

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, June 12, 2012 in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Coral D. Pleas, Patrick E. Doyle, Mr. H. Fred Delmenhorst, Florence H. Dukes and Fran Bauer.

II. Approval of Minutes

Mr. Delmenhorst moved, Mr. Doyle seconded, and the Board by vote of 5-0 approved the minutes of the May 29, 2012 meeting.

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

None

IV. Correspondence

None

V. Call of the Chair

A. REMOVALS

1) Discharges

JUSTIN OWINGS, Facilities Worker 2, DTPW

Mr. Delmenhorst moved, Mr. Doyle seconded, and the Board, by vote of 5-0, accepted the retirement of Justin Owings and closed this case.

ROBERT MORGAN, Park Unit Coordinator, PARKS

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, accepted the retirement of Robert Morgan and closed this case.

RICHARD ALBIDRESS III, Deputy Sheriff, SHERIFF

Ms. Coral D. Pleas, Board President, Personnel Review Board, concluded that the matter could remain on the Personnel Review Board calendar under the Call of the Chair items.

2) Suspensions

RICHARD GRABER, Deputy Sheriff, SHERIFF

Ms. Dukes moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, accepted the retirement of Richard Graber and closed this case.

BRIAN FOX, Deputy Sheriff, SHERIFF

SUS dated 09/28/11 for IA # 11-006 for 5 days

SUS dated 12/08/11 for IA # 11-343 for 1 day

Ms. Coral D. Pleas, Board President, Personnel Review Board, concluded that the matter could remain on the Personnel Review Board calendar under the Call of the Chair items.

B. REMOVALS

1) Discharges

TERESA BRITTON, Correction Officer 1, SHERIFF

DIS dated 02/18/2010 IA # 09-568

DIS dated 02/18/2010 IA # 09-649

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, continued the matter for an update report on June 26, 2012, at the request of union representation.

STEPHEN MOERSCHEL, Registered Nurse 1, SHERIFF

Mr. Delmenhorst moved, Mr. Doyle seconded, and the Board, by vote of 5-0, continued the matter for an update report on June 26, 2012, at the request of Corporation Counsel.

AMY SLACK, Communications & Highway Safety Dispatcher, SHERIFF

DIS dated 09/28/09 for IA # 09-182

DIS dated 09/28/09 for IA # 09-226

Ms. Dukes moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on August 7, 2012, at the request of Ms. Coral D. Please, Board President, Personnel Review Board.

MARSHA SPELLS, Correction Officer 1, SHERIFF

Ms. Coral D. Pleas, Board President, Personnel Review Board, agreed to continue holding the matter to the Call of the Chair, because Ms. Spells filed a complaint with the WERC and is still waiting for the hearing date to be scheduled.

2) Suspensions

DIONNE GREER, Juvenile Correction Officer, Del & Ct Svcs, DHHS

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on October 2, 2012, at the request of union representation.

KIM WAHL, Clerical Assistant 2, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on October 2, 2012, at the request of union representation.

JEREMY ANDERS, Correction Officer, SHERIFF

Ms. Coral D. Pleas, Board President, Personnel Review Board, agreed to continue holding the matter to the Call of the Chair because Mr. Anders is still on medical leave.

VI. First Appearances

A. DISCHARGES

CHELETTE R. SIMMONS, Certified Nursing Assistant, BHD

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, accepted the resignation of Chelette R. Simmons and closed this case.

BRADLEY E. PEELE, Program & Policy Coordinator, AGING

Mr. Doyle moved, Ms. Bauer seconded, and the Board voted 5-0, continued the matter for hearing certain on December 11, 2012, at the request of the employee.

DANIEL J. DOERING, Deputy Sheriff 1, SHERIFF

Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board voted 5-0, continued the matter for hearing certain on January 8, 2013, at the request of union representation.

JACOB D. MILLER, Deputy Sheriff 1, SHERIFF

Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board voted 5-0, continued the matter for hearing certain on January 8, 2013, at the request of union representation.

ILIR SINO, Deputy Sheriff 1, SHERIFF

Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board voted 5-0, continued the matter for hearing certain on January 22, 2013, at the request of union representation.

B. SUSPENSION

SHERRON BATTLE, Certified Nursing Assistant, BHD

Ms. Dukes moved, Mr. Delmenhorst seconded, and the Board voted 5-0, continued the matter for hearing certain on January 8, 2013, at the request of union representation.

VII. Updates

A. DISCHARGE

DONESHA LOVE, Correction Officer 1, SHERIFF

Attorney Lee Jones, Principal Assistant Corporation Counsel for the appointing authority, argued that the employee, Donesha Love, whose discharge hearing was held May 15, 2012, should not be awarded back pay for the period of time her case was held to the Call of the Chair. Attorney Mambu-Rasch stated that the statutes, ordinances, and rules that give the PRB its authority do not allow either party to grieve the PRB's decision. Per Wis. Stat. 63.10, the PRB's decision is final. Attorney Mambu-Rasch argued that the discussion of Ms. Love's back pay award was prohibited, therefore, inappropriate, and objected to the discussion in its entirety. Attorney Jones, sought clarification of the PRB's order because it was unclear whether or not the PRB intended for Ms. Love to be compensated during the period of time her case was held to the Call of the Chair.

The Board confirmed that it was their intention for Ms. Love to be compensated as identified in the letter summarizing the May 15, 2012 hearing; the full written decision should articulate the basis for the PRB's decision. After receiving a copy of the decision, the appointing authority and its counsel could determine at that time whether or not to dispute the PRB's decision and use appropriate legal recourse to do so. The Board stated it had not received any legal basis to reconsider its decision and the matter was closed.

B. SUSPENSIONS

MARKATA SMITH, Correction Officer, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, accepted the resignation of Markata Smith and closed this case.

MARQUETTA R. SEALS, Certified Nursing Assistant, BHD

Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board, by vote of 5-0, accepted the resignation of Marquette R. Seals and closed this case.

VIII. Hearings

A. DEMOTION

JANET HAAS, Deputy Sheriff Sergeant, SHERIFF

Mr. Delmenhorst moved, Mr. Doyle seconded, and the Board, by vote of 5-0, continued the matter for an update report on August 7, 2012, at the request of union representation.

B. SUSPENSIONS

RUSS BOUSHON, Deputy Sheriff, SHERIFF

Mr. Delmenhorst moved, Mr. Doyle seconded, and the Board voted (5-0), accepted the settlement agreement, at the request of the employee and closed this case.

CHRISTOPHER ADAMS, Deputy Sheriff, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board voted (5-0), placed the matter to the Call of the Chair, at the request of union representation. Mr. Adams is currently laid off from employment at Milwaukee County.

C. HEARINGS

WILLIAM A. BROWN, Deputy Sheriff Lieutenant, SHERIFF

Mr. Doyle moved, Ms. Dukes seconded, and the Board, by unanimous vote (5-0) found the evidence was sufficient to sustain the charges, and upheld the 30-day suspension and demoted Mr. Brown from Lieutenant to Sergeant.

Mr. Doyle moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to go into closed session to deliberate the William Brown and Sarah Arredondo matter.

The Board adjourned at 1:00 p.m. for lunch. Mr. Doyle moved, Mr. Delmenhorst seconded, and the Board voted (5-0) reconvened into open session at 2:00 pm.

ARON ARVELO, Correction Officer, SHERIFF

Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board voted (5-0) that Aron Arvelo did not violate the Sheriff Office Rule and Regulation 202.19 and 202.17 and Civil Service Rule VII, Section 4(1), paragraph (m), but found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (k), and (l) to wit; Sheriff Office Rule and Regulation 202.06, 202.14 and 202.26 . Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board voted (5-0) and found the penalty of discharge too severe. The Board imposed a penalty of suspension without pay from October 26, 2011 through June 12, 2012, time served.

Mr. Delmenhorst moved, Mr. Doyle seconded, and the Board reconvened in open session at 3:25 pm.

IX. Adjournment

Mr. Doyle moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, adjourned the meeting at 3:25 PM

Minutes submitted by: Veronica W. Robinson, Executive Secretary