

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, December 11, 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, Fran Bauer and Florence H. Dukes.

II. Approval of Minutes

Ms. Dukes moved, Mr. Doyle seconded and the Board, by vote of 5-0, approved the Amended minutes of the November 13, 2012 meeting.

Mr. Doyle moved, Ms. Dukes seconded and the Board, by vote of 5-0, approved the minutes of the November 27, 2012 meeting.

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

None

IV. Correspondence

None

V. Grievance

CAROL BECK, Psych Social Worker, BHD

Ms. Bauer moved, Mr. Doyle seconded, and the Board, by unanimous vote (5-0) continued this case to the Call of the Chair to be sure that all steps of grievance process have been taken before asking PRB to hear the matter.

VI. First Appearances

A. DISCHARGES

BROOKSIE D. SMITH, Correction Officer 1, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on June 25, 2013, at the request of union representation.

B. SUSPENSIONS

JODY L. CARROLL, Office Assistant 2, BHD - SSCSP

Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on June 25, 2013, at the request of union representation.

KATRINA M. BRAHM, Correction Officer 1, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on June 25, 2013, at the request of the employee.

ABIE L. DOUGLAS JR., Correction Officer 1, SHERIFF

Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board, by vote of 5-0, accepted the waiver of Abie L. Douglas Jr. and closed this case.

JOSEPH L. GIDLUND, Correction Officer 1, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, accepted the waiver of Joseph L. Gidlund and closed this case.

MICHELLE J. LISIECKI, Correction Officer 1, SHERIFF

Mr. Delmenhorst moved, Ms. Dukes seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on June 25, 2013, at the request of the employee.

RAFAEL LOPEZ, Correction Officer 1, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on April 16, 2013, at the request of the employee.

QUINTON N. THOMAS, Correction Officer 1, SHERIFF

Ms. Bauer moved, Mr. Doyle seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on May 14, 2013, at the request of the Board. Mr. Thomas had requested a hearing date in June 2013 but, due to scheduling issues, the Personnel Review Board scheduled Mr. Thomas' hearing on the same date as the three other matters he had pending

VII. Hearings

A. DISCHARGES

SUSAN M. LADELL, Registered Nurse 1, BHD

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

LINDA M. SHIPMAN, Office Support Assistant 2, BHD - Wraparound Division
(Refer to Agenda item VII D)

B. DISCHARGE & SUSPENSION

JEFFREY TASSONE, Correction Officer, SHERIFF

SUS dated 09/02/11 for IA # 11-139 for 60 days

DIS dated 03/05/12 for IA # 12-012

Mr. Delmenhorst moved, Ms. Bauer seconded, and the Board, by vote of 5-0, rescheduled both matters for joint hearing certain on July 9, 2013, at the request of union representation. Attorney Johnson stated for the record that if Mr. Tassone was reinstated, backpay would not be awarded to him beyond December 11, 2012. Attorney Molly Zillig, Principal Assistant Corporation Counsel for the appointing authority and Mr. Tassone agreed.

C. SUSPENSIONS

LESLIE A. OSBORN, Registered Nurse 1, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, accepted the waiver of Leslie A. Osborn and closed this case.

DIANA D. BIAS, Correction Officer 1, SHERIFF

Mr. Doyle moved, Ms. Bauer seconded, and the Board, by vote of 5-0, continued the matter for hearing certain on July 9, 2013, at the request of union representation.

D. HEARINGS

The Board heard the Linda Shipman case. At 11:03 am, Mr. Doyle moved, Ms. Bauer seconded, and the Board voted (5-0) to go into closed session to deliberate the Linda M. Shipman matter.

LINDA M. SHIPMAN, Office Support Assistant 2, BHD - Wraparound Division

Mr. Doyle moved, Ms. Bauer seconded, and the Board voted (5-0) and found the evidence sufficient to sustain the charges, but found the penalty of discharge too severe. In lieu of discharge, Ms. Shipman is suspended from May 18, 2012 through December 10, 2012, time-served. Ms. Shipman is reinstated effective December 11, 2012 and, upon returning to work, will serve a 1,040-hour re-evaluation period imposed by the Board. The terms of the re-evaluation period are attached.

The Board also strongly recommends that Ms. Shipman's appointing authority prepare a packet of written information regarding Milwaukee County's Employee Assistance Program (EAP), retirement eligibility, disability retirement, and leave without pay pursuant to Civil Service Rule VIII, Section 2 for Ms. Shipman's information, use and benefit in the event she determines that she is interested in examining or exercising any of those options.

IMPOSITION OF RE-EVALUATION PERIOD OF LINDA M. SHIPMAN BY THE MILWAUKEE COUNTY PERSONEL REVIEW BOARD

Based on the particular facts surrounding the complaint against Linda M. Shipman, which was submitted to the Milwaukee County Personnel Review Board ("the Board") by Bruce Kamradt, Wraparound Director, DHHS-BHD on May 16, 2012 and again in AMENDED form on May 18, 2012, and which was heard before the Board on December 11, 2012, the Board imposes a re-evaluation period on Ms. Shipman, pursuant to Rule VI, Section 8 of the Board's Rules of Procedure. The re-evaluation period commences December 11, 2012, which is the effective date of her reinstatement to work.

The imposition of this re-evaluation period is not precedent setting and may not be cited as precedent in future disciplinary matters involving other employees appearing before the Board.

TERMS OF THE RE-EVALUATION PERIOD OF LINDA M. SHIPMAN

1. The Charges against Ms. Shipman are well-founded, but due to the particular facts of the case, the penalty of discharge is too severe.
2. In lieu of discharge, Ms. Shipman will serve an unpaid suspension for violation of Civil Service Rule VII, Section 4(1), paragraphs (l), (o), and (t).
3. The suspension of Ms. Shipman commenced on May 18, 2012 and ended December 10, 2012.
4. Ms. Shipman will return to work, effective December 11, 2012.
5. The Board imposes a 1,040 working-hour re-evaluation period of Ms. Shipman, which is effective December 11, 2012.
6. During the re-evaluation period, if Ms. Shipman engages in any of the following conduct or fails to comply with or complete any of the requirements specified below, her actions or failure to act will constitute “just cause” for her discharge from County employment.
 - Refusing or failing to comply with any departmental or county work rule, policy or procedure pertaining to attendance, absenteeism, or FML documentation.
 - Unexcused, unauthorized, or excessive absence as defined by departmental or county policies.

This re-evaluation period shall provide Linda M. Shipman with an opportunity to rectify her conduct as delineated by the Board, so as to conform to the standards required by County management for such conduct. Ms. Shipman shall be on notice from the time of imposition of the re-evaluation period that ***failure to rectify said conduct to the satisfaction of county management may result in her being separated from county employment by the appointing authority at any time during her re-evaluation period.*** Such separation during her re-evaluation period shall be ***without further review by the Board.***

In the event Ms. Shipman is separated prior to completion of the re-evaluation period, her appointing authority shall submit to the Board, on forms provided by the Board, a written statement giving the date and reasons for such separation.

It is the intent of the Board that Ms. Shipman’s re-evaluation period shall not affect her status as it relates to working conditions, employee benefits, or those protections afforded her under Wis. Stats. 63.10, which are unrelated to the conduct for which the Board has imposed this employment re-evaluation period.

DATED: December 11, 2012

Mr. Doyle moved, Ms. Bauer seconded, and the Board voted (5-0) to come out of closed session at 11:59 am.

VIII. Adjournment

Ms. Bauer moved, Mr. Delmenhorst seconded, and the Board, by vote of 5-0, adjourned the meeting at 12:02 PM.

Minutes submitted by: Veronica W. Robinson, Executive Secretary