

2001 DRAFTING REQUEST

Bill

Received: **09/05/2000**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Sarah**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

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Subject: **Munis - miscellaneous**

Extra Copies: **rpn, rac**

Pre Topic:

No specific pre topic given

Topic:

Deadline for disciplinary hearings for police officers and firefighters

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 09/07/2000	csicilia 09/08/2000	jfrantze 09/08/2000	_____	lrb_docadmin 09/08/2000	lrb_docadminLocal 02/02/2001	

FE Sent For:

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11 MES 9/7/00

FE Sent For:

<END>

Shovers, Marc

From: Bridgeman, Sarah
Sent: Thursday, June 15, 2000 11:24 AM
To: Shovers, Marc
Subject: Drafting request- ch. 62.13

Marc,

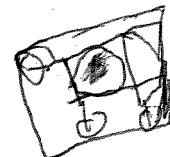
Senator Risser has requested that legislation be drafted to address chapter 62.13(5) relating to disciplinary actions against subordinates.

In the wake of the recent suspension of members of the Madison Fire Department, Senator Risser is concerned about the length of time involved in many disciplinary hearings. There have been cases in which members on suspension have received full pay and benefits for 2 or 3 years while awaiting decision of the police and fire commissions.

Senator Risser requests that a deadline be placed on these disciplinary hearings, and that a decision be made in 6 months or less. This is similar to chapter 757.025 which requires judges to decide cases within 90 days of submission to the court.

Thank you in advance for your assistance. Please let me know if you have any questions.

Sarah Bridgeman
Office of Senator Risser
266-1627





State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0071/1

MES:.....

RMR
gjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen

or another governing body

1 AN ACT ...; relating to: time limits for a police and fire commission to render a
2 decision *related to the suspension of a law 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.

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 after the
14 date on which the hearing commences. days ✓

History: 1975 c. 198; 1977 c. 26; 1983 a. 27; 1983 a. 192 ss. 125, 303 (1); 1989 a. 221; 1991 a. 39, 316; 1993 a. 53; 1995 a. 201 s. 273; Stats. 1995 s. 59.26; 1995 a. 225 ss. 154, 155.

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
19 allows or requires a hearing regarding the charges be held, the civil service

1 commission or the board shall render a final decision on the charges not later than
2 180^{days} after the date on which the hearing, if one is held, commences.

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

4 62.13 (5) (d) Following the filing of charges in any case, a copy thereof shall be
5 served upon the person charged. The board shall set date for hearing not less than
6 10 days nor more than 30 days following service of charges. The hearing on the
7 charges shall be public, and both the accused and the complainant may be
8 represented by an attorney and may compel the attendance of witnesses by
9 subpoenas which shall be issued by the president of the board on request and be
10 served as are subpoenas under ch. 885. The board shall render a final decision on
11 the charges not later than 180^{days} after the date on which the hearing commences.

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182.

12 SECTION 4. Initial applicability.

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

15 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 8, 2000

MEMORANDUM

To: Senator Risser

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-0071 Deadline for disciplinary hearings for police officers and firefighters

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

_____ JACKET FOR ASSEMBLY ~~_____~~ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.