

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/18/2001

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Keckhaver**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters: **champra**

Subject: **Munis - miscellaneous
Employ Pub - collective bargain**

Extra Copies: **RPN**

Submit via email: **NO**

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1138,

Topic:

Provide for arbitration by WERC of discipline by police and fire commissions

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 06/18/2001	gilfokm 06/18/2001	pgreensl 06/18/2001	_____	lrb_docadmin 06/19/2001		
/2	shoveme 06/19/2001	jdyer 06/19/2001	rschluet 06/19/2001	_____	lrb_docadmin 06/19/2001		
/3	shoveme	gilfokm	kfollet	_____	lrb_docadmin		

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B-6/19/01

*gilfokm
6/19*

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12 6/19/01 1/2 6/19 jld
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[Handwritten signatures]

6-19 END>

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/1	shoveme	11-6/18 King	6/18	6/18			
11 MES ORAC 6/18/01							
FE Sent For:							

<END>

Agency: Employment Relations Commission

caucus number 1138

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

other notes

Description2: Provide for arbitration by WERC of discipline by police and fire commissions.

drafting instructions:

more instructions:

Agency: **Employment Relations Commission**

Number of Amendments: 1

Fax Cover Sheet

from the



SENATE DEMOCRATIC CAUCUS

P.O. Box 7882, Madison, WI 53707-7882
Voice 608-266-2257 Fax 608-264-6958

TO: Catherine Haneman

ORGANIZATION: _____

FAX NUMBER: 4-6948

FROM: John Keckhauer

NUMBER OF PAGES (including this page) 2 5

COMMENT(S); _____

This is new.

PROPOSED AMENDMENT

62.13 CITIES

(5) DISCIPLINARY ACTIONS AGAINST SUBORDINATES. (a) A subordinate may be suspended as hereinafter provided as a penalty. The subordinate may also be suspended by the commission pending the disposition of charges filed against the subordinate.

(b) Charges may be filed against a subordinate by the chief, by a member of the board, by the board as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the president of the board. Pending disposition of such charges, the board or chief may suspend such subordinate.

(c) A subordinate may be suspended for just cause, as described in par.(em), by the chief or the board as a penalty. The chief shall file a report of such suspension with the commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the chief requests a hearing before the board or before an arbitrator appointed by the Wisconsin Employment Relations Commission, the chief shall be required to file charges with the board or arbitrator upon which such suspension was based.

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

(e) ~~If the board determines that the charges are not sustained, the accused, if suspended, shall be immediately reinstated and all lost pay restored. If the board determines that the charges are sustained, the accused, by order of the board, may be suspended or reduced in rank, or~~

suspended and reduced in rank, or removed, as the good of the service may require.

(em) No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by ~~the board under par. (c), based on charges filed by the board, members of the board, an aggrieved person or the chief under par. (b), unless the board determines whether~~ there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the board or arbitrator shall apply the following standards, to the extent applicable:

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

2. Whether the rule or order that the subordinate allegedly violated is reasonable.

3. Whether the 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.

4. Whether the effort described under subd. 3. was fair and objective.

5. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.

6. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.

7. Whether the proposed discipline reasonable relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.

(f) Findings and determinations hereunder and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within 3 days thereof with the secretary of the board.

(g) Further rules for the administration of this subsection may be made by the board or collectively bargained with the representative of the bargaining unit of which subordinates are members.

(h) No person shall be deprived of compensation while suspended pending disposition of charges.

(i) Any person or labor organization that represents a person suspended, reduced, suspended and reduced, or removed by the board may appeal from the order of the board to the circuit court by serving written notice of the appeal on the secretary of the board within 10 days after the order is filed or by filing a motion with the circuit court pursuant to s.788.13. Within 5 days after receiving written notice of the appeal, the board or arbitrator shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence is there just cause, as described under par. (em), to sustain the charges against the accused? No costs shall be allowed either party and the clerk's fees shall be paid by the city. If the order of the board or arbitrator is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. If the order of the board or arbitrator is sustained it shall be final and conclusive.

(j) The provisions of pars. (a) to (i) shall apply to disciplinary actions against the chiefs were applicable. In addition thereto, the board may suspend a chief pending disposition of charges filed by the board or by the mayor of the city.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1221/1
MES&RAC.../.....

SDC:.....Keckhaver – CN1138, Provide for arbitration by WERC of discipline
by police and fire commissions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 669, line 17: after that line insert:

3 "SECTION 2003v. 62.13 (5) (c) of the statutes is amended to read:

4 62.13 (5) (c) A subordinate may be suspended for just cause, as described in par.
5 (em), by the chief or the board as a penalty. The chief shall file a report of such the
6 suspension with the commission immediately upon issuing the suspension. No
7 hearing on such the suspension shall be held unless requested by the suspended
8 subordinate. If the subordinate suspended by the chief requests a hearing before the
9 board or before an arbitrator appointed by the Wisconsin employment relations

1 commission, the chief shall be required to file the charges with the board or arbitrator
2 upon which such suspension was based.

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.

3. SECTION 2003vb. 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 or arbitrator shall render a final
11 decision on the charges no later than 180 days after the date on which the hearing
12 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.

13. SECTION 2003vd. 62.13 (5) (e) of the statutes is amended to read:

14 62.13 (5) (e) If the board determines that the charges are not sustained, the
15 accused, if suspended, shall be immediately reinstated and all lost pay restored. If
16 the board determines that the charges are sustained, the accused, by order of the
17 board, may be suspended or reduced in rank, or suspended and reduced in rank, or
18 removed, as the good of the service may require.

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.

19. SECTION 2003vf. 62.13 (5) (em) (intro.) of the statutes is amended to read:

20 62.13 (5) (em) (intro.) No subordinate may be suspended, reduced in rank,
21 suspended and reduced in rank, or removed by the board under par. (e), based on
22 charges filed by the board, members of the board, an aggrieved person or the chief
23 under par. (b), unless the board determines whether there is just cause, as described

1 in this paragraph, to sustain the charges. In making its determination, the board
2 or arbitrator shall apply the following standards, to the extent applicable:

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.

3 **SECTION 2003vh.** 62.13 (5) (g) of the statutes is amended to read:

4 62.13 (5) (g) Further rules for the administration of this subsection may be
5 made by the board or collectively bargained with the representative of the collective
6 bargaining unit of which subordinates are members.

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.

7 **SECTION 2003vj.** 62.13 (5) (i) of the statutes is amended to read:

8 62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or
9 removed by the board, or any labor organization that represents such a person, may
10 appeal from the order of the board to the circuit court by serving written notice of the
11 appeal on the secretary of the board within 10 days after the order is filed or by filing
12 a motion with the circuit court under s. 788.13. Within 5 days after receiving written
13 notice of the appeal, the board or arbitrator shall certify to the clerk of the circuit
14 court the record of the proceedings, including all documents, testimony and minutes.
15 The action shall then be at issue and shall have precedence over any other cause of
16 a different nature pending in the court, which shall always be open to the trial
17 thereof. The court shall upon application of the accused or of the board fix a date of
18 trial, which shall not be later than 15 days after such application except by
19 agreement. The trial shall be by the court and upon the return of the board, except
20 that the court may require further return or the taking and return of further
21 evidence by the board. The question to be determined by the court shall be: Upon the
22 evidence is there just cause, as described under par. (em), to sustain the charges
23 against the accused? No costs shall be allowed either party and the clerk's fees shall

1 be paid by the city. If the order of the board is reversed, the accused shall be forthwith
 2 reinstated and entitled to pay as though in continuous service. If the order of the
 3 board is sustained it shall be final and conclusive.”

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.

4 **2.** Page 913, line 2: after that line insert:

5 “SECTION 2610s. 111.71 (2e) of the statutes is created to read:

6 111.71 (2e) If requested under s. 62.13 (5) (c), the commission shall appoint an
 7 arbitrator for the purposes of that subsection.”

8 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1221/1dn
MES&RAC.....

King

John Keckhaver:

✓
This amendment is drafted consistent with the marked-up copy of the statutes you submitted, but it seems that the cross-reference to s. 788.13 in s. 62.13 (5) (i) is erroneous. Section 788.13 deals with motions to change an award, not a motion to deal with an adverse decision in a disciplinary proceeding. *that*

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

DRAFTER'S NOTE
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LRBb1221/1dn
MES&RAC:kmg:pg

June 18, 2001

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Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1221/2
MES&RAC:kmg:pg

RMR +ild

SDC:.....Keckhaver – CN1138, Provide for arbitration by WERC of discipline by police and fire commissions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

only change is on p. 3

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 669, line 17: after that line insert:
- 3 “SECTION 2003v. 62.13 (5) (c) of the statutes is amended to read:
- 4 62.13 (5) (c) A subordinate may be suspended for just cause, as described in par.
- 5 (em), by the chief or the board as a penalty. The chief shall file a report of such the
- 6 suspension with the commission immediately upon issuing the suspension. No
- 7 hearing on such the suspension shall be held unless requested by the suspended
- 8 subordinate. If the subordinate suspended by the chief requests a hearing before the
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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
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14 62.13 (5) (e) ~~If the board determines that the charges are not sustained, the~~
15 ~~accused, if suspended, shall be immediately reinstated and all lost pay restored. If~~
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17 ~~board, may be suspended or reduced in rank, or suspended and reduced in rank, or~~
18 ~~removed, as the good of the service may require.~~

19 **SECTION 2003vf.** 62.13 (5) (em) (intro.) of the statutes is amended to read:

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24 ~~in this paragraph, to sustain the charges. In making its determination, the board~~
25 or arbitrator shall apply the following standards, to the extent applicable:

1 **SECTION 2003vh.** 62.13 (5) (g) of the statutes is amended to read:

2 62.13 (5) (g) Further rules for the administration of this subsection may be
3 made by the board or collectively bargained with the representative of the collective
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23 reinstated and entitled to pay as though in continuous service. If the order of the
24 board is sustained it shall be final and conclusive.”

Shovers, Marc

From: Keckhaver, John
Sent: Tuesday, June 19, 2001 11:42 AM
To: Shovers, Marc; Champagne, Rick
Cc: Burnett, Douglas
Subject: regarding reference in arbitration item LRB 1221/1

Marc,
We would like to restore the reference which we've been discussing, to the way it originally appeared in draft 1221/1. In other words, referencing 788.13 in s. 62.13 (5)(i).
John



~~XXXXXXXXXX~~ *Rmk*

SDC:.....Keckhaver – CN1138, Provide for arbitration by WERC of discipline by police and fire commissions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

D/NOTE

only change is on p. 3

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3 made by the board or collectively bargained with the representative of the collective
4 bargaining unit of which subordinates are members.

5 **SECTION 2003vj.** 62.13 (5) (i) of the statutes is amended to read:

6 62.13 (5) (i) ~~Any~~ ^{if any} person ^{is} suspended, reduced, suspended and reduced, or
7 removed by the board, ~~or any labor organization that represents such a person,~~ ^{the person} may
8 appeal from the order of the board to the circuit court by serving written notice of the
9 appeal on the secretary of the board within 10 days ^{→ 788.13} after the order is filed or by filing
10 a motion with the circuit court. ^{under D. 788.13} Within 5 days after receiving written notice of the
11 appeal, the board or arbitrator shall certify to the clerk of the circuit court the record
12 of the proceedings, including all documents, testimony and minutes. The action shall
13 then be at issue and shall have precedence over any other cause of a different nature
14 pending in the court, which shall always be open to the trial thereof. The court shall
15 upon application of the accused or of the board fix a date of trial, which shall not be
16 later than 15 days after such application except by agreement. The trial shall be by
17 the court and upon the return of the board, except that the court may require further
18 return or the taking and return of further evidence by the board. The question to be
19 determined by the court shall be: Upon the evidence is there just cause, as described
20 under par. (em), to sustain the charges against the accused? No costs shall be allowed
21 either party and the clerk's fees shall be paid by the city. If the order of the board is
22 reversed, the accused shall be forthwith reinstated and entitled to pay as though in
23 continuous service. If the order of the board is sustained it shall be final and
24 conclusive.”.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1221/3dn
MES:kmg:kjf

June 19, 2001

This version of the amendment restores the cross-reference to s. 788.13, in s. 62.13 (5) (i), as requested in your e-mail. Linking the right to appeal to a completely unrelated cross-reference, such as s. 788.13, seems to limit the appeal rights which you seem to want to expand. Is this your intent? I believe that removing the cross-reference to s. 788.13 is the best way to achieve your intent.

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SDC:.....Keckhaver – CN1138, Provide for arbitration by WERC of discipline
by police and fire commissions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 669, line 17: after that line insert:

3 “**SECTION 2003v.** 62.13 (5) (c) of the statutes is amended to read:

4 62.13 (5) (c) A subordinate may be suspended for just cause, as described in par.
5 (em), by the chief or the board as a penalty. The chief shall file a report of ~~such~~ the
6 suspension with the commission immediately upon issuing the suspension. No
7 hearing on ~~such~~ the suspension shall be held unless requested by the suspended
8 subordinate. If the subordinate suspended by the chief requests a hearing before the
9 board or before an arbitrator appointed by the Wisconsin employment relations

1 commission, the chief shall be required to file the charges with the board or arbitrator
2 upon which such suspension was based.

3 **SECTION 2003vb.** 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 or arbitrator shall render a final
11 decision on the charges no later than 180 days after the date on which the hearing
12 commences.

13 **SECTION 2003vd.** 62.13 (5) (e) of the statutes is amended to read:

14 62.13 (5) (e) ~~If the board determines that the charges are not sustained, the~~
15 ~~accused, if suspended, shall be immediately reinstated and all lost pay restored. If~~
16 ~~the board determines that the charges are sustained, the accused, by order of the~~
17 ~~board, may be suspended or reduced in rank, or suspended and reduced in rank, or~~
18 ~~removed, as the good of the service may require.~~

19 **SECTION 2003vf.** 62.13 (5) (em) (intro.) of the statutes is amended to read:

20 62.13 (5) (em) (intro.) No subordinate may be suspended, reduced in rank,
21 suspended and reduced in rank, or removed ~~by the board under par. (e), based on~~
22 ~~charges filed by the board, members of the board, an aggrieved person or the chief~~
23 ~~under par. (b), unless the board determines whether there is just cause, as described~~
24 ~~in this paragraph, to sustain the charges. In making its determination, the board~~
25 or arbitrator shall apply the following standards, to the extent applicable:

1 **SECTION 2003vh.** 62.13 (5) (g) of the statutes is amended to read:

2 62.13 (5) (g) Further rules for the administration of this subsection may be
3 made by the board or collectively bargained with the representative of the collective
4 bargaining unit of which subordinates are members.

5 **SECTION 2003vj.** 62.13 (5) (i) of the statutes is amended to read:

6 62.13 (5) (i) ~~Any~~ If any person is suspended, reduced, suspended and reduced,
7 or removed by the board, the person or any labor organization that represents such
8 a person may appeal from the order of the board to the circuit court by serving written
9 notice of the appeal on the secretary of the board within 10 days after the order is filed
10 or by filing a motion with the circuit court under s. 788.13. Within 5 days after
11 receiving written notice of the appeal, the board or arbitrator shall certify to the clerk
12 of the circuit court the record of the proceedings, including all documents, testimony
13 and minutes. The action shall then be at issue and shall have precedence over any
14 other cause of a different nature pending in the court, which shall always be open to
15 the trial thereof. The court shall upon application of the accused or of the board fix
16 a date of trial, which shall not be later than 15 days after such application except by
17 agreement. The trial shall be by the court and upon the return of the board, except
18 that the court may require further return or the taking and return of further
19 evidence by the board. The question to be determined by the court shall be: Upon the
20 evidence is there just cause, as described under par. (em), to sustain the charges
21 against the accused? No costs shall be allowed either party and the clerk's fees shall
22 be paid by the city. If the order of the board is reversed, the accused shall be forthwith
23 reinstated and entitled to pay as though in continuous service. If the order of the
24 board is sustained it shall be final and conclusive.”.

