated 04/28/11 for IA # 11-069

DIS dated 04/29/11 for IA # 11-116

DIS dated 04/29/11 for IA # 11-112

SUS dated 04/29/11 for IA # 11-130 for 20 days

The Board heard the report of Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority, to continue all matters for an update report on October 1, 2013 for the settlement agreement to be approved by the County Board at its September meeting. Calvin Lee, Staff Representative, District Council 48, AFSCME, concurred. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board, by vote of 4-0, continued all matters of Irby Alexander for an update report on Tuesday, October 1, 2013.

VII. Hearings

A. **DISCHARGES & SUSPENSIONS**

BARBARA N. DUNCAN, Correction Officer 1, SHERIFF

SUS dated 09/13/12 for IA # 12-252 for 20 days

SUS dated 09/13/12 for IA # 12-286 for 10 days

DIS dated 02/22/13 for IA # 13-034

The Board heard the request of Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority, to reschedule all matters of Barbara N. Duncan for joint hearing certain on October 29, 2013. Attorney Teresa Mambu-Rasch, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, did not object. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board by vote of 4-0 rescheduled all matters of Barbara Duncan for Tuesday, October 29, 2013.

LINDA D. JOHNSON, Certified Nursing Assistant, BHD

SUS dated 02/02/12 for 5 days

DIS dated 06/29/12

The Board heard the report of Attorney Teresa Mambu-Rasch, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, that Ms. Johnson had resigned from her position in County Services effective September 17, 2013, and an agreement has been reached on the amount of hours that Milwaukee County will pay her. The employee, Linda D. Johnson was present. Ms. Johnson stated that she understands the agreement as stated on the record; she had time to consult with her legal counsel on the matter; no threats or promises were made to get her to enter into the agreement; and that she was resigning freely and voluntarily and of her own free will. Ms. Johnson asked the Board to accept the agreement. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 4-0, accepted the resignation of Linda D. Johnson and the agreement related to hours that are owed to Ms. Johnson, and closed this case.

MESHALA L. BELL, Certified Nursing Assistant, BHD

SUS dated 01/29/13 for 6 days

DIS dated 13/25/13

The Board heard the request of Meshala L. Bell, representing herself, to reschedule both matters for joint hearing certain due to items missing from her personnel file and unavailability of witnesses. Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority objected and was prepared to move forward.

At 9:14 AM, Mr. Delmenhorst moved, Ms. Lueger seconded and the Board by voted (4-0) to discuss the matter in closed session. At 9:30 AM, Ms. Lueger moved, Mr. Delmenhorst seconded and the Board by voted (4-0) to come out of closed session.

Mr. Larry Gram appeared on behalf of BHD. Mr. Gram stated for the record that he would assist Ms. Bell in getting all of missing items from her personnel file. Ms. Pleas asked Ms. Bell to contact the Office of the Personnel Review Board to receive subpoena forms, so that she can properly ask witnesses to testify on her behalf.

The Board hesitated to adjourn the hearing because there was no agreement between both parties to adjourn. Out of consideration for Ms. Bell, the Board adjourned the hearing but informed Ms. Bell that she need to be prepared to go forward with her hearing on November 12, 2013.

Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board, by vote of 4-0, rescheduled both matters of Meshala L. Bell for joint hearing certain on Tuesday, November 12, 2013.

VIII. Adjournment

Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board, by vote of 4-0, adjourned the meeting at 9:36 AM.

Minutes submitted by: Veronica W. Robinson, Executive Secretary

Milwaukee County Personnel Review Board

Meeting Minutes

I. Roll Call

Board President Coral D. Pleas called to order the regular meeting of the Personnel Review Board at 9:03 AM on Tuesday, October 1, 2013 in Room 201-B of the Milwaukee County Courthouse.

The following Board Members were present: Ms. Coral D. Pleas, Mr. H. Fred Delmenhorst, Ms. Fran M. Bauer, Ms. Susan A. Lueger and Ms. Mary K. Bruno.

II. Approval of Minutes

Mr. Delmenhorst moved, Ms. Bauer seconded and the Board, by vote of 3-0, (Ms. Bruno and Ms. Lueger abstained) approved the minutes of the September 12, 2013 special meeting.

Mr. Delmenhorst moved, Ms. Bruno seconded and the Board, by vote of 4-0, (Ms. Bauer abstained) approved the minutes of the September 17, 2013 meeting.

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

None

IV. Correspondence

- Letter to Personnel Review Board advising that Milwaukee County Department of Transportation Management will not process grievances involving disciplinary suspensions of 10 days or less under Sec. 17.207.
 - ◆ Attorney Ray Dall'osto, legal counsel for the previous Grievance matter, appeared before the Board and requested a layover to review the document submitted by the Department and respond. Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, legal counsel for the appointing authority requested a briefing schedule.

Attorney Dall'osto asked that Union Counsel have input in this conversation. Attorney Teresa Mambu-Rasch requested a copy of the correspondence and time to review and respond.

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to schedule the matter for an update on Tuesday, October 15, 2013.

- Letter to Personnel Review Board from Michael J. Vlach requesting help to keep his employment.

- ◆ Veronica W. Robinson, Executive Secretary, Office of the Personnel Review Board, stated that Michael J. Vlach has matter set for hearing on the October 1, 2013 Personnel Review Board Agenda.
- ◆ (Refer to Agenda item VII C)
- Letter to Personnel Review Board from Alfonso Kennell appealing the PRB's August 20, 2013 decision in his discharge case.
 - ◆ The employee, Alfonso Kennell, appeared personally and represented himself. The appointing authority appeared by Principal Assistant Corporation Counsel Paul Kuglitsch. After hearing all the arguments presented by the parties, the Board by direct vote denied the motion for rehearing because the proper procedures were not followed under the Personnel Review Board's Rules of Procedure, Rule 5, Section 7.

Ms. Lueger moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0) found the evidence was not sufficient to pursue the motion for rehearing and denied the motion.

V. First Appearances

A. **GRIEVANCE**

DIANA BIAS, Correction Officer 1, HOUSE OF CORRECTION

The department would like to remove the matter from the PRB's agenda to hold the hearing allowed as part of the grievance process. Attorney Teresa Mambu-Rasch, legal counsel for Ms. Bias, stated for the record that the House of Correction had no interest in dealing with the employee or her representatives on this matter while she was on suspension status.

Attorney Kuglitsch and Attorney Mambu-Rasch agreed that the matter could go back before the House of Corrections for a hearing and written decision before having the matter heard before the Personnel Review Board.

The matter has been adjourned for an update on Tuesday, October 15, 2013, giving the Department enough time to complete a hearing and written decision on the matter.

B. **CITIZEN COMPLAINT**

TERRELL MARTIN, Juvenile Correction Officer Supervisor, DHHS

The Board heard the citizen complaint matter. The complainant, Courtney Eilo, who was not present, was represented by Attorney Teresa Mambu-Rasch, Sweet and Associates, LLC. The employee, Terrell Martin, appeared personally and by Principal Assistant Corporation Counsel Paul Kuglitsch. Attorney Mambu-Rasch argued that the matter presented was to be examined on its merits and the PRB must decide if it rises to the level of discharge. Attorney Kuglitsch argued that the complainant failed to provide the documents required under Wis. Stats. 63.10(1) and PRB Rules of Procedures. The Board went into closed session to discuss the merits of the case.

Both State law Wisconsin Statute 63.10 and the Board's Rules of Procedures Rule 5, Section 1(c)(2) require that a complaint be "supported by an affidavit of one or more witnesses who are alleged to have first-hand knowledge of the facts underlying the allegations". Without this support, the testimony and evidence will not be sufficient to uphold any finding. The witness must be someone who was there at the time of the incident and who saw what actually happened and can attest to it. Parties who were not present at the time of the incident are not qualified as affiants.

(Refer to Agenda item VII B for the decision)

C. DISCHARGES

ALFONSO KENNEL, Facilities Worker (Security), DAS - Facilities

The Board heard the request of Attorney Molly Zillig, Principal Assistant Corporation Counsel for the appointing authority, to continue the matter of Alfonso Kennell for hearing certain on October 15, 2013. This continuation is made with the knowledge and consent of Alfonso Kennell, who was present, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, October 15, 2013.

CALEB D. PONTIS, Certified Nursing Assistant, BHD

The Board heard the request of Calvin Lee, Staff Representative, District Council 48, AFSCME, to continue the matter of Caleb D. Pontis for hearing certain. This continuation is made with the knowledge and consent of Caleb D. Pontis, who was present, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats., and authorized District Council 48, AFSCME to represent him before the Board in all matters regarding the instant charges. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, March 4, 2014.

VANNETTSA VALENTINE, Certified Nursing Assistant, BHD

The Board heard the request of Calvin Lee, Staff Representative, District Council 48, AFSCME, to continue the matter of Vannettsa Valentine for hearing certain on. This continuation is made with the knowledge and consent of Vannettsa Valentine, who was present, that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats., and authorized District Council 48, AFSCME to represent her before the Board in all matters regarding the instant charges. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, March 18, 2014.

SEAN J. HENDERSON, Correction Officer 1, SHERIFF

DIS dated 09/20/13 for IA # 13-209

DIS dated 09/20/13 for IA # 13-260

The Board heard the report of Veronica W. Robinson, Executive Secretary, Office of the Personnel Review Board, that the employee, Sean J. Henderson called the Office of the Personnel Review Board and request to continue both matters for joint hearing certain. This continuation is made with the knowledge and consent of Sean J. Henderson, who was not present, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Ms. Bauer moved, Mr.

Delmenhorst seconded, and the Board, by unanimous vote (5-0), continued both matters for joint hearing date certain on Tuesday, March 18, 2014.

VI. Update

A. DISCHARGE

MARC ANTHONY CHERRY, Compensation Specialist, DHR

The Board heard the report of Veronica W. Robinson, Executive Director, Office of the Personnel Review Board, that Mr. Cherry had resigned from his position in County Service effective September 24, 2013. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0) accepted the resignation of Marc Anthony Cherry, and closed this case.

B. DISCHARGES & SUSPENSION

IRBY ALEXANDER, Correction Officer 1, SHERIFF

DIS dated 04/28/11 for IA # 10-501

DIS dated 04/28/11 for IA # 11-069

DIS dated 04/29/11 for IA # 11-116

DIS dated 04/29/11 for IA # 11-112

SUS dated 04/29/11 for IA # 11-130 for 20 days

The Board heard Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, for the appointing authority, state for the record that the appointing authority was withdrawing the Charges for Discharges for IA # 10-501, IA # 11-069, IA # 11-116 and IA # 11-122 and Notice of Suspension for IA # 11-029 for 20 days against Irby Alexander. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0), accepted the withdrawal of all charges and closed this case.

VII. Hearings

A. DISCHARGES

SCOTT L. YOUNGBLOOD, Deputy Sheriff 1, SHERIFF

DIS dated 08/27/12 for IA # 12-070

DIS dated 08/27/12 for IA # 12-193

(Refer to Agenda item VII C)

MICHAEL J. VLACH, Airport Maintenance Worker, DOT – Airport

Attorney Teresa Mambu-Rasch, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME argued on the record that since the charges were not filed in a timely fashion, the Board does not have jurisdiction to hear the matter and that the Board should dismiss the case and reinstate Mr. Vlach. Attorney Mambu-Rasch stated that Milwaukee County Ordinance 33.3 (3) mandates that the Board adopt rules and regulation to properly conduct hearings to protect the individual due process rights, in the goal of the United States and Wisconsin Constitution. In doing so, the Personnel Review Board's Rules of Procedures, Rule V, Section 2(b) and Rule VI, Section 9 which respectively guarantee certain time limits and protect the rights of any party even the Board to object the subject matter jurisdiction at any time and personal jurisdiction. The Personnel Review Board does not have jurisdiction when charges are not timely filed.

Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, argued that to Pursuant Wis. Stat. 63.10 Ch. 33 of the Milwaukee County Ordinances, the Personnel Review Board has jurisdiction over matter where appointing authority believes that the employee in classified service acted in a manner as to merit a dismissal and the appointing authority has filed charges in that matter. Attorney Kuglitsch also stated that on Personnel Review Board Rule V, Section 2(b) if the complaint is not filed with the PRB within three days after disciplinary action is taken by the appointing authority, the PRB may dismiss the charges and reinstate the employee with back pay. Attorney Kuglitsch's interpretation of the rule is that if the charges filed late, the Board may dismiss the case with back pay or it may decide to hear the case before the Board.

After hearing the statements presented by the parties, Ms. Lueger moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to consider the matter in closed session. After deliberation in closed session, the Board reconvened in open session.

(Refer to Agenda item VII B for the Decision)

B. SUSPENSIONS

KELLY A. AHOLA, Correction Officer 1, SHERIFF

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, that the parties had reached oral resolution agreement. The charges of this matter were well founded and the discipline has been reduced from a 10-day suspension to a written reprimand. Captain David Rugaber, House of Correction, was present and confirmed the agreement. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0), accepted the oral agreement and closed this case.

JONATHAN O.A. BABALOLA, Dispatcher, SHERIFF

SUS dated 04/26/13 for IA # 13-036 for 3 days

SUS dated 04/26/13 for IA # 13-077 for 5 days

(Refer to Agenda item VII C)

At 10:00 am, Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to go into closed session to deliberate the Terrell Martin and Michael J. Vlach matters. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board voted (5-0) to come out of closed session at 10:32 am.

TERRELL MARTIN, Juvenile Correction Officer Supervisor, DHHS

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0) found the evidence was legally deficient for the requirements of Wisconsin State Statute 63.10 and PRB Rules of Procedures Rule 5, Section 1(c)(2) and dismissed the complaint.

MICHAEL J. VLACH, Airport Maintenance Worker, DOT - Airport

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0) found the charges were not timely filed to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (m), (dd) and (ff), and dismissed the charges for discharge. Michael Vlach is to be reinstated effective October 1, 2013 with back pay for the time period of March 11, 2013 to April 2, 2013, less unemployment compensation and worker's compensation previously paid to Mr. Vlach during the period for which back pay is awarded.

C. HEARINGS

The Board heard the part of Scott L. Youngblood matters. At 11:59 am, Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board voted (5-0) to go into closed session to discuss an administrative matter and go to lunch. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to come out of closed session at 1:02 pm.

The Board heard the Scott L. Youngblood matters.

The Board next heard the Jonathan O.A. Babalola cases.

At 4:02 pm, Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (5-0) to go into closed session to deliberate the Scott L. Youngblood and Jonathan O.A. Babalola matters.

SCOTT L. YOUNGBLOOD, Deputy Sheriff 1, SHERIFF

DIS dated 08/27/12 for IA # 12-070

DIS dated 08/27/12 for IA # 12-193

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0) found the evidence was sufficient to sustain the charges, and upheld the discharges for IA # 12-070 and IA # 12-193.

JONATHAN O.A. BABALOLA, Dispatcher, SHERIFF

SUS dated 04/26/13 for IA # 13-036 for 3 days

SUS dated 04/26/13 for IA # 13-077 for 5 days

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0) found the evidence was sufficient to sustain the charges, and upheld the 3-day suspension for IA # 13-036 and 5-day suspension for IA # 13-077.

Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board voted (5-0) to come out of closed session at 4:42 pm.

VIII. Adjournment

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, adjourned the meeting at 4:43 PM.

Minutes submitted by: Veronica W. Robinson, Executive Secretary

Milwaukee County Personnel Review Board

Meeting Minutes

I. Roll Call

Board President Coral D. Pleas called to order the regular meeting of the Personnel Review Board at 9:03 AM on Tuesday, October 15, 2013 in Room 201-B of the Milwaukee County Courthouse.

The following Board Members were present: Ms. Coral D. Pleas, Mr. H. Fred Delmenhorst, Ms. Fran M. Bauer and Ms. Mary K. Bruno.

Ms. Susan A. Lueger was excused.

II. Approval of Minutes

Ms. Bauer moved, Mr. Delmenhorst seconded and the Board, by vote of 4-0, approved the minutes of the October 1, 2013 meeting.

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

None

IV. Correspondence

UPDATE: Letter to Personnel Review Board advising that Milwaukee County Department of Transportation Management will not process grievances involving disciplinary suspensions of 10 days or less under Sec. 17.207.

Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, legal counsel for the appointing authority requested a briefing schedule, Attorney Ray Dall'osto agreed.

Ms. Pleas outlined the following briefing schedule:

- Corporation Counsel brief due by November 15, 2013
- Attorney Dall'osto brief due by December 16, 2013
- Corporation Counsel response due by December 30, 2013

The briefs shall be filed to the attention of the Office of Personnel Review Board to be forwarded to the Board members. This matter will be scheduled for an update on January 7, 2014.

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (4-0) to approve the briefing schedule as outlined on the record and to schedule the matter for an update on Tuesday, January 7, 2014.

V. First Appearances

A. **DISCHARGES**

DAVID W. POKER, Operation & Maintenance Supervisor, DOT-Airport

(Refer to Agenda item VI D for the Decision)

MARLO M. KNOX, Human Resources Manager, DHR

The Board heard the request of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, for the appointing authority, to continue the matter of Marlo M. Knox for hearing certain on February 4, 2014. This continuation is made with the knowledge and consent of Marlo M. Knox, who was present that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing date certain on Tuesday, February 4, 2014.

MICHAEL J. VLACH, Airport Maintenance Worker, DOT-Airport

The Board heard the request of Attorney Mark Sweet, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, to continue the matter of Michael J. Vlach for hearing certain. This continuation is made with the knowledge and consent of Michael J. Vlach, who was present, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats., and authorized District Council 48, AFSCME to represent him before the Board in all matters regarding the instant charges. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing date certain on Tuesday, March 18, 2014.

B. **SUSPENSIONS**

WYNONA ALEXANDER, Certified Nursing Assistant (Pool), BHD

The Board heard the request of Attorney Molly Zillig, Principal Assistant Corporation Counsel, for the appointing authority, to continue the matter of Wynona Alexander for hearing certain. This continuation is made with the knowledge and consent of Wynona Alexander, who was not present that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing date certain on Tuesday, March 18, 2014.

SANTANA BANKHEAD, Certified Nursing Assistant (Pool), BHD

The Board heard the request of Attorney Molly Zillig, Principal Assistant Corporation Counsel, for the appointing authority, that Santana Bankhead had submitted a signed waiver of hearing on the Notice of Suspension. Ms. Bauer moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), accepted the waiver and closed this case.

ROSHONDA S. HENLEY, Certified Nursing Assistant, BHD

(Refer to Agenda item VI D for the Decision)

LETRINA L. TURNER, Certified Nursing Assistant, BHD

The Board heard the request of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Letrina L. Turner called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Letrina L. Turner, who was not present that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing date certain on Tuesday, April 1, 2014.

VI. Hearings

A. DISCHARGES

JACOB D. MILLER, Deputy Sheriff, SHERIFF

The Board heard the request of Attorney Graham Wiemer, MacGillis Wiemer, LLC, legal counsel for the Deputy Sheriff's Association, to reschedule the matter of Jacob D. Miller for hearing certain on April 1, 2014. Attorney Molly Zillig, Principal Assistant Corporation Counsel for the appointing authority, agreed. Mr. Delmenhorst moved, Mr. Bauer seconded, and the Board, by unanimous vote (4-0) continued the matter for hearing date certain on Tuesday, April 1, 2014.

ALFONSO KENNEL, Facilities Worker (Security), DAS-Facilities
(Refer to Agenda item VI D for the Decision)

B. DISCHARGES & SUSPENSION

LANINA O. EVERSON, Correction Officer 1, SHERIFF

DIS dated 06/28/13 for IA # 13-129

DIS dated 06/28/13 for IA # 13-130

SUS dated 03/28/13 for IA # 13-074 for 20 days

The Board heard the request of Calvin Lee, Staff Representative, District Council 48, AFSCME, to reschedule all matters of Lanina O. Everson for joint hearing certain on April 1, 2014. Calvin Lee stated for the record that if Ms. Everson was reinstated, back pay would not be awarded to her beyond October 15, 2013. Attorney Molly Zillig, Principal Assistant Corporation Counsel for the appointing authority, concurred. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (4-0), rescheduled all matters for joint hearing certain on Tuesday, April 1, 2014.

C. SUSPENSIONS

ROSHANDA D. ANDERSON, Correction Officer 1, SHERIFF

The Board heard the report of David Rugaber, Captain, House of Correction, that the parties had reached oral resolution agreement. Attorney Molly Zillig, Principal Assistant Corporation Counsel for the appointing authority, concurred.

The terms of the oral agreement are as follows:

- The charges are well founded.
- The 10-day suspension shall be reduced to a written reprimand.

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (4-0), accepted the oral agreement and closed this case.

SONJI CHEELY, Certified Nursing Assistant, BHD

(Refer to Agenda item VI D for the Decision)

D. HEARINGS

The Board heard the Alfonso Kennell matter. At 11:18 am, Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (4-0) to go into closed session to deliberate the Kennell matter and go to lunch. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board voted (5-0) to come out of closed session at 12:13 pm.

The Board heard the David W. Poker matter.

The Board next heard the Roshonda S. Henley matter.

The Board next heard the Sonji Cheely matter.

At 3:28 pm, Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (4-0) to go into closed session to deliberate the David Poker and Sonji Cheely matters.

ALFONSO KENNEL, Facilities Worker (Security), DAS-Facilities

Ms. Bauer moved, Mr. Delmenhorst 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 (d), (n), (k), (dd) and (ff), and upheld the discharge.

DAVID W. POKER, Operation & Maintenance Supervisor, DOT-Airport

Ms. Bruno moved, Mr. Delmenhorst 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 (b), (l), (w), (dd), (ff) and (kk), and upheld the discharge.

ROSHONDA S. HENLEY, Certified Nursing Assistant, BHD

The employee, Roshonda S. Henley, who was served by a deputy sheriff, failed to appear and failed to contact the office of the Personnel Review Board to request a continuation. Attorney Molly Zillig, Principal Assistant Corporation Counsel, for the appointing authority, stated that she had her witnesses present and wished to proceed with the hearing as scheduled. The Board concurred. After hearing all the testimony and evidence presented by the appointing authority, the Board voted directly. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board by unanimous vote (4-0) found the evidence was sufficient and not controverted to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (i), (l), (o) and (t), and upheld the 3-day suspension.

SONJI CHEELY, Certified Nursing Assistant, BHD

Mr. Delmenhorst moved, Ms. Bauer 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 (i), (l), (t), (u), (w) and (kk), but found the penalty of a 5-day suspension too severe and reduced the penalty to a 3-day suspension.

Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board voted (4-0) to come out of closed session at 3:56 pm.

VII. Adjournment

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 4-0, adjourned the meeting at 3:56 PM.

Minutes submitted by: Veronica W. Robinson, Executive Secretary

Milwaukee County Personnel Review Board

Meeting Minutes

I. Roll Call

Board President Coral D. Pleas called to order the regular meeting of the Personnel Review Board at 9:10 AM on Tuesday, October 29, 2013 in Room 609 of the Milwaukee County Courthouse.

The following Board Members were present: Ms. Coral D. Pleas, Mr. H. Fred Delmenhorst, Ms. Susan A. Lueger, Ms. Fran M. Bauer and Ms. Mary K. Bruno.

II. Approval of Minutes

Ms. Bauer moved, Mr. Delmenhorst seconded and the Board, by vote of 4-0 (Ms. Lueger abstained), approved the minutes of the October 15, 2013 meeting.

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

The Board heard the report of Calvin Lee, Staff Representative, District Council 48, AFSCME, that Milwaukee County Employees' Retirement System submitted retirement notification letter of Ms. Britton effective January 24, 2013. Mr. Lee respectfully requested that all matters of Ms. Britton be removed from the Call of the Chair and asked the Board to accept her retirement. Ms. Lueger moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to remove the matter of Teresa Britton from the Call of the Chair and accept her retirement effective January 24, 2013.

IV. Correspondence

Letter to Personnel Review Board advising that Milwaukee County Department Management will not process grievances involving disciplinary suspensions of 10 days or less under Sec. 17.207.

Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, legal counsel for the appointing authority asked the Board to remove the Carol Beck matter from the Board calendar on December 10, 2013. It is Milwaukee County's position that the PRB doesn't have jurisdiction to hear grievances of suspensions of 10 days or less under Sec. 17.207 of the Code of Ordinances, because suspensions are governed exclusively by Wis. Stat. 63.10.

Attorney Teresa Mambu-Rasch, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, takes an opposite position, stating that under the "Status Quo" ordinance—M.C.O. 17.015, "Continuation of certain compensation and fringe benefits for former members of AFSCME", specifically 17.015(3)(m) "*disciplinary suspensions are not appealable under s. 63.10, Wis. Stats. (Civil Service Rules, M.C.O. 17.207 and s. 63.10, Wis. Stats.)* Therefore, the Board would have jurisdiction to hear grievances of suspensions of 10 days or less under Sec. 17.207 of the Code of Ordinances.

After hearing the arguments presented by both parties, Mr. Delmenhorst moved, Ms. Lueger seconded, and the Board voted (5-0) to consider the matter in closed session. After deliberation in closed session, the Board reconvened in open session.

Ms. Pleas outlined the following briefing schedule:

- Corporation Counsel brief due by November 15, 2013
- Attorney Mambu-Rasch brief due by December 16, 2013
- Corporation Counsel response due by December 30, 2013

The briefs shall be filed to the attention of the Office of Personnel Review Board to be forwarded to the Board members. This matter will be scheduled for an update on January 7, 2014.

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to remove the Carol Beck matter from the calendar on Tuesday, December 10, 2013, approved the briefing schedule as outlined on the record and scheduled the Carol Beck matter for an update on Tuesday, January 7, 2014.

V. First Appearances

A. GRIEVANCE

DIANA BIAS, Correction Officer 1, HOC

The Board heard the request of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, for the appointing authority, to set the matter for hearing certain. Attorney Teresa Mambu-Rasch, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, agreed to setting the matter for hearing certain, but respectfully requested that the Board chose the earliest date possible. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0) scheduled this matter for hearing certain date on Tuesday, April 1, 2014.

B. DEMOTION

MELVIN FINKLEY, Correction Lieutenant, SHERIFF

The Board heard the request of Melvin Finkley, who appeared in person and represented himself, to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Melvin Finkley, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter of Melvin Finkley for hearing date certain on Tuesday, April 15, 2014.

C. DISCHARGES

MABEL J. CARTER-MITCHELL, Certified Nursing Assistant (Pool), BHD

The Board heard the request of Calvin Lee, Staff Representative, District Council 48, AFSCME, to continue the matter of Mabel J. Carter-Mitchell for hearing certain. This continuation is made with the knowledge and consent of Mabel J. Carter-Mitchell, that she waived her right to a hearing within 21 days, pursuant to Chapter 63.10 and 63.12, Wis. Stats., and authorized District Council 48, AFSCME to represent her in all matters regarding the instant charges. Mr. Delmenhorst moved,

Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter of Mabel J. Carter-Mitchell for hearing date certain on Tuesday, April 15, 2014.

ERIN C. ERVING, Registered Nurse, BHD

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, on behalf of Susan Schwegel, Union Representative, Federation of Nurses & Health Professionals AFT, AFL-CIO, to continue the matter of Erin C. Erving for hearing certain. This continuation is made with the knowledge and consent of Erin C. Erving, who was not present that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats., and authorized the Federation of Nurses & Health Professionals AFT, AFL-CIO represent her in all matters regarding the instant charges. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, April 15, 2014.

RAHSAAN J. GIBSON, Airport Maintenance Worker, DOT

The Board heard the request of Sean Moore, Human Resources Coordinator, Department of Transportation, to continue the matter of Rahsaan J. Gibson for an update report on November 26, 2013. This continuation is made with the knowledge and consent of Rahsaan J. Gibson, who was present that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, November 26, 2013.

BRITTNEY M. MASON-GORDON, Juvenile Correction Officer, DHHS

Attorney Teresa Mambu-Rasch, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME argued on the record that since the charges were not filed in a timely fashion, the Board does not have jurisdiction to hear the matter and that the Board should dismiss the case and reinstate Ms. Mason-Gordon. Attorney Mambu-Rasch stated that Milwaukee County Ordinance 33.3 (3) mandates that the Board adopt rules and regulation to properly conduct hearings to protect the individual due process rights, in the goal of the United States and Wisconsin Constitution. In doing so, the Personnel Review Board's Rules of Procedures, Rule V, Section 2(b) and Rule VI, Section 9 which respectively guarantee certain time limits and protect the rights of any party even the Board to object the subject matter jurisdiction at any time and personal jurisdiction. The Personnel Review Board does not have jurisdiction when charges are not timely filed. Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority did not dispute the facts that were laid out in the motion.

After hearing the statements presented by the parties, Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (5-0) to consider the matter in closed session. After deliberation in closed session, the Board reconvened in open session.

Ms. Lueger moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0) found the charges were not timely filed to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), (y), and (z), and dismissed the charges for discharge. Brittney M. Mason-Gordon is to be reinstated effective October 29, 2013 with back pay for the time period of October 3, 2013 to October 29, 2013, less unemployment compensation and worker's compensation previously paid to Ms. Mason-Gordon during the period for which back pay is awarded.

GERALD SPINA, EMS Instructor, BHD – EMS Division

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Gerald Spina called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Gerald Spina, who was not present that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, April 15, 2014.

TAMICA M. WEBB, Certified Nursing Assistant (Pool), BHD

(Refer to Agenda item VI C for the Decision)

D. **SUSPENSIONS**

TIFFANY A. ADAMS, Registered Nurse (Pool), SHERIFF

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Tiffany A. Adams called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Tiffany A. Adams, who was not present, that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, April 29, 2014.

JONATHAN O.A. BABALOLA, Dispatcher, SHERIFF

SUS dated 10/17/13 for IA # 13-197 for 10 days

SUS dated 10/17/13 for IA # 13-272 for 10 days

SUS dated 10/17/13 for IA # 13-273 for 15 days

SUS dated 10/17/13 for IA # 13-274 for 20 days

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Jonathan O.A. Babalola called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Jonathan O.A. Babalola, who was not present that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, April 29, 2014.

OCELL A. CARR, Correction Officer 1, SHERIFF

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Ocell A. Carr called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Ocell A. Carr, who was not present, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, April 29, 2014.

KATHERINE ESTRADA, Correction Officer 1, SHERIFF

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Katherine Estrada called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Katherine Estrada, who was not present, that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, April 29, 2014.

SHAUNTA S. FINLEY, Correction Officer 1, SHERIFF

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Shaunta S. Finley called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Shaunta S. Finley, who was not present, that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, May 13, 2014.

JEREMIAH M. KING, Correction Officer 1, SHERIFF

SUS dated 10/17/13 for IA # 13-224 for 10 days

SUS dated 10/17/13 for IA # 13-225 for 15 days

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Jeremiah M. King called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Jeremiah M. King, who was not present, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Ms. Lueger moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, May 13, 2014.

SPENSER T. MOODY, Correction Officer 1, SHERIFF

The Board heard the report of Charmaine Gee, Administrative Assistant, Office of the Personnel Review Board, that the employee Spenser T. Moody called the Office of the Personnel Review Board and requested to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Spenser T. Moody, who was not present, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Ms. Lueger moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, May 13, 2014.

LATOYA A. RENFRO, Correction Officer 1, SHERIFF

(Refer to Agenda item VI C for the Decision)

LEON WOODS, Correction Officer 1, SHERIFF

The Board heard the request of Leon Woods to continue the matter for hearing certain. This continuation is made with the knowledge and consent of Leon Woods, who was present, that he waived his right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Ms. Lueger moved, Ms. Bauer seconded, and

the Board, by unanimous vote (5-0), continued the matter for hearing date certain on Tuesday, May 13, 2014.

VI. Hearings

A. DISCHARGE & SUSPENSIONS

BARBARA N. DUNCAN, Correction Officer 1, SHERIFF

DIS dated 02/22/13 for IA # 13-034

SUS dated 09/13/12 for IA # 12-252 for 20 days

SUS dated 09/13/12 for IA # 12-286 for 10 days

These matters were scheduled for joint hearing certain. The Board heard the request of Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority to reschedule all matters of Barbara Duncan for joint hearing certain, due to unavailability of witnesses. Attorney Teresa Mambu-Rasch, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, did not object. Ms. Lueger moved, Mr. Bauer seconded, and the Board, by unanimous vote (5-0) continued the matter for hearing date certain on Tuesday, May 27, 2014.

B. SUSPENSIONS

RUBY A. LITTLE, Certified Nursing Assistant, BHD

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0), accepted the waiver of suspension at the request of Ruby A. Little and closed this case.

MATTHEW M. MONREAL, Correction Officer 1, SHERIFF

The Board heard the report of David Rugaber, Captain, House of Correction, that the parties had reached oral resolution agreement. Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority, concurred.

The terms of the oral agreement are as follows:

- The charges are well founded.
- The 15-day suspension shall be reduced to a 5-day suspension.

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0), accepted the oral agreement and closed this case.

YAGHNAM F. YAGHNAM, Correction Officer 1, SHERIFF

(Refer to Agenda item VI C for the Decision)

RICHARD W. YANG, Correction Officer 1, SHERIFF

(Refer to Agenda item VI C for the Decision)

C. HEARINGS

The Board heard the Yaghnam F. Yaghnam matter. At 12:34 PM, Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (5-0) to go into closed session to deliberate the Yaghnam F. Yaghnam matter and go to lunch. Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board voted (5-0) to come out of closed session at 1:56 PM.

YAGHNAM F. YAGHNAM, Correction Officer1, SHERIFF

Mr. Delmenhorst moved, Ms. Lueger seconded, and the Board, by vote (3-2; Ms. Pleas and Ms. Bauer dissenting) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraph (l). Mr. Delmenhorst moved, Ms. Lueger seconded, and the Board, by vote (3-2; Ms. Pleas and Ms. Bauer dissenting) found the penalty of a 5-day suspension too severe and reduced the penalty to a 3-working-day suspension.

At 2:01 PM, Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (5-0) to go into closed session to hear the Latoya A. Renfro matter. At 2:57 PM, Mr. Delmenhorst moved, Ms. Bruno seconded, and the Board voted (5-0) to come out of closed session.

The Board next heard the Tamica M. Webb matter.

The Board next heard the Richard W. Yang matter.

At 3:56 PM, Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to go into closed session to deliberate the Latoya A. Renfro, Tamica M. Webb and Richard W. Yang matters.

LATOYA A. RENFRO, Correction Officer 1, SHERIFF

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (o), and upheld the penalty of a 18-day suspension.

TAMICA M. WEBB, Certified Nursing Assistant (Pool), BHD

Ms. Bruno moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (i), (l), (t), (u) and (ee), and upheld the discharge.

RICHARD W. YANG, Correction Officer 1, SHERIFF

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by unanimous vote (5-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (o), and upheld the penalty of a 7-day suspension.

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (5-0) to come out of closed session at 4:09 PM.

VII. Adjournment

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, adjourned the meeting at 4:11 PM.

Minutes submitted by: Charmaine J. Gee, Interim Executive Secretary

Milwaukee County Personnel Review Board

Meeting Minutes

I. Roll Call

Board Member Susan A. Lueger called to order the regular meeting of the Personnel Review Board at 9:05 AM on Tuesday, November 12, 2013 in Room 635 of the Milwaukee County Courthouse.

The following Board Members were present: Ms. Susan A. Lueger, Ms. Jacqueline V. Russell, Ms. Melissa D. Hudson, and Ms. Mary K. Bruno.

II. Approval of Minutes

Ms. Bruno moved, Ms. Hudson seconded and the Board, by vote of 4-0, approved the minutes of the October 29, 2013 meeting.

III. Election of the Officers

Ms. Russell nominated Ms. Lueger for President. Ms. Hudson seconded the nomination and the Board, by vote of 3-0 (Ms. Lueger abstained), then elected Ms. Lueger as President.

Ms. Bruno nominated Ms. Russell for Vice President. Ms. Hudson seconded the nomination and the Board, by vote of 3-0 (Ms. Russell abstained), then elected Ms. Russell as Vice President.

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

The Board heard the report of Attorney Graham Wiemer, MacGillis Wiemer, LLC, legal counsel for the Deputy Sheriff's Association, to reschedule the matter of Keith M. Villwock for hearing certain. Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority, concurred. Ms. Bruno moved, Ms. Hudson seconded, and the Board voted (4-0) to reschedule the matter of Keith M. Villwock from December 7, 2013 to May 27, 2014.

V. Correspondence

The Board heard the report of Charmaine Gee, Interim Executive Secretary, Office of the Personnel Review Board that LaKia' N. Bobbitt had resigned from her position in County Services effective September 5, 2013. Ms. Russell moved, Ms. Hudson seconded, and the Board voted (4-0) to accept the resignation of LaKia' N. Bobbitt effective September 5, 2013, and closed this case.

VI. First Appearances

A. SUSPENSIONS

MARY E. LAUSIER, Nursing Program Coordinator, BHD

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, for the appointing authority, to continue the matter of Mary E. Lausier for hearing certain. This continuation is made with the knowledge and consent of Mary E. Lausier, who was not present, that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0) scheduled this matter for hearing certain date on Tuesday, June 10, 2014.

TOY B. WASHINGTON, Office Support Assistant, COURTS

The Board heard the request of Calvin Lee, Staff Representative, District Council 48, AFSCME, to continue the matter of Toy B. Washington for hearing certain. This continuation is made with the knowledge and consent of Toy B. Washington, who was present that she waived her right to a hearing within 21 days, pursuant to Chapters 63.10 and 63.12, Wis. Stats. Ms. Hudson moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0) scheduled this matter for hearing certain date on Tuesday, May 27, 2014.

VII. Update

A. GRIEVANCE

DIANA BIAS, Correction Officer, HOC

The Board heard the request of Attorney Paul Kuglitsch, Principal Assistant Corporation counsel, legal counsel for the appointing authority, to reschedule the matter of Diana Bias for hearing certain on December 10, 2013. Attorney Craig Johnson, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, concurred. Ms. Hudson moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), rescheduled the matter of Diana Bias for hearing date certain on Tuesday, December 10, 2013.

B. DISCHARGE

GERALD SPINA, EMS Instructor, BHD-EMS Division

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation counsel, legal counsel for the appointing authority, that the appointing authority was withdrawing the Charges for Discharge against Gerald Spina. Ms. Russell moved, Ms. Hudson seconded, and the Board, by unanimous vote (4-0), accepted the withdrawal of the charges of Gerald Spina and closed this case.

VIII. Hearings

A. DISCHARGE & SUSPENSION

MESHALA L. BELL (PABAI), Certified Nursing Assistant, BHD

DIS dated 03/25/13

SUS dated 01/29/13 for 6 days

(Refer to Agenda item VIII C for the Decision)

B. SUSPENSIONS

RAFAEL LOPEZ, Correctional Officer 1, SHERIFF

SUS dated 09/13/12 for IA # 12-190 for 20 days

SUS dated 09/13/12 for IA # 12-303 for 5 days

SUS dated 09/13/12 for IA # 12-304 for 1 day

SUS dated 11/30/12 for IA # 12-350 for 60 days

SUS dated 01/29/13 for IA # 13-071 for 90 days

The Board heard the report of Attorney Craig Johnson, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, that the parties had reached oral resolution agreement. Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, concurred.

The terms of the oral agreement are as follows:

- The charges are well founded.
- The 176-day suspension shall be reduced to a 91-day suspension.

Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), accepted the oral agreement and closed this case.

JANEEN D. KREBS, Registered Nurse, BHD

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, that Janeen D. Krebs submitted a signed waiver of hearing. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), accepted the waiver of hearing for Janeen D. Krebs and closed this case.

DIANE M. BLUE, Correction Officer 1, SHERIFF

(Refer to Agenda item VIII C for the Decision)

EDWARD J. HORZEWSKI, Correction Lieutenant, SHERIFF

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, that the parties had reached oral resolution agreement. Edward J. Horzewski, who was present, concurred.

The terms of the oral agreement are as follows:

- The charges are well founded.
- The 5-day suspension shall be reduced to a 2-day suspension.

Ms. Hudson moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), accepted the oral agreement and closed this case.

ANDREW J. KRASOVICH, Correction Officer 1, SHERIFF

(Refer to Agenda item VIII C for the Decision)

C. HEARINGS

MESHALA L. BELL (PABAI), Certified Nursing Assistant, BHD

DIS dated 03/25/13

SUS dated 01/29/13 for 1 day

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, that Meshala L. Bell (Pabai) had submitted a signed waiver of hearing on the notice of Suspension. Attorney Craig Johnson, Sweet and Associates, LLC, concurred. The employee, Meshala Bell Pabai, was present. Ms. Pabai stated for the record that she understood the terms and conditions of the agreement and that she was not coerced into the signing of this agreement. Ms. Russell moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), accepted the waiver and closed this case.

The Board then heard the discharge matter of Meshala Bell (Pabai). At 11:51 AM, Ms. Bruno moved, Ms. Russell seconded, and the Board voted (4-0) to go into closed session to deliberate the Meshala Bell (Pabai) matter and go to lunch. Ms. Hudson moved, Ms. Russell seconded, and the Board voted (4-0) to come out of closed session at 12:59 PM.

Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0) found the evidence was not sufficient to sustain violations of Civil Service Rule VII, Section (n) but found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (i), (l), (m), (r), (t) and (u), and upheld the discharge.

The Board next heard the Diane M. Blue and the Andrew J. Krasovich matters concurrently.

At 2:16 PM, Ms. Hudson moved, Ms. Russell seconded, and the Board voted (4-0) to go into closed session to deliberate the Diane M. Blue and Andrew J. Krasovich matters.

DIANE M. BLUE, Correction Officer 1, SHERIFF

Ms. Hudson moved, Ms. Russell seconded, and the Board, by vote (4-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraph (l), (t), and (u). Ms. Hudson moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0) found the penalty of a 30-day suspension too severe and reduced the penalty to a 20-working-day suspension.

ANDREW J. KRASOVICH, Correction Officer 1, SHERIFF

Ms. Bruno moved, Ms. Hudson 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), (t) and (u). Ms. Russell moved, Ms. Hudson seconded, and the Board by unanimous vote (4-0) upheld the penalty of a 20-day suspension.

Ms. Bruno moved, Ms. Hudson seconded, and the Board voted (4-0) to come out of closed session at 2:48 PM.

IX. Adjournment

Ms. Russell moved, Ms. Hudson seconded, and the Board, by vote of 4-0, adjourned the meeting at 2:48 PM.

Minutes submitted by: Charmaine J. Gee, Interim Executive Secretary

DRAFT

CSC 12/19/13
Item #4
Receive & Place
on File

COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION

DATE : December 2, 2013

TO : Department Heads

FROM : Rick Ceschin, Deputy Director, Department of Human Resources & Civil Service
Commission Secretary

SUBJECT : **2014 CIVIL SERVICE COMMISSION & FINANCE, PERSONNEL & AUDIT
COMMITTEE MEETINGS**

Below, please find the Civil Service Commission meeting schedule for the year 2014, followed by the Finance, Personnel & Audit Committee meeting schedule.

CIVIL SERVICE

Thursday, February 27, 2014	2:00 pm, Room 203-R, Courthouse
Thursday, May 22, 2014	2:00 pm, Room 203-R, Courthouse
Wednesday, October 1, 2014	2:00 pm, Room 201-B, Courthouse
Wednesday, December 17, 2014	2:00 pm, Room 201-B, Courthouse

Please submit your agenda items no less than one week before the meeting.
Additional meetings will be scheduled as necessary.

FINANCE, PERSONNEL & AUDIT COMMITTEES

January 30, 2014	9:00 am, Room 203-R, Courthouse Personnel related items were due into HR no later than 12/2/13.
March 13, 2014	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 2/3/14.
April 17, 2014	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 3/3/14.

May 15, 2014	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 4/1/14.
June 20, 2014	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 5/1/14.
July 24, 2014	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 5/30/14 .
August 2014	No Finance, Personnel & Audit Committee meeting.
September 18, 2014	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 8/1/14.
October 30, 2014	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 9/2/14 .
November 2014	No Finance, Personnel & Audit Committee meeting.
December 11, 2014	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 10/31/14 .
January 29, 2015	9:00 am, Room 203-R, Courthouse Personnel related items are due into HR no later than 12/1/14.

Please contact Rick Ceschin or me with any questions about the schedules outlined above.
Thank you.

KJM:jam

Cc: Civil Service Commission
Supervisor Willie Johnson Jr., Co-chair, Finance, Personnel & Audit Committee
Supervisor David Cullen, Co-chair, Finance, Personnel & Audit Committee
HR Managers & Coordinators
Rick Ceschin, Deputy HR Director
HR Compensation

Milwaukee County, Wisconsin, Code of Ordinances >> - MILWAUKEE COUNTY CODE OF GENERAL ORDINANCES VOLUME I >> [APPENDIX A - CIVIL SERVICE RULES FOR THE MILWAUKEE COUNTY GOVERNMENT](#) >> [RULE XI. ADMINISTRATION](#) >>

RULE XI. ADMINISTRATION

[Section 1. Organization.](#)

[Section 2. Meetings.](#)

[Section 3. Order of business.](#)

[Section 4. Rules and regulations.](#)

[Section 5. Limitation on reintroduction of measures.](#)

Section 1. Organization.

The commission shall elect one (1) of its members to act as president and one (1) member to act as vice-president, each for a term of one (1) year and until a successor is duly elected. The director of human resources shall assign a staff member from the department of human resources to serve as secretary to the commission.

Section 2. Meetings.

Regular meetings of the commission shall be held as often as necessary as determined by the director of human resources, and/or the president, and/or any two (2) members of the commission. Special meetings may be called at any time by the president or by any two (2) members upon giving reasonable advance notice to each member of the commission. Such advance notice shall be no less than five (5) working days before the day of the special meeting. Three (3) members of the commission shall constitute a quorum. Robert's Rules of Order shall be the rules of order of the commission. All meetings of the commission shall require public notice under the provisions of subch. IV of ch. 19, Wis. Stats.

Section 3. Order of business.

The regular order of business shall be:

- (a) Approval of minutes.
- (b) Unfinished business.
- (c) New business.

Section 4. Rules and regulations.

Proposed amendments or revisions to the rules of the commission shall be noted on the commission agenda by indicating the specific rule and section being amended or revised. Upon adoption of an amended or revised rule of the commission, the director of human resources shall inform the county executive, county board of supervisors and all department heads. The commission may adopt procedures for the administration of these rules and may also waive any of its rules when deemed appropriate. All rules of the commission must be interpreted and

administered as in compliance with federal and state laws and regulations, which shall take precedence.

Section 5. Limitation on reintroduction of measures.

Whenever any matter shall have been introduced for the consideration of the commission, and failed of adoption, such matter, unless substantially changed, shall not be introduced again until a lapse of at least ninety (90) days from the date of its indefinite postponement or failure of adoption.

LEGISLATIVE HISTORY

All sections effective upon passage
and publication unless otherwise indicated.

Appendix A. Amended - February 5, 1998.

Rule II, § 7(2) Amended - October 2, 2013, J. Proc.

HISTORY NOTE

(Amend. of 10-2-13)

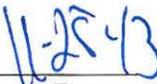
COUNTY OF MILWAUKEE
DAS-Division of Human Resources
INTER-OFFICE COMMUNICATION

DATE : December 2, 2013
TO : Nicole L. Robbins, Esq. Managing Attorney
FROM : Rick Ceschin, Deputy Director of Human Resources
SUBJECT : **Amendment & Extension of Professional Service Contract**

In 2013, Milwaukee County entered into an agreement with Nicole L. Robbins, Esq. Managing Attorney, for the purpose of providing legal services to the Milwaukee County Civil Service Commission.

This memo is an agreement by both parties to extend this contract through December 31, 2014 and to increase the funds encumbered by \$4, 055.00.


Milwaukee County


Date

Contractor

Date