

# **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, August 20, 2013 in Room 203-R of the Milwaukee County Courthouse.

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

### **II. Approval of Minutes**

Ms. Bauer moved, Mr. Delmenhorst seconded and the Board, by vote of 5-0, approved the minutes of the August 6, 2013 meeting.

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

#### **CHARLOTTE HUTCHINS, Human Service Worker, FAMILY CARE**

The Board heard the report of Penni Secore, Staff Representative, District Council 48, AFSCME, to remove all matters of Charlotte Hutchins from the calendar on January 7, 2014 because Ms. Hutchins has retired as of Tuesday, August 13, 2013. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, accepted the retirement of Charlotte Hutchins pending receipt of the retirement paperwork and removed all matters off the calendar.

#### **JOSHUA SALFER, Correction Officer 1, HOC**

The Board heard the report of Paul Kuglitsch, Principal Assistant, Corporation Counsel that an agreement has been reached between HOC and the employee. Mr. Salfer will return back to work 3<sup>rd</sup> shift with a time served suspension as of August 30, 2013. The current IA case will be dismissed and Mr. Salfer will receive one week of training and remain off the mandatory overtime list while in training. Kevin Schoofs, Union President, was present and agreed that Mr. Salfer entered into this agreement. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, accepted the agreement of Joshua Salfer and removed the matter from the calendar that was scheduled for September 17, 2013.

#### **JEANETTE RAMOS, Human Service Worker, FAMILY CARE**

The Board heard the report of Paul Kuglitsch, Principal Assistant, Corporation Counsel that an agreement has been reached between HOC and the employee. The charges of this matter were well founded and the discipline has been reduced from a suspension to a written reprimand. Kevin Schoofs, Union President was present and had no objections to the agreement. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, removed the matter of Jeanette Ramos from the calendar that was scheduled for September 3, 2013.

#### **IV. Correspondence**

None

#### **V. First Appearances**

##### **A. DISCHARGES**

###### **RYAN S. BAKER, Correction Officer 1, SHERIFF**

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, scheduled the matter of Ryan Baker for hearing certain on January 7, 2014 at the report of Veronica W. Robinson, Executive Secretary, Office of the Personnel Review Board, per the request of the employee, who was not present.

###### **RENA PAYNES, Certified Nursing Assistant, BHD**

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, scheduled the matter of Rena Paynes for hearing certain on February 18, 2014 at the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, per the request of the employee, who was not present.

###### **LUCAS FERGOT, Correction Officer 1, HOC**

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, scheduled the matter of Ryan Baker for hearing certain on February 18, 2014 at the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, per the request of the employee, who was not present.

###### **SCOTT DUCHARME, Deputy Sheriff 1, SHERIFF**

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, scheduled the matter of Scott DuCharme for hearing certain on January 21, 2014 at the report of Attorney Graham Weimer, MacGillis Weimer, LLC, legal counsel for the Deputy Sheriff's Association, on behalf of the employee, who was not present.

###### **KATHY ALLEN-OWTEN, Nursing Assistant 1, BHD**

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, scheduled the matter of Kathy Allen-Owten for hearing certain on February 18, 2014 at the request of the employee, who was present. Ms. Pleas advised Ms. Allen-Owten if she planned to have an attorney present she would have to notify them of the date and that the Board intends to move forward with the hearing on February 18, 2014.

##### **B. SUSPENSIONS**

###### **LUCY BARRETO-DELCORE, Airport Maintenance Worker, DTPW**

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, scheduled the matter of Lucy Barreto-Delcore for an update on September 3, 2013 at the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, pending the receipt of waiver of suspension.

###### **ANDREA HEASTON-STEWART, Medical Assistant, SHERIFF**

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, accepted the waiver of Andrea Heaston-Stewart and closed this case.

**KEITH THROWER, Deputy Sheriff 1, SHERIFF**

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, scheduled the matter of Keith Thrower for hearing certain on March 4, 2014 at the report of Attorney Graham Weimer, MacGillis Weimer, LLC, legal counsel for the Deputy Sheriff's Association, on behalf of the employee, who was not present.

**DERRICK WILLIAMS, Correction Officer 1, SHERIFF**

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, scheduled the matter of Derrick Williams for hearing certain on November 26, 2013 at the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel.

**C. GRIEVANCE**

**ALONZO CHAPMAN, Assistant Fire Chief, DTPW-Airport**

The employee appeared with legal counsel Attorney Ray Dall'osto and Attorney Paul Kuglitsch appeared on behalf of the appointing authority. The paperwork for grievance 41448 included an attachment for Mr. Chapman's other grievance 39642, which was not before the Board. Discussion ensued regarding which grievance Mr. Chapman was appealing; the language of 17.207 C.G.O. relative to whether or not he had appealed to the PRB on a timely basis; whether he was required to follow a three or five step process; whether HR would review the matter at each step; and whether proper forms had been filed to the correct area.

*At 9:44 a.m. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (5-0) to discuss the matter in closed session. At 10:36 a.m. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to come out of closed session.*

Upon coming out of closed session, the Board concluded that on May 31, 2013 a Grievance Form had been submitted for Grievance 41448; on June 19, 2013, the department held a hearing and denied his grievance; on July 2, 2013, the department provided a written decision regarding his grievance; and on July 3, 2013, an appeal of the denial was received by the Personnel Review Board. Therefore, the PRB concluded that Mr. Chapman had appealed on a timely basis and that his appeal was not moot. However, the PRB declined to determine whether Mr. Chapman was required to follow a 3 or 5 step process based on his department. Attorney Dall'osto and Attorney Kuglitsch stated on the record that they had reached an agreement; that the Airport Division is under Milwaukee County Department of Transportation which is the successor to Department of Transportation and Public Works (DTPW) and that Mr. Chapman will follow a 5 step process. The PRB declined the request to schedule the matter on their calendar prior to the matter being appealed at the end of the grievance process

**VI. Update**

**A. DISCHARGES**

**SHAKISHA KIMBLE, Certified Nursing Assistant, BHD**

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, accepted the resignation of Shakisha Kimble effective August 1, 2013.

## VII. Hearings

### A. **DISCHARGES**

#### **ALFONSO KENNEL, Facilities Worker, DAS**

(Refer to Agenda item VII C).

#### **JENA SANFORD, Human Service Worker, DHHS**

The Board heard the report of Penni Secore, ASFCME District Council 48, that Jena Sanford had resigned effective August 13, 2013. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, accepted the resignation of Jena Sanford.

#### **ROBERT P. STALOWSKI, Correction Officer 1, SHERIFF**

**DIS dated 11/09/12 for IA # 11-302**

**DIS dated 11/09/12 for IA # 12-368**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, that Robert Stalowski had resigned effective August 19, 2013. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, accepted the resignation of Robert Stalowski.

#### **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 Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, to continue all matters for an update report on September 17, 2013 for the settlement agreement to be approved by the County Board's Judiciary Committee at its September meeting. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, continued all matters of Irby Alexander for an update on Tuesday, September 17, 2013.

### B. **SUSPENSIONS**

#### **DAVID J. SIEJKOWSKI, Correction Officer 1, SHERIFF**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority, the department and Mr. David Siejkowski had come to an oral agreement. The terms of the oral agreement are that the charges were well founded and the 8-day suspension has been reduced to a written reprimand. Captain Rugaber appeared and confirmed the agreement stated and that he spoke with Mr. Siejkowski. Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, accepted the oral agreement of David J. Siejkowski.

### C. **HEARINGS**

*The Board heard the Alfonso Kennell matter. At 12:29 p.m. Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board voted (5-0) to go into closed session to deliberate the Alfonso Kennell matter. After deliberating in closed session, Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board voted (5-0) to come out of closed session at 1:16 p.m.*

**ALFONSO KENNEL, Facilities Worker Security, DAS**

Ms. Bauer moved, Ms. Lueger seconded, and the Board voted unanimously (5-0) that the charges were well founded that Mr. Kennell violated Civil Service Rule VII, Section 4(1), paragraphs (m), (dd) and (ff), but that the evidence was not sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraph (k). Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by unanimous vote (5-0) found that based on the specific facts and circumstances of this case, the penalty of discharge was not supported by the greater weight of the credible evidence. The Board imposed a penalty of suspension without pay from February 9, 2012 through August 20, 2013, time served.

**VIII. Adjournment**

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, adjourned the meeting at 1:21 PM.

Minutes submitted by: Veronica W. Robinson, Executive Secretary