

POLICE AND FIRE COMMISSION
CITY OF DODGEVILLE, WISCONSIN
RULES AND REGULATIONS

Procedures and By-laws

SECTION I – MISSION AND JURISDICTION

- A. Mission. The mission of the City of Dodgeville Police & Fire Commission shall be to provide authorized citizen oversight of the Dodgeville Police Department, Police Chief, Fire Chief, Fire Fighters, and Police Officers so that they may protect and assist the people of the City of Dodgeville, consistent with their responsibilities to the public.
- B. Jurisdiction. The Police and Fire Commission shall have the authority vested in it by Section 62.13 of the Wisconsin Statutes, subject to Chapter 164 of the Wisconsin Statutes. These powers include:
- a. Appoint the Police Chief and Fire Chief and exercise the power to suspend or remove her or him for cause;
 - b. Approve the appointment and promotion of subordinate Police Officers and approve the procedure to appoint Fire Fighters;
 - c. Provide for the competitive examination of applicants for Police Officer positions and certification of a pool of persons eligible for employment;
 - d. Adopt rules of procedure for selection and establish selection criteria for Police Officers, including their qualifications, providing those qualifications do not conflict with and meet or exceed those qualifications established by state statute or administrative rule;
 - e. Review and act on charges concerning the conduct of and discipline imposed on Police Officers and Firefighters, as permitted by law;
 - f. Supervise reductions in the Department in the event it is necessary to reduce the number of Police Officers; and
 - g. Exercise other and all powers conferred upon the Commission by the Wisconsin Statutes or the City Ordinances.

The Dodgeville Police and Fire Commission are NOT authorized to exercise the optional powers contained in Section 62.13(6) of the Wisconsin Statutes.

- C. Scope of rules. These rules apply to all Sworn Police Department positions and all Fire Department positions, including Command Staff and Chiefs.
- D. Definitions.
- a. “By-Laws” means the City of Dodgeville Police & Fire Commission By-Laws and Rules of Procedure currently in effect.
 - b. “Commission” mean the City of Dodgeville Police & Fire Commission.
 - c. “Council” means the Common Council of the City of Dodgeville.
 - d. “Department” means the City of Dodgeville Police Department or City of Dodgeville Fire Department.
 - e. “Police Officer” means a sworn department employee who performs the duties of a law enforcement officer, defined by State Law.

- f. "Firefighter" means a department employee who performs the duties of a Firefighter or Fireman, defined by State Law.
- g. "Police Officers" all Police Officers as defined in subsection d.
- h. "Police Chief" means the Chief of Police or temporary acting Chief of Police of the Department.
- i. "Fire Chief" means the Chief of the Fire Department or temporary acting Chief of the Fire Department.
- j. "Chief" additionally means the Chief of the Fire Department or temporary acting Chief of the Fire Department or the Chief of the Police Department or temporary acting Chief of the Police Department.

SECTION II – INTERNAL PROCEDURES/ADMINISTRATION

- A. Regular meetings of the Police and Fire Commission may be held in a public building owned by the City of Dodgeville, on the 3rd Mondays of January, April, July and October at 4:30pm unless the President notifies the Commission members that there is no business to bring before the Commission or at such different dates and times as the President may determine based on the availability of members. Notice of any regular meeting shall be given according to the relevant Wisconsin Statutes.
- B. The President may call special meetings at any time, at the request of any member of the Commission, the Chief of Police, the Fire Chief, or the Mayor, upon 24 hour advance notice to each member of the commission and to the public. Notice of any special meeting shall be given according to the relevant Wisconsin Statutes.
- C. The Officers of the commission shall include a President, Vice-President, and a Secretary.
- D. Commission President Duties. The Commission President shall preside over all Commission meetings and hearings. She or he shall receive written charges filed against the Police Chief or Fire Chief or subordinate Police Officers or subordinate Fire Fighters, and when necessary, the Commission President may issue subpoenas to compel the attendance of witnesses in accordance with Chapter 885 of the Wisconsin Statutes. In the event of the Commission President's absence or disability, the Vice President shall assume the duties of the President.
- E. Commission Secretary Duties.
 - a. The Secretary shall receive appeals from action of the Police Chief or Fire Chief, send out notices required by law, ordinances, these By-Laws, or as requested by the Commission, make official publications as may be necessary, attend all Commission meetings and hearings, provide for the taking and recording of testimony and other evidence received at hearings, preserve the evidence in a permanent record, and certify the record to the Circuit court when required by law.
 - b. The Secretary shall keep a minute book, showing all-important facts pertaining to each meeting and hearing. The minutes of each meeting and hearing shall be signed by the Secretary and approved by the Commission. A copy of the unapproved minutes shall be provided each Commission member and the Chief as soon after each meeting as is possible.

- c. After the Commission approves the official records and minutes, the original record shall be filed with the City Clerk.
- d. The Secretary at the direction of the Commission President may conduct correspondence on behalf of the Commission. Any Commission member designated by the Commission President may also conduct correspondence on the Commission's behalf.
- F. At the regular meeting in the month of July, the commission shall elect one of its members to act as President, one to act as Vice-President and one to act as Secretary for a term of one year or until a successor is duly elected. There shall be no limitation on the number of terms any officer may serve but each term shall be for one year commencing from the July meeting. Appointees filling vacancies created by resignation, removal, or death of a commissioner shall serve out the term of their predecessor.
- G. A Commission member may be removed by the Mayor at pleasure in accordance with Wis. Stat. sec. 17.12(1)(c).
- H. Three members of the Commission shall constitute a quorum to conduct business as per Wisconsin Statutes.
- I. The Vice-President shall act on behalf of the President in the President's absence. The Secretary shall preside if both the President and Vice-President are absent.
- J. The regular order of business of the Commission is recommended to be as follows:
 - a. Call to order
 - b. Approval of printed minutes of previous meeting
 - c. Report of the Police Chief
 - d. Report of the Fire Chief
 - e. Unfinished business
 - f. (Closed session per Wisconsin Statutes may apply during a meeting, if the law permits)
 - g. New Business including reports and requests, commissioner requests, etc.
 - h. Any other business which may lawfully come before the Commission including comments from the public
 - i. Adjournment
- K. Personnel records shall be available only through each Department's appointed records custodian and only in accordance with the Wisconsin open records law.
- L. The Commission may waive any specific provision relating to hiring or promotions upon the request of either Chief and upon majority vote of all Commission members present.
- M. The Commission may review specific Rules and Regulations governing conduct or hiring procedures or promotions or evidence rules for a Commission hearing or any other lawful process of the Commission at any time and any amendment thereto may be made on a majority vote of the Commission provided, however, that any such amendment shall comport with Wisconsin Statutes, City ordinances and any relevant collective bargaining agreement.

SECTION III – EMPLOYMENT QUALIFICATIONS AND ELIGIBILITY

A. Qualifications of the Police Chief. For the position of Police Chief, the Commission may, in its discretion, appoint a suitable person, who need not be a member of the

Department or a resident of the City. If the applicant is a nonresident, the applicant must establish residency within as defined by the City of Dodgeville – Personnel Policy.

B. Qualifications for Recruitment. Before an individual may commence employment as a Police Officer, that individual must have met these recruitment qualifications:

- a. Ability to obtain a valid Wisconsin driver's license or other valid operator's permit recognized by the Wisconsin Department of Transportation as authorizing operation of a motor vehicle in Wisconsin prior to beginning employment. The results of a check of the issuing agency's motor vehicle files constitutes evidence of driver's status;
- b. A minimum age of eighteen years. A birth or naturalization certificate shall serve as a evidence of applicant's date of birth;
- c. No conviction for any felony under the laws of the United States, Wisconsin, or any other state or jurisdiction, unless the applicant has been granted an absolute and unconditional pardon;
- d. Possession of a four year bachelor's degree from an accredited college or university is preferred;
- e. Successful completion of a written examination which may include a reading test, incident observation and report writing test, and a testing system for law enforcement;
- f. Oral exam may be conducted by three professional persons selected by the Commission;
- g. Oral exam by the Police & Fire Commission;
- h. Certification by the Training and Standards for Law Enforcement by the State of Wisconsin within the period of probation;
- i. Completion of a background investigation to determine if the applicant is acceptable;
- j. The Commission may require any and all applicants to participate in selection criteria not identified in this document provided that the selection criteria are applied uniformly to all applicants; and,
- k. The applicant shall be free from any physical, emotional, or mental condition, which would render him or her unable to perform their essential duties as a Police Officer. Applicants made a conditional offer of employment will be required to submit to and successfully complete psychological and medical examinations and drug testing. The Commission shall make reasonable accommodations to comply with the Americans with Disabilities Act and any other applicable Federal and State laws.

C. Qualifications of the Fire Chief. For the position of Fire Chief, the Commission may, in its discretion, appoint a suitable person based upon written standards adopted by the Commission and the by-laws of the Fire Department

Qualifications of Assistant Fire Chiefs. For the position of Assistant Fire Chiefs, the Commission may, in its discretion, appoint suitable persons based upon written standards adopted by the Commission

SECTION IV: RECRUITMENT, TESTING AND HIRING OF POLICE OFFICERS.

Police Chief. The Commission shall appoint the Police Chief, who shall hold office during good behavior, subject to suspension or removal by the Commission for just cause. The Commission will determine selection criteria for Police Chief prior to the actual recruitment and selection process. The criteria will be adopted by the Commission at a meeting of the Commission. The recruitment and examination procedure will be designed to assure the most qualified suitable candidate is selected.

Subordinates. The Police Chief shall appoint all subordinate Police Officers using the approved selection criteria and promotion procedures approved by motion prior to any application or examination or as outlined in these By-Laws.

Application. The Commission shall authorize the issuance of forms for making application for appointments. Notice of the time and place for issuing forms shall be given by publication in a newspaper of general circulation in the City of Dodgeville, and by any other means that the Commission may direct, at least ten days prior to issuing forms.

Misrepresentation. Misrepresentation of any material fact contained in the application shall be sufficient cause for excluding the applicant from the examination, or for removing the applicant's name from the eligibility pool, or for the applicant's discharge, at any time from the Department.

Insufficient Application. In order to avoid the expense of examining applicants who are barred from appointment, the application shall be rejected by the Commission or its designee, without further examination, whenever the applications reveals the applicant cannot meet the eligibility requirements.

Changes in Medical Information. A candidate for employment previously rejected by a medical examiner shall not take the examinations provided for in these rules until a certificate from a medical examiner shows that the cause for rejection has been corrected or that some reasonable accommodation of the condition has become available.

Terminated Employees. Any Police Officer dismissed from the Department for disciplinary reasons or a reason other than a layoff for budgetary purposes shall thereafter be ineligible to make application for the appointment to any position in the Department.

Reentry Applications. Any former Police Officer who desires reentry to the Department shall undergo any examination determined necessary by the Commission.

Examination. No person shall be eligible for appointment as a Police Officer unless that person has been examined pursuant to the requirements of this section. The Commission shall hold or authorize the holding of examinations for appointment as Police Officer, and shall fix the date, place, and conditions whenever necessary to meet the needs of the Department.

Delegation.

- a. The Commission may authorize other municipal, state, or private agencies to conduct the examinations and provide a list of those applicants successfully completing same.
- b. The Commission may use the assistance of the Department including the Police Chief, the Mayor, outside consultants, and citizens, as appropriate, in carrying out its duties in this Section.

Position Description. The Mayor, in consultation with the Police Chief, and with the approval of the Common Council, shall establish duties for every position in the Department and include these duties as part of a written position description. The written position description shall include the position title or classification; a brief description of the position; the basic or minimum qualifications to be considered for employment in the position; the level or type of supervision received by the employee; who the employee is responsible to; the type or level of independent judgment used by the employee when performing tasks; the essential functions performed by an employee in the position; other duties that may not be essential but are typically undertaken by an employee in the position; basic abilities and knowledge the employee will need to perform adequately in the position; the type of equipment used by the employee; the location and environment in which the job is usually undertaken; any special environmental or physical requirement the employee may encounter. All position descriptions shall be reviewed and, as necessary, revised regularly.

Eligibility for Examination. Examinations shall be open only to those persons who are eligible for appointment and who possess the requisite qualifications in the conformity with the provisions of these By-Laws or approved hiring criteria.

Substance of Examination. The examination shall be a multi stage assessment process that fairly tests the capacity of the applicants to successfully perform the duties of a police officer. Any applicant who performs any stage of the assessment process unacceptably shall be removed from the process at that point.

- a. Other examinations as deemed necessary by the Commission in the case of individual position selections, provided, however, that the determinations of which examinations are to be required is made prior to commencement of recruitment and is applied to all applicants for a position. It is currently the policy of the Commission to require all applicants made a conditional offer of employment to submit to a medical exam, drug testing, and a psychological evaluation.

Examination Protocol. All examinations shall be carried out under the Commission's supervision. The Commission may designate any suitable municipality or state agency, person or persons to conduct or assist in conducting the examinations. The Commission may fix the compensation to be paid these designated assistants by the City, in conformity with budgetary restraints and other provisions set by the Common Council. All examinations shall comply with the following protocol and Open Records Laws:

- a. Each applicant taking an examination shall follow the instructions given to her or him by the person conducting the examination.
- b. Information relative to applicants' scores shall be strictly confidential and shall not be divulged, except insofar as it may be necessary to determine those applicants eligible for additional testing, or if deemed necessary by the Commission, for a purpose related to administration of the selection process. Under provisions of Section 103.13(6) (c) of the Wisconsin Statutes, an applicant may request and be provided with the score attained on any specific section of the examination or the entire examination.
- c. No applicant shall receive any assistance in any manner during the examination, unless allowed or required by law. A violation of this rule shall subject each applicant involved to exclusion from the examination. Any Commission member or Department employee who violates this rule shall be subject to appropriate sanctions.
- d. No applicant shall be given a second or special competitive test in connection with any examination held, unless it is shown to the Commission's satisfaction that the applicant's failure to take or complete the test was due to a manifest error or mistake for which the Commission or its designated assistants are responsible or a second test is required by law. The nature of the error or mistake shall be set forth in the minutes. The Commission may, in the interest of fairness, void the examination and re-test all applicants.
- e. The Commission or its designated representative shall retain examination papers for three years after the expiration of the eligibility list for which the examination was held.
- f. Each applicant shall present to the person conducting the examination one or more forms of identification that contains the name and a photograph of the applicant.

Eligibility Pool.

- a. The Police Chief may appoint Police Officers only from the eligibility pool (open application for part time) certified by the Commission pursuant to these By-Laws and approved selection criteria.
- b. Upon the conclusion of examinations, the Commission in consultation with the Police Chief shall prepare and certify an eligibility pool that contains the names of applicants who have passed all necessary examinations and are eligible to be appointed if they successfully pass the character investigation, drug tests, psychological evaluation, and the medical examination contingencies.
- c. Whenever it becomes necessary to fill a vacancy in the Department, the Chief shall choose an applicant from the eligibility pool and make a conditional offer of employment as a police officer to the applicant. The conditions of employment shall be the applicant's satisfactory completion of the character investigation, medical exam, drug tests, and psychological evaluation.
- d. The certified pool will expire twelve months from the date of certification unless extended or discontinued by the Commission.

Medical Examination. A physician or physician assistant licensed to practice medicine in Wisconsin and approved by the Commission shall examine every person to whom a

conditional offer of employment has been made pursuant to previous section of these By-Laws. The applicant shall complete a personal medical history, a copy of which is to be submitted to the examining physician. The examination shall be solely for the purpose of verifying that the candidate is capable of meeting the essential occupational requirements of the position, and to address those physical and health requirements that relate to the occupational qualifications for the position involved, or the nature of reasonable accommodations required to enable the applicant to meet these qualifications.

Background Investigation. After a conditional offer of employment has been made, a character investigation shall be conducted to determine whether the applicant possesses any specifically disqualifying criminal record or specific disqualifying person history, all of which shall relate specifically to qualifications of the position involved. The background investigation shall include the following:

- a. The applicant's fingerprints and a search of local, state, and national fingerprint records;
- b. Inquire of all local, county, state, and federal law enforcement agencies of the applicant's current and previous areas of residence;
- c. Investigation at all the applicant's schools attended beyond the age of fourteen, beginning with high school;
- d. Investigation in the applicant's current neighborhood of residence and in neighborhood of former permanent residence;
- e. Investigation in each place of employment. The interview of applicant's current employer should be at or towards the end of the investigation. The applicant's specific permission for the interview must be obtained; and
- f. Investigation of financial and credit histories.

SECTION IV – PROBATIONARY PERIOD

Probation.

- a. All full time appointees, except the Police Chief, shall be on probation for one year from the date of hire. All part time appointees shall be on probation for 2000 hours of employment with the City of Dodgeville. As used in these By-Laws, the term "probation" means the customary initial provisional employment status, subject to terms that include, but are not limited to, the following:
 - a. The employee has no expectation of continued employment, or any contractual or other vested property right in employment;
 - b. The Commission may terminate the employee at any time for any reason; nor is the Commission obligated to state a reason to a probationary employee at termination.
 - c. The employee is not entitled to any showing of cause for termination; and

- d. The employee is not accorded any formal hearing rights of any kind other than those that are necessary to meet constitutional requirements or those specified in Chapter 164 of the Wisconsin Statutes.
- e. If during the first year of actual service in the new position, the person appointed proves unsatisfactory or undesirable for the position, whether the employee is a probationary appointee or a promotional probationary appointee, the Police Chief may terminate or reduce rank (promotion) as approved by the Commission.
 - 1. The probationary appointee shall not be entitled to an appeal from a dismissal or reduction.
 - 2. The Commission in its discretion may extend the probationary period beyond one year if the Police Chief recommends an extension and the extension is allowed by law.
- b. This section shall be administered in conformity with any relevant collective bargaining agreement.

SECTION V – PROMOTIONS AND TRANSFERS WITHIN THE DEPARTMENT.

Promotions.

- a. It is Commission policy to fill vacancies in non-entry level positions by internal promotion, from within the Department, provided a qualified applicant is available.
 - 1. The Commission may, at its sole discretion, open the process to candidates from outside the Department.
 - 2. The internal promotion policy preference as stated in this subsection does not apply to the position of Police Chief, which shall be open to qualified candidates from both inside and outside the Department.
- b. Consistent with the established position description for a vacant position, specific promotional requirements will be established by the Commission prior to the beginning of the selection process.
- c. Notice of the promotional opportunity and the scheduling of promotional examinations shall be authorized by the Commission. The Police Chief shall post appropriate notice to Police Officers of the promotional opportunity on the Department bulletin board. The notice of the promotional opportunity shall be posted at the time the requirements are posted. That posting will be at least ten days prior to the beginning the process. All effort will be made to adjust any department work schedule to accommodate all qualified members who desire the opportunity to compete. If the Department work schedule interferes, the Commission will arrange to schedule examinations so that no one is disqualified due to the needs of the Department.
- d. All qualified members desiring to compete shall apply to the Commission using a written application for the promotion developed by the Commission.

- e. The promotion examination shall consist of appropriate examinations as determined by the Commission prior to the beginning of the selection process.
- f. The selection process shall be weighted one-third to the Chief, one-third to the Commission and one-third to all exam(s).

Acting Chief of Supervisory Officers.

- a. The Commission may appoint a subordinate officer as a temporary acting Chief in the event the Chief retires, resigns, or is temporarily unable to fulfill the Chief's duties. Generally, the rules governing the chain of command shall be followed.
- b. The Chief, only after receiving Commission approval, may appoint a subordinate officer as a temporary acting Sergeant or Lieutenant, in the event that one of those supervisory officers retires, resigns, or is temporarily unable to fulfill his or her duties.
- c. Temporary acting appointments under this subsection shall be for a period not to exceed six months, except that the Commission in its discretion, may extend the temporary acting appointment for [an] additional three month period(s), or to a date or event certain within an additional three month period.

SECTION VI – PROMOTIONAL PROCEDURES – POLICE DEPARTMENT

A. Promotional Potential Process

a. Candidate Evaluation

- i. Review the job specifications and standards for the promotional job
- ii. Consider applicant's personal work record including efficiency, experience, training, attendance, commendations, and disciplinary actions.
- iii. Evaluate the applicant on the basis of his/her merit and apparent ability to perform the duties of the new job, not his/her relative ability as compared with other applicants.
- iv. Recognize individual abilities and limitations for the promotional job in addition to the performance on his/her present job.

2. Characteristics Evaluation

- v. Attitude and Loyalty – consider ability to work towards a common end in harmony with others, attitude toward other employees, departmental and city policies, and willingness to assume additional responsibility. Does candidate show pride in his/her work? Does candidate support his/her superiors? Does candidate contribute toward good morale?
- vi. Technical Skill and Job Knowledge – Has the candidate the knowledge and skill necessary for the promotional job?
- vii. Judgment – Can confidence be placed in his/her judgment? In the absence of superiors, would there be need for worry about his/her decisions? Does candidate show common sense?

- viii. Expression and Communication – Does the candidate express himself/herself clearly and concisely? Are his/her oral and written explanations understandable? Is candidate's language acceptable?
 - ix. Initiative and Resourcefulness – Self-starting energy, mental alertness, adaptability to accommodate changes, and the ability to conceive and execute new ideas will be considered.
 - x. Supervisory and Leadership Ability – The following will be considered: the candidate's ability to plan and organize work, the candidate's capacity to direct, control, and influence others, and demonstrated leadership ability to his/her daily relations with other employees.
- B. Oral Interview
 - a. All successful candidates will participate in an oral interview.
 - b. Members of the Police and Fire Commission and any persons approved by the Commission will conduct the oral interview.
 - c. The oral interview will consist of a series of questions to evaluate the candidate's thinking, reasoning, and problem solving abilities, and communications skills.
 - d. The Police and Fire Commission shall evaluate the final rankings and will approve or disapprove the promotion by the majority vote.
- C. Scoring is recommended and, if used, must be determined prior to commencing the process.
- D. Eligibility List for Promotion
 - a. Upon completion of all required tests, a final eligibility pool will be established by the Chief of Police subject to the approval of the Police and Fire Commission.
- E. Probation Period
 - a. All promoted employees will serve a 12-month probation period. After successful completion of the probationary period, permanent status may be granted.
- F. Job Descriptions
 - a. All Dodgeville Police Department job descriptions are included in the Department Duty Manual.

SECTION VII – HIRING AND PROMOTIONAL PROCEDURES FIRE DEPARTMENT

According to Section 62.13(3), Wisconsin Statutes, the Chief of the Dodgeville Fire Department is to be appointed by the Dodgeville Police and Fire Commission.

- A. Minimum Requirements/Qualifications, Fire Chief
 - a. Must be a member of the Dodgeville Fire Department for at least five (5) years
 - b. Must be able to exhibit technical competence in the field of fire suppression
 - c. Must have some managerial competence for fire administration
 - d. Must exhibit job skill improvements by having participated in seminars, training sessions, and technical course offerings.
 - e. Must meet all selection criteria established by the Commission.

B. Application and selection Procedures may be the same as for the Chief of Police as outlined in these rules and regulations, except the search for a new Fire Chief may be conducted locally and within the Dodgeville Fire Department.

C. Appointment of Acting Police or Fire Chief

- a. Upon notice of a vacancy in the position of Chief, an acting Chief may be appointed by the Commission

All other policies and procedures of the Dodgeville Fire Department are governed by the By-Laws of the Dodgeville Volunteer Fire/Rescue Department pending the acceptance of the Police and Fire Commission.

SECTION VIII– DISCIPLINE, SUSPENSION, REDUCTION, OR DEMOTION.

Suspension or Discharge of the Police Chief or Fire Chief

- a. Investigatory Suspension. The Commission may suspend the Police Chief or Fire Chief upon its own initiative, or pending the investigation of written charges made by a citizen that have been filed with the Commission. The suspension shall be with pay and benefits and shall be for the shortest reasonable duration within which the charges may be investigated and resolved.
- b. In the event that the Commission deems it appropriate and necessary, the Commission may discipline the Police Chief or Fire Chief, including discipline in the form of an unpaid suspension. The Commission shall determine the appropriate discipline to be administered in its sole discretion.
- c. The Commission may, for cause shown, terminate the Police Chief or Fire Chief.
- d. The Police Chief or Fire Chief shall be notified in writing of the charges filed against her or him and shall have the hearing rights provided in Section VIII of these By-Laws, except that Section VIII of these By-Laws apply to the Police Chief or Fire Chief only to the extent required by Wisconsin law.
- e. Section 62.13(5)(a)-(i) of the Wisconsin Statutes apply to disciplinary actions against the Police Chief or Fire Chief pursuant to Section 62.13(5)(j) of the Wisconsin Statutes when applicable and allows the Commission to suspend the Police Chief or Fire Chief pending disposition of charges filed with the Commission.

Discipline, Demotion, Suspension and Termination of Subordinates.

- a. Discipline. The Police or Fire Chief may, for just cause, suspend or impose lesser discipline on a subordinate Police Officer. The Commission may, on its own motion, impose discipline if the Commission believes discipline is warranted after a hearing on charges pursuant to Section VIII. If the Police or Fire Chief suspends a subordinate, he or she shall immediately report it in writing, with the cause, to the Commission.
- b. The Commission may suspend, demote, or terminate a subordinate for just cause.

- c. The Commission shall review any disciplinary action taken or approved by the Police Chief only if the individual affected appeals the decision. Or, may review any historical disciplinary action for any other lawful purpose while carrying out Commission duties.

Who May File Charges. As provided by Section 62.13(5)(b) of the Wisconsin Statutes, charges may be filed against a subordinate by the Police Chief or Fire Chief, by a member of the Commission, by the Commission as body, or by an aggrieved person. Such charges shall be in writing and shall be filed with the Commission President. Pending disposition of charges, the Commission, Police Chief, or Fire Chief may suspend the subordinate. The Commission shall make a form available for filing charges, but charges need not be filed on the form.

Procedure. The Commission hereby adopts procedures further redefining the following administrative details in proceeding toward disposition of charges filed with the Commission as follows:

- a. Pursuant to Section 62.13(5) (d) of the Wisconsin Statutes, after the filing of charges in any case, a copy of the charges shall be served on the Police Officer or Firefighter charged.
- b. The Commission shall set a hearing date within the time frame provided by the statute, i.e., not less than ten days nor more than thirty days after service of the charges on the accused;
- c. The Commission shall cause notice of hearing to be served in the same manner that a summons is served;
- d. Preliminary Meeting. When charges against a Police Officer, Firefighter, Police Chief or Fire Chief are filed with the Commission, if the date of filing is more than ten days prior to the next regular meeting, the Commission President shall call a special meeting of the commission. That meeting may, at the President's discretion, be conducted as an open meeting or a closed session, provided that closed sessions are conducted in accord with Section 19.85 of the Wisconsin Statutes. Should the filing be within ten days of the next regular meeting, it shall not be necessary to call a special meeting, but the charges shall be considered as part of the next regular meeting agenda.
 - i. Notice of regular or special meetings shall be given in the normal and customary manner, but not less than twenty-four hours prior to the meeting. In addition, notice shall be given to the complaint and the accused. A copy of the charges shall be furnished to the accused along with the notice as well as an explanation that delivery does not constitute service. If the meeting is set for closed session, the notice shall advise the accused that he or she has the right to demand that the meeting be conducted in open session.
 - ii. At the preliminary meeting, the Commission, to avoid defamation of the accused, shall read and examine the charges to assure that they are sufficiently specific, and related to police duties, and that if proven they are sufficient to warrant imposition of discipline. The Commission shall also determine

whether the accused should be suspended with pay pending the hearing on the charges.

- iii. Should the charges be found at the preliminary meeting to be insufficient as to form and nature, the charges shall be dismissed. If it appears that the defects in the charges may be cured by providing additional details or facts, the Commission may grant the complainant up to thirty days to supplement the complaint.
 - iv. The accused and the complainant and/or their attorneys may be heard; however, the preliminary meeting shall not hear or evaluate evidence. The Commission's legal counsel shall, upon request of the Commission President, attend such meeting and advise the Commission as to the proceedings.
- e. Direct the obtaining of court reporter for the hearing;
 - f. Establish procedures for issuance of subpoenas by the President and policy as to payment of witness fees;
 - g. Direct the development of the format of the public hearing and direct the furnishing of relevant information to the parties and their attorneys, if any;
 - h. Direct the giving of any required notice of public hearing;
 - i. In the event the parties reach agreement prior to scheduled hearing and have expressed an interest in canceling the hearing, the cancellation requires the concurrence of the Commission.

Public Hearing. A public hearing may be held at regular or special meetings of the Commission at such time as shall be determined by the Commission. All hearings shall be open to the public, except that the Commission may deliberate in closed session. Hearing procedures are as follows:

- a. The accused and the complainant may be represented by counsel;
- b. All testimony of witnesses shall be under oath in the form and manner provided by Chapter 887 of the Wisconsin Statutes;
- c. Commission members may ask questions of the witnesses directly or through the Commission's attorney.
- d. The hearing order generally shall be as follows:
 - a. Reading of the charges by the Secretary.
 - b. Opening statements by the parties, at the Commission's discretion.
 - c. Testimony and introduction of evidence by the complainant to substantiate the charges with right of cross-examination by the accused.
 - d. Testimony and introduction of evidence by the accused with right of cross-examination by the complainant.
 - e. Complainant's arguments.
 - f. Accused's arguments.
 - g. Deliberation and action by the Commission.

Legal Counsel.

- a. The City Attorney shall serve as the Commission's attorney.

- b. Independent legal counsel shall be retained as prosecuting attorney in all cases except when citizens file charges.
- c. Complainant citizens shall prosecute their charges before the Commission either by themselves or by counsel they retain at their own expense.

Deliberation by the Commission:

Standard. No subordinate may be suspended, reduced in rank, or removed by the Commission based on charge filed by the Commission, a member of the Commission, the Police Chief, or an aggrieved person unless the Commission determines that there is just cause to sustain the charges as described in this paragraph. In making its determination, the Commission shall apply the following standards, to the extent applicable, as required by Section 62.13(5) (em) of the Wisconsin Statutes.

- a. Whether the subordinate could reasonable have been expected to have had knowledge of the probable consequences of the alleged conduct.
- b. Whether the rule or order that the subordinate allegedly violated is reasonable.
- c. Whether the Police Chief or Fire Chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.
- d. Whether the effort described under subsection c was fair and objective.
- e. Whether the Police Chief or Fire Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
- f. Whether the Police Chief or Fire Chief is applying the rule or order fairly and without discrimination against the subordinate.
- g. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Department.

Decision of the Commission.

- a. All Commission findings and determinations made after a hearing on charges, and all disciplinary orders based on the findings and determinations shall be filed with the Commission Secretary within three days of the Commission's action these By-Laws.
- b. The Commission shall issue its decision in conformity with Section 62.13(5) (e) of the Wisconsin Statutes, which provides; that if the Commission finds the charges are not sustained, the accused, if suspended pending hearing, shall be immediately reinstated and all lost pay restored. If the Commission determines that the charges are sustained, the accused, by Commission order, may be suspended or reduced in rank and/or removed, as the good of the Department may require.
- c. The commission shall, within three days after hearing, by a majority vote of its members in open meeting, determine whether the charges are sustained by a preponderance of the evidence.
- d. Should the Commission determine that the charges are sustained it shall at once determine whether the good of the service requires disciplinary action by permanent

discharge of the accused, by suspension without pay for a period not exceeding sixty days, by reduction in the rank, or any disciplinary action deemed appropriate.

- e. The Secretary shall keep a record of each hearing, name and address of the accused and complainant, if there be one, a brief description of the charges involved, and the final disposition of the case. The Secretary shall also show on the docket for each case all other important data and dates concerning the case, such as date of filing notice of appeal, date of sending out notices and to whom sent, date of posting of notice of hearing, and the dates of hearings, continuances and final determinations and all exhibits, documents involved in hearing, including a transcript of the proceedings. All documents shall be filed with the secretary. The Secretary may use the assistance of the Commission Legal Counsel or professional court reporters performing these duties.

Appeal. Any person suspended or terminated after hearing may appeal from the order to the circuit Court by serving written notice with the Commission Secretary within ten days after the order is filed, stating the grounds upon which the appeal is based. Within five days thereafter the Commission Secretary shall certify to the Clerk of the Circuit Court the records of the proceedings, including all documents, testimony and minutes. After the taking of the appeal, the proceedings shall be governed by the provisions of Section 62.13(5) (i) of the Wisconsin Statutes.

SECTION IX-- CITIZEN COMPLAINT PROCEDURE

- A. Any person filing a signed complaint against any member of either department shall file the original with the President or presiding officer of the Commission or the Chief of Police or Fire Chief.
- B. The complaint shall be in writing and shall state the following: Name, age, and address of complainant, the name or other clear identification of the accused, the facts which rise to the complaint, including the time and place of the alleged offense, the names of any independent witnesses upon whose testimony the complainant relies, and their current address. The individual filing the complaint must sign the complaint.
- C. If a hearing is required, it shall be conducted according to the procedures outlined in Section VI
- D. The Citizen Complaint Procedure adopted by the Commission is detailed in the Dodgeville Police Department Policy and Procedure Manual and Fire Department Policy and Procedure Manual and posted on the City of Dodgeville web site for the purpose of meeting requirements under law.

SECTION XII – CONSTRUCTION OF BY-LAWS

Federal or State Law. Should any Federal or State law or regulations, or the final decision of any court of competent jurisdiction affect any provision of these By-Laws, the provision or provisions affected shall be deemed to be amended to conform to the law, regulation, or decision. These By-Laws shall be construed to be consistent with the requirements of Federal and State law.

Repeal of Rules. These Commission By-Laws or rules shall not be repealed, amended, or modified except by majority action of the Commission at a commission meeting.

Severability. In the event any portion of these By-Laws is found to be invalid, the remaining portion shall stand.

Adopted at the Regular Meeting of the Police and Fire Commission held on:

This 21, day of July, 2014

President of Commission: *Jerry Whitford*

Member of Commission: *Robert Gralovich*

Member of Commission: *Charles Gates*

Member of Commission: *Robert Zimmerman*

Member of Commission: _____