

MILWAUKEE COUNTY
CIVIL SERVICE COMMISSION MEETING
Thursday, February 12, 2015, 3:15 pm
Courthouse Room 306

Minutes

ROLL CALL:

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

OLD BUSINESS:

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

ACTION: Maria Monteagudo made a motion to nominate Mary Ellen Powers as Chair of the Commission; it was seconded by Erbert Johnson.

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

Noes – 0

ACTION: Arthur Phillips made a motion to nominate Maria Monteagudo as Vice Chair of the Commission; it was seconded by Janet Cleary.

Ayes – 4: Arthur Phillips, Janet Cleary, Mary Ellen Powers, and Erbert Johnson.

Noes – 0

NEW BUSINESS:

2. 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: Erbert Johnson made a motion to approve the minutes as provided; it was seconded by Arthur Phillips.

Ayes – 5: Arthur Phillips, Erbert Johnson, Maria Monteagudo, Janet Cleary, and Mary Ellen Powers.

Noes – 0

3. The Secretary to the Civil Service Commission forwards the approved rule changes and the minutes of the Milwaukee County Personnel Review Board of December 9, 2014, January 6, and January 20, 2015.

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

ACTION: So ordered.

4. Request from 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 Deputy Sheriff I classification.

Appearances: Mary Dutkiewicz, Human Resources Coordinator; Angela Nixon, Manager Employment; Rick Ceschin, Executive Deputy Director, Human Resources; Kerry Mitchell, Director, Human Resources.

Recommendation of the Department of Human Resources: Approve

ACTION: Erbert Johnson made a motion to temporarily lay the item over until item 5 is completed; it was seconded by Arthur Phillips.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

Following item 5, the Commission addressed this request as follows:

ACTION: Maria Monteagudo made a motion to deny the request; it was seconded by Arthur Phillips.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

5. From the Department of Human Resources, requesting revisions to Civil Service Rules II, III, IV, V, VI, and XI.

Appearances: Rick Ceschin, Executive Deputy Director, Human Resources; Kerry Mitchell, Director, Department of Human Resources

Recommendation of the Department of Human Resources: Approve.

ACTION: Maria Monteagudo made a motion to amend the recommended revisions of Rule II, Section 3; it was seconded by Erbert Johnson.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

ACTION: Erbert Johnson made a motion to amend the recommended revision to Rule III, Section 1(2)(b); it was seconded by Maria Monteagudo.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

ACTION: Erbert Johnson made a motion to amend the recommended revisions to Rule III, Section 1(7); it was seconded by Arthur Phillips.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

ACTION: Maria Monteagudo made a motion to amend the recommended revisions to Rule III, Section 2(2); it was seconded by Erbert Johnson.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

ACTION: Janet Cleary made a motion to amend the recommended revisions to Rule III, Section 6(2); it was seconded by Maria Monteagudo.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

ACTION: Maria Monteagudo made a motion to amend the recommended revisions to Rule IV, Section 5; it was seconded by Arthur Phillips.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

ACTION: Ms. Cleary made a motion to approve the recommended revisions to Rules II, III, IV, V, VI and XI, as amended; it was seconded by Mr. Johnson.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes - 0

To Convene in Closed Session for Consideration of item 6

ACTION: Janet Cleary made a motion to convene into closed session Per Section 19.85(1)(b) of the Wisconsin Statutes; it was seconded by Erbert Johnson. Upon reconvening in open session, the Commission took the following actions on item 6.

Ayes – 5: Arthur Phillips, Mary Ellen Powers, Janet Cleary, Maria Monteagudo, and Erbert Johnson.

Noes – 0

During Closed session, Erbert Johnson left the meeting.

To Reconvene Into Open Session

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

Mr. Johnson was excused.

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

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

- a. **Lajestic Haynes, CNA (Pool), 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 Janet Cleary.

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

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

ACTION: Janet Cleary made a motion to sustain the charges and to reduce the discipline from discharge to a three day suspension; it was seconded by Arthur Phillips.

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

- c. **Tiffany Wood, Registered Nurse, BHD**
Hearing Examiner – Omar Mallick
Written Charges for Discharge, dated May 9, 2014

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

ACTION: So ordered.

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

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

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

Meeting Adjournment

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

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

Noes – 0

Meeting adjourned at 5:54 pm.

Approved by:

Rick Ceschin
Secretary to the Civil Service Commission

RC:cjg
C: Personnel Review Board

DRAFT

Milwaukee County Personnel Review Board
Meeting Minutes – February 3, 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, February 3, 2015, 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 January 20, 2015 Meeting

Ms. Soberalski moved, Ms. Lueger seconded, and the Board, by vote of 4-0, approved the minutes of the January 20, 2015 meeting.

III. Approval of Revised Milwaukee County Personnel Review Board Rules of Procedure

Ms. Lueger moved, Ms. Bruno seconded, and the Board, by a vote of 4-0, approved the Revised Rules of Procedure, as approved at the January 20, 2015 meeting.

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

Rebecca M. Janz, Administrator, reported that nominee to the Board was approved by the Finance, Personnel, and Audit Committee last week and is expected to receive confirmation from the Board of Supervisors this week.

Attorney Lee Jones, Assistant Corporation Counsel, informed the Board that he was leaving County service for a new job out of state. The Board wished him well and thanked him for his service.

V. Correspondence

None.

VI. First Appearances

A. DEMOTION

JASON GONZALEZ, Lieutenant, HOC
Case #3-4182, dated 01/27/2015 for HOC IA#14-203

The Board heard the report of Attorney Lee Jones, Assistant Corporation Counsel, that Jason Gonzalez, who was not present, has waived his right to a hearing and accepted his demotion. Charmaine Gee confirmed that the office of the Board received confirmation from Mr. Gonzalez. Ms. Soberalski moved, Ms. Lueger seconded, and the Board, by unanimous vote (4-0) accepted the waiver of hearing for Mr. Gonzalez and closed the case.

B. DISCHARGES**JASON L. MILLER, Human Services Worker, DHHS****Case #2-4181, dated 01/27/2015**

The Board heard the report of Attorney Craig Johnson, Sweet & Associates, that Jacob Miller, who was present, submitted his resignation effective today and that the paperwork had been given to Corporation Counsel, which Attorney Lee Jones, Assistant Corporation Counsel, confirmed. The Board acknowledged Mr. Miller's resignation and closed the case.

RODNEY BROWN, Forensic Investigator, MEDICAL EXAMINER**Case #2-4179, dated 01/22/2015**

The Board heard the report of Charmaine Gee, Administrative Assistant, that Rodney Brown, who was not present, waived his right to a hearing within 21 days and was seeking a hearing date certain. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on February 17, 2015.

HAROLD WOOSYPITI, Airport Maintenance Worker Assistance, DOT**Case #2-4180, dated 01/22/2015**

The Board heard the report of Attorney Craig Johnson, Sweet & Associates, that Harold Woosypiti waived his right to a hearing within 21 days and requested a hearing date certain of March 17, 2015. The Board did not believe they would have time to hear the matter on March 17, 2015, due to previously scheduled cases. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), to schedule the matter for hearing certain on March 3, 2015.

VII. Hearings**A. DISCHARGE****SALVADOR RENTERIA, Highway Maintenance Worker, DOT****Case 2-4178 dated 01/05/2015**

At 11:24 a.m., Ms. Soberalski moved, Ms. Bruno seconded, and the Board voted 4-0 to go into closed session to deliberate the Salvador Renteria matter. At 11:49 a.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), found the evidence was sufficient to sustain violation of Civil Service Rule VII, Section 4(1), paragraph (t), and upheld the charges for discharge.

VIII. Adjournment

Ms. Lueger moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 12:01 p.m.

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

Milwaukee County Personnel Review Board
Meeting Minutes – February 17, 2015

I. Roll Call

Board Vice President Susan Lueger called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, February 17, 2015, in Room 203-R of the Milwaukee County Courthouse.

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

II. Approval of the Minutes of the February 3, 2015 Meeting

Ms. Soberalski moved, Ms. Bruno seconded, and the Board, by vote of 4-0, approved the minutes of the February 3, 2015 meeting.

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

Paul Kuglitsch, Assistant Corporation Counsel, requested an update on the Kim Lisowski matters be scheduled for the next meeting. Ms. Soberalski moved, Ms. Bruno seconded, and the Board, by a vote of 4-0, scheduled an update on the Kim Lisowski matters for March 3, 2015.

IV. Correspondence

None.

V. First Appearances

A. DISCHARGES

DONNA FLEES, Paralegal, FAMILY CARE
Case #2-4184, dated 02/05/2015

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, on behalf of Family Care that Donna Flees, who was not present, waived her right to a hearing within 21 days, authorized the Cross Law Firm to represent her in this matter, and requested a hearing date certain of March 31, 2015. Charmaine Gee, Administrative Assistant, confirmed that the Board's office received notice of the same. Ms. Soberalski moved, Mr. Pastrana seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on March 31, 2015.

B. SUSPENSIONS

JERMEIL A. HINTON, Airport Maintenance Worker Assistance, DOT
Case #1-4183, dated 01/28/2015 for one day

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that Jermeil Hinton, who was not present, had submitted a signed waiver of hearing on his Notice of Suspension. Charmaine Gee, Administrative Assistant, confirmed that the Board's office received the waiver. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), accepted the waiver and closed this case.

VI. Hearings

A. DISCHARGE

JESSICA MUNSON, Zoo Area Supervisor, ZOO

Case 2-4169, dated 11/20/2014

At 11:10 a.m., Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to go into closed session to deliberate the Jessica Munson matter. At 11:47 a.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), found the evidence was sufficient to sustain violation of Civil Service Rule VII, Section 4(1), paragraphs (i), (l), (t), and (u). However, the Board determined that the appropriate discipline for Ms. Munson was a 90-working-day suspension beginning February 18, 2015; a sincere apology to the Zoo Director; a demotion to zoo keeper; and a one year re-evaluation period that will begin when Ms. Munson returns to work.

RODNEY BROWN, Forensic Investigator, MEDICAL EXAMINER

Case #2-4173, dated 01/22/2015

The Board heard the report of Rodney Brown, who appeared personally, that he has applied for disability/retirement, and he requested his case be put to the call of the chair pending the outcome of his application. Paul Kuglitsch, Assistant Corporation Counsel, had no objection. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) set Mr. Brown's case at the call of the chair.

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 submitted a waiver of hearing for her suspension. Charmaine Gee, Administrative Assistant, confirmed the Board office had received the waiver. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), accepted the waiver of Ms. Brown.

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 submitted a waiver of hearing for her suspension. Charmaine Gee, Administrative Assistant, confirmed the Board office had received the waiver. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), accepted the waiver of Ms. McNeal.

VII. Adjournment

Ms. Soberalski moved, Mr. Pastrana seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 11:53 a.m.

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

Milwaukee County Personnel Review Board
Meeting Minutes – March 3, 2015

I. Roll Call

Board President Daniel T. Dennehy called to order the regular meeting of the Personnel Review Board at 9:02 a.m. on Tuesday, February 17, 2015, in Room 203-R of the Milwaukee County Courthouse.

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

II. Approval of the Minutes of the February 17, 2015 Meeting

Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by vote of 3-0, approved the minutes of the February 17, 2015 meeting. Mr. Dennehy abstained as he was not present at the February 17 meeting.

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

None.

IV. Correspondence

The Board heard Mr. Dennehy's comments regarding outside counsel's authority to approve legal costs without Board approval. Mr. Dennehy suggested that the Board limit the amount that outside counsel can spend on legal costs without the Board's approval. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) determined to require that outside counsel obtain prior approval of the Board before spending over \$250 on legal costs.

The Board also heard a report from Mr. Dennehy regarding challenges to the Board's status as a quasi-judicial, independent body. Mr. Dennehy moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), determined to continue exploring the proper status of the Board within the County structure.

V. First Appearances

A. GRIEVANCE

**DOUGLAS FELDE, Airport Maintenance Worker, DOT
Case #4-4192, dated 2/23/2015**

Douglas Felde, appeared personally and was represented by Attorney Mark Sweet, Sweet and Associates, LLC. Attorney James Carroll, Assistant Corporation Counsel, argued that the Board does not have jurisdiction of Mr. Felde's grievance appeal because the issue is seniority, which is not an issue that can be appealed to the Board under Milwaukee County General Ordinances Chapter 17.205. Attorney Sweet argued that the Board does have jurisdiction to hear Mr. Felde's grievance appeal because it relates to working conditions, which are appealable to the Board under the ordinance.

The Board set the following briefing schedule on the issue of whether the Board has jurisdiction of the appeal:

- Attorney Carroll's brief on behalf of the appointing authority is due March 23, 2015.
- Attorney Sweet's response brief is due Monday, April 13, 2015.

B. DISCHARGES

JOSHUA WOLF, Correction Officer I, HOC

Case #2-4190, dated 02/17/2015

The Board heard the report of Attorney Mark Sweet, Sweet and Associates, on behalf of Joshua Wolf, who was present, waived his right to a hearing within 21 days, authorized Sweet and Associates to represent him in this matter, and requested a hearing date certain. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on March 17, 2015.

C. SUSPENSIONS

LATRICE BROOKS, Corrections Officer, HOC

Case #1-4189, dated 02/17/2015 for 3 days

The Board heard the report of Attorney Jim Carroll, Assistant Corporation Counsel, that LaTrice Brooks, who was not present, had submitted a signed waiver of hearing on her Notice of Suspension, and Attorney Carroll presented a copy for the Board. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), accepted the waiver and closed this case.

CAROL LASKA, Correction Officer I, HOC

Case #1-4188, dated 02/17/2015 for 5 days

The Board heard the report of Attorney Mark Sweet, Sweet and Associates, on behalf of Carol Laska, who was not present, waived her right to a hearing within 21 days, authorized Sweet and Associates to represent her in this matter, and requested a hearing date certain. Attorney Jim Carroll, Assistant Corporation Counsel, had no objection. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on March 31, 2015.

MATTHEW MONREAL, Correction Officer I, HOC

Case #1-4185, dated 02/17/2015 for 3 days

Case #1-4186, dated 02/17/2015 for 5 days

Case #1-4187, dated 02/17/2015 for 8 days

(See item VI.B. below.)

VI. Update

A. DISCHARGE

KIM LISOWSKI, Clerical Assistant II, SHERIFF

Case #1-3538, dated 03/26/2011 for 10 days

Case #1-4104, dated 04/24/2014 for 2 days

Case #1-4105, dated 04/24/2014 for 5 days

Case #1-4106, dated 04/24/2014 for 10 days

Case #2-4133, dated 06/26/2014

Case #2-4134, dated 06/26/2014

The Board heard the report of Attorney Jim Carrol, Assistant Corporation Counsel, that the Kim Lisowski matter was complicated by several cases pending in other venues. The County believes that they may be able to work out a settlement and requested the cases remain at the call of the chair. Attorney Mark Sweet, Sweet and Associates, appeared on behalf of Ms. Lisowski, who was not present, and had no objections. Ms. Bruno moved, Ms. Lueger seconded, and the Board voted 4-0 to schedule the Lisowski matters for another update on March 17, 2015, with the intention to schedule the hearings for April 14, 2015, at that update.

VII. Hearings

A. DISCHARGE

HAROLD WOOSYPITI, Airport Maintenance Worker Asst, DOT

Case 2-4180, dated 01/22/2015

The Board heard the report of Attorney Daniel Bailey, Cross Law Firm, that Harold Woosypiti recently retained her law firm and that Mr. Woosypiti was requesting to adjourn his case to a future date to allow counsel to prepare for the hearing and to wait for the resolution of a related criminal claim. Jim Carroll, Assistant Corporation Counsel, stated that the charges for the discharge of Mr. Woosypiti were not dependant on the outcome of the criminal case. Ms. Lueger moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0), rescheduled the Harold Woosypiti matter for hearing certain on March 31, 2015.

B. SUSPENSIONS

VICTORIA MIKULA, Deputy Sheriff, SHERIFF

Case 1-4161, dated 12/18/2014 for IA #14-132 for 10 days

The Board heard the report of Attorney James Carroll, Assistant Corporation Counsel, and Attorney Ryan MacGillis, MacGillis Wiemer, LLC that Ms. Mikula's FMLA leave is due to expire at the end of March. Attorney MacGillis requested that the matter of Victoria Mikula be held to the call of the chair to await the results of her upcoming doctor appointment; Attorney Carroll had no objections. Mr. Dennehy recommended the matter be scheduled for hearing certain on April 14, 2015, since Ms. Mikula's FMLA is approved through the first week in April. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) rescheduled the matter for hearing certain on April 14, 2015.

MATTHEW MONREAL, Correction Officer I, HOC**Case #1-4185, dated 02/17/2015 for 3 days****Case #1-4186, dated 02/17/2015 for 5 days****Case #1-4187, dated 02/17/2015 for 8 days**

Matthew Monreal was not present at the hearing. The Board heard the report of Attorney Jim Carroll, Assistant Corporation Counsel that the appointing authority made multiple attempts to contact Matthew Monreal, but Mr. Monreal did not respond. Attorney Carrol stated that the County was prepared to proceed. The Board concurred, and the County presented its case.

At 10:22 a.m., Ms. Lueger moved, Ms. Bruno seconded, and the Board voted 4-0 to go into closed session to deliberate the Matthew Monreal matter. At 10:39 a.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), found the evidence was sufficient to sustain the charged violations of Civil Service Rule VII, Section 4(1), paragraphs (l) and (o); to uphold the 3-day suspension, the 5-day suspension, and the 8-day suspension; and to impose an additional 20-day suspension due to the pattern of absences adjacent to weekends and holidays.

VIII. Adjournment

Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 10:55 a.m.

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

Milwaukee County Personnel Review Board
Meeting Minutes – March 17, 2015

I. Roll Call

Board President Daniel T. Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, March 17, 2015, in Room 306 of the Milwaukee County Courthouse.

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

II. Approval of the Minutes of the March 3, 2015 Meeting

Ms. Soberalski moved, Ms. Bruno seconded, and the Board, by vote of 4-0, approved the minutes of the March 3, 2015 meeting.

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

None.

IV. Correspondence

The Board also heard an update from Mr. Dennehy regarding a dispute with Corporation Counsel's office on the status of the Board as a quasi-judicial, independent body. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) determined that Mr. Dennehy should reach out to the County Executive to mediate the disagreement between the parties.

V. First Appearances

A. SUSPENSIONS

**QUINTON DILLON, Correction Officer I, SHERIFF
Case #1-4193, dated 2/26/2015**

The Board heard the report of Attorney Craig Johnson, Sweet and Associates, that Quinton Dillon, who was not present, waived his right to a hearing within 21 days, authorized Sweet and Associates to represent him in this matter, and requested a hearing date certain. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on April 14, 2015.

**DANIEL FISCHER, Correction Officer I, SHERIFF
Case #1-4194, dated 02/26/2015 for 30 days**

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that Daniel Fischer, who was not present, had submitted a signed waiver of hearing on his Notice of Suspension. The office of the Personnel Review Board has received a copy. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), accepted the waiver and closed this case.

BRIAN FOX, Deputy Sheriff, SHERIFF**Case #1-4195, dated 2/26/2015 for 15 days**

The Board heard the report of Attorney Ryan MacGillis, MacGillis Wiemer, LLC that Brian Fox, who was not present, waived his right to a hearing within 21 days, authorized MacGillis Wiemer, LLC to represent him in this matter, and requested a hearing date certain. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on May 12, 2015.

COLLEEN GIESE, Deputy Sheriff, SHERIFF**Case #1-4196, dated 2/26/2015 for 30 days**

The Board heard the report of Roy Felber of the Deputy Sheriff's Association, on behalf of Colleen Giese, who was not present, that she retired effective March 12, 2015. The Board acknowledged the retirement and closed the case.

JEFFREY KIHSLINGER, Deputy Sheriff, SHERIFF**Case #1-4195, dated 2/26/2015 for 30 days**

The Board heard the report of Roy Felber of the Deputy Sheriff's Association, that Jeffrey Kihslinger, who was not present, signed a waiver accepting his 30 day suspension. Mr. Felber expected to have a copy of the signed waiver by the end of the day. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for update on March 31, 2015 to ensure receipt of the waiver.

TROY MOORE-SPICER, Correction Officer I, SHERIFF**Case #1-4198, dated 2/26/2015 for 10 days****Case #1-4199, dated 02/26/2015 for 20 days**

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that Troy Moore-Spicer, who was not present, waived his right to a hearing within 21 days and requested a hearing date certain. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on April 14, 2015.

LASHARA SCOTT, Correction Officer I, SHERIFF**Case #1-4200, dated 2/26/2015 for 30 days**

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that Lashara Scott, who was not present, waived her right to a hearing within 21 days and requested a hearing date certain. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the matter for hearing certain on May 12, 2015.

VI. Update**A. SUSPENSIONS AND DISCHARGES****KIM LISOWSKI, Clerical Assistant II, SHERIFF****Case #1-3538, dated 03/26/2011 for 10 days****Case #1-4104, dated 04/24/2014 for 2 days****Case #1-4105, dated 04/24/2014 for 5 days**

Case #1-4106, dated 04/24/2014 for 10 days

Case #2-4133, dated 06/26/2014

Case #2-4134, dated 06/26/2014

The Board heard the report of Attorney Craig Johnson, Sweet and Associates, LLC that Kim Lisowski has FMLA cases pending in other venues. The County believes that they may be able to work out a settlement and requested the cases remain at the call of the chair. Attorney Paul Kuglitsch, Assistant Corporation Counsel requested a hearing certain date of May 12, 2015. Attorney Johnson, Sweet and Associates, appeared on behalf of Ms. Lisowski, who was present, and had no objections. Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to schedule the Lisowski matters for hearing certain on May 12, 2015.

B. DISCHARGES

SHEILA CLAYTON, Clerical Assistant, COMPTROLLER

Case #2-4166, dated 11/17/2014

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that Sheila Clayton has a disability retirement application pending before the Pension Board, which could take up to six months to process. Attorney Kuglitsch stated that this matter should be moved back to the Call of the Chair until the process has been complete. Board Chair Daniel Dennehy requested that correspondence be sent to the Pension Board asking for a speedy decision in the matter. Attorney Craig Johnson, Sweet and Associates, LLC agreed with Attorney Kuglitsch. Ms. Lueger moved, Ms. Soberalski seconded, and the Board voted 4-0 to place the Clayton matter back to the call of the chair until the retirement process has been completed.

ANTHONY MOFFETT, Captain, SHERIFF

Case #2-4157, dated 09/24/2014

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that Anthony Moffett has a disability retirement application pending before the Pension Board, which could take up to six months to process. Attorney Kuglitsch stated that this matter should be moved back to the Call of the Chair until the process has been complete. Ms. Lueger moved, Ms. Soberalski seconded, and the Board voted 4-0 to place the Moffett matter back to the call of the chair until the retirement process has been completed.

RODNEY BROWN, Forensic Investigator, MEDICAL EXAMINER

Case #2-4179, dated 01/22/2015

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that Rodney Brown has a disability retirement application pending before the Pension Board, which could take up to six months to process. Attorney Kuglitsch stated that this matter should be moved back to the Call of the Chair until the process has been complete. Rodney Brown appeared in person and agreed with Attorney Kuglitsch. Ms. Bruno moved, Ms. Soberalski seconded, and the Board voted 4-0 to place the Brown matter back to the call of the chair until the retirement process has been completed.

VII. Hearings

A. DISCHARGE

GILLION SIMPSON, IT Manager - Applications, IMSD

Case 2-4171, dated 12/17/2014

The Board heard the report of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that Ms. Simpson has tendered her resignation and requested that the Board lay this matter over one cycle for an update to ensure that Ms. Simpson did not rescind the resignation. Attorney Martin Kuhn, Jeffrey S. Hynes and Associates, agreed with Attorney Kuglitsch. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0), scheduled the Gillion Simpson matter for and update on March 31, 2015.

JOSHUA WOLF, Correction Officer I, SHERIFF

Case 2-4190, dated 02/17/2015

Case 2-4191, dated 02/17/2015

The Board heard the request of Attorney Paul Kuglitsch, Assistant Corporation Counsel, that because of witness availability, the matters of Joshua Wolf be rescheduled for April 28, 2015. Attorney Craig Johnson had no objections. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (4-0) rescheduled the matters for hearing certain on April 28, 2015.

VIII. Adjournment

Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 9:35 a.m.

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

Agenda item for April 9th Civil Service Commission Meeting

Zillig, Molly

Wed 3/4/2015 1:28 PM

To: Ceschin, Rick <Richard.Ceschin@milwaukeecountywi.gov>;

Cc: Gee, Charmaine <Charmaine.Gee@milwaukeecountywi.gov>;

Rick and/or Charmaine:

Could you please agenda an item for the 4/9/2015 Commission hearing. We learned that the Civil Service Rules of Procedure do not have a provision as to a time limit when written charges have to be filed with the Commission after the employee is suspended pending a hearing. Your rules say "immediately." The PRB rules say "3 days." I would like this item placed on the agenda because I plan to ask the commission to amend the rules and adopt the PRB's version. Immediately is ambiguous not to mention shorter than 3 days.

Thanks.

Molly J. Zillig

Assistant Corporation Counsel

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Office 414.278.4311 
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**MILWAUKEE COUNTY CIVIL SERVICE COMMISSION
HEARING PROCEDURES**

(Pursuant to WI. Stat. 63.01 to 63.12)

Section 1. Demotion and dismissal; suspensions; procedures.

Whenever a person possessing appointing power in the county, as to employes under their respective jurisdictions, believes that an employe in the classified service in his department has acted in such a manner as to show him to be incompetent to perform his duties or have merited demotion or discharge, he shall report in writing to the civil service commission, setting forth specifically his complaint, and may suspend the officer or employe without pay at the time such complaint is filed. Nothing in this section shall limit the power of the department head to suspend a subordinate for a reasonable period not exceeding ten (10) days. In case an employe is again suspended within six (6) months for any period whatever, the employe so suspended shall have the right of hearing by the commission on the second suspension or any subsequent suspension within said period the same as herein provided for in demotion or dismissal proceedings. All suspensions shall be immediately reported in writing to the commission. The commission may, in its discretion, investigate any such suspension and in the case of its disapproval the suspended employe shall be immediately reinstated, and any part or all of the pay which he may have lost may be restored to him by order of the commission.

Section 2. Who shall or may file charges.

- (1) It shall be the duty of the superior officer to file charges against any officer or employe subordinate to him and in the classified service if there be cause for demotion or discharge of such officer or employe.
- (2) It is the duty of the director of human resources to file charges against any officer or employe in the classified service upon receipt of evidence showing cause for demotion or discharge of such officer or employe in cases where a department head or appointing authority neglects or refuses to file such charges.
- (3) Charges may be filed by any citizen against an officer or employe in the classified service where in the judgment of the commission, the facts alleged under oath by such citizen and supported by affidavit of one (1) or more witnesses would if charged and established amount to cause for the discharge of such officer or employe.
- (4) The commission shall forthwith notify the accused officer or employe of the filing of such charges and on request provide him with a copy of the same.
- (5) An officer or employe against whom formal charges for discharge or demotion have been filed may be suspended from duty without pay pending a hearing on such charges before the commission and the commission's decision thereon.

Section 3. Filing; notice; hearing.

- (1) In cases involving the filing of charges for discharge or demotion, the commission shall appoint a time and place for the hearing of said charges, the time to be within three (3) weeks after the filing of the same, unless further time be granted by the commission for cause shown, either upon the application of the complainant, the employe or his attorney before the expiration of said three (3) weeks. Notice shall be given the complainant and the employe or his attorney of the time and

MILWAUKEE COUNTY PERSONNEL REVIEW BOARD

RULES OF PROCEDURE

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

Effective: February 3, 2015

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.