

2001 SENATE BILL 86

March 13, 2001 – Introduced by Senators RISSER and BURKE, cosponsored by Representatives TRAVIS, MUSSER, J. LEHMAN, STASKUNAS, BERCEAU, D. MEYER, SERATTI, COLON, SYKORA, RYBA and TURNER. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to amend* 59.26 (8) (b) 3. and 62.13 (5) (d); and *to create* 59.52 (8) (am)
2 of the statutes; **relating to:** time limits for a police and fire commission or
3 another governing body to render a decision related to the suspension of a law
4 enforcement officer or firefighter.

Analysis by the Legislative Reference Bureau

Generally, under current law, a local law enforcement officer or firefighter (a county sheriff's deputy or a city, village, or town police officer or firefighter) may be suspended for just cause by his or her "superior." A "superior" of a local law enforcement officer or firefighter is a county sheriff or undersheriff, a majority of the members of a county civil service commission, a county board, a police or fire chief, or a majority of the members of a board of police and fire commissioners. Before a local law enforcement officer or firefighter may be suspended, charges must be filed against the individual. Such charges are filed in writing with the grievance committee of a county civil service commission or with a board of police and fire commissioners.

If a suspended deputy sheriff requests a hearing on the charges that are filed, the grievance committee must schedule a hearing within 3 weeks after the filing of the request. If a suspended police officer or firefighter requests a hearing on the charges that are filed, the board of police and fire commissioners must schedule a hearing not less than 10 days or more than 30 days following service of charges.

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Generally, current law also prohibits a local law enforcement officer or firefighter from being deprived of pay or benefits while suspended pending disposition of the charges.

Under this bill, the body that holds a hearing on charges that are filed against a law enforcement officer or firefighter must render a final decision on the charges not later than 180 days after the hearing is commenced.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 59.26 (8) (b) 3. of the statutes is amended to read:

2 59.26 **(8)** (b) 3. The grievance committee shall, if the officer requests a hearing,
3 appoint a time and place for the hearing of the charges, the time to be within 3 weeks
4 after the filing of such request for a hearing and the committee shall notify the sheriff
5 or undersheriff or the members of the civil service commission, whichever filed the
6 complaint with the committee, and the accused of the time and place of such hearing.
7 If the accused officer makes no request to the grievance committee, then the
8 committee may take whatever action it considers justifiable on the basis of the
9 charges filed and shall issue an order in writing as provided in subd. 5. The
10 committee may take testimony at the hearing, and any testimony taken shall be
11 transcribed. The chairperson of the committee shall issue subpoenas for the
12 attendance of such witnesses as may be requested by the accused. The grievance
13 committee shall render a final decision on the charges not later than 180 days after
14 the date on which the hearing commences.

15 **SECTION 2.** 59.52 (8) (am) of the statutes is created to read:

16 59.52 **(8)** (am) If a law enforcement employee of the county is suspended or
17 suspended and demoted by the civil service commission or the board under the
18 system established under par. (a) and if that system requires charges to be filed and

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1 allows or requires a hearing regarding the charges be held, the civil service
2 commission or the board shall render a final decision on the charges not later than
3 180 days after the date on which the hearing, if one is held, commences.

4 **SECTION 3.** 62.13 (5) (d) of the statutes is amended to read:

5 62.13 (5) (d) Following the filing of charges in any case, a copy thereof shall be
6 served upon the person charged. The board shall set date for hearing not less than
7 10 days nor more than 30 days following service of charges. The hearing on the
8 charges shall be public, and both the accused and the complainant may be
9 represented by an attorney and may compel the attendance of witnesses by
10 subpoenas which shall be issued by the president of the board on request and be
11 served as are subpoenas under ch. 885. The board shall render a final decision on
12 the charges not later than 180 days after the date on which the hearing commences.

13 **SECTION 4. Initial applicability.**

14 (1) This act first applies to suspensions that occur on the effective date of this
15 subsection.

16 (END)