

2007 DRAFTING REQUEST

Bill

Received: 01/12/2007

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - munis generally

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Disciplinary procedures for certain local law enforcement officers and firefighters

Instructions:

See Attached. Companion to LRB -0925/1

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>
/?	mshovers 01/12/2007	jdyer 01/12/2007		_____			S&L
/1	mshovers 01/25/2007	jdyer 01/26/2007	jfrantze 01/12/2007	_____	sbasford 01/12/2007	mbarman 01/30/2007	
			jfrantze 01/26/2007	_____	sbasford 01/26/2007		

FE Sent For:

*at intro
2/1/07*

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			jfrantze 01/26/2007	_____	sbasford 01/26/2007		

FE Sent For:

for senate
per John
in Hansen's
office

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/?	mshovers 01/12/2007	jdye 01/12/2007		_____			S&L
/1		1/25 jld	jfrantze 01/12/2007	_____	sbasford 01/12/2007		

FE Sent For:

J. Sell
1/26
<END>

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May Contact:

Addl. Drafters: **CMH**

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/?	mshovers	1 1/2 jld	<i>[Signature]</i>	<i>[Signature]</i>			
		11 MES 1/12/07		1/12			

FE Sent For:

<END>

Shovers, Marc

From: Wadd, Jay
Sent: Friday, January 12, 2007 10:39 AM
To: Shovers, Marc
Subject: FW: Drafting Request PPA legislation

Attachments: police disciplinary procedure.pdf

Marc,

Can't recall if I requested a Senate draft of this bill. If not, can you turn this around for me? I thought I'd requested it but if not I'm behind the eight ball on this.

Thanks,

Jay

From: Nowlan, Andrew
Sent: Friday, January 05, 2007 3:58 PM
To: Wadd, Jay
Subject: PPA legislation (Bies)

Jay, here is the bill draft, let me know what you think. Attached is also the co sponsorship draft text from last session.



police disciplinary
procedure....

=====
Under current law and except in Milwaukee, if a local public safety officer (police officer or fire fighter) is disciplined as a result of a determination by a local tribunal, that officer has the right to appeal the decision to the circuit court. However, as a result of a recent Wisconsin Supreme Court decision, county law enforcement officers may appeal to either the circuit court or utilize the grievance procedures contained within the officer's collective bargaining agreement.

Under this proposal, an accused city, village or town public safety officer subject to a collective bargaining agreement that contains an alternative to the circuit court appeals process may use the alternative grievance process. If the accused does opt for the alternative grievance process, the option to appeal the tribunal's decision to the circuit court is forfeit.

=====
Andrew Nowlan
Research Assistant
Office of Rep. Garey Bies

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: MES) (Date: 1/12/07)



Please transfer the drafting file for

2005 LRB _____ to the drafting file

for 2007 LRB _____

The final version of the 2005 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2005 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2005 draft was incorporated into a 2007 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the 2007 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

-- OR --

Please copy the drafting file for

2007 LRB -0925/1 _____ (include the version) and place it in the

drafting file for 2007 LRB -1500/1

For research purposes, because the original 2007 draft was incorporated into another 2007 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the new 2007 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

-1500/1
8CmtH
stays
RMNR

2007 BILL

today
1/12/07

gen

1 AN ACT *to amend* 62.13 (5) (i) of the statutes; **relating to:** disciplinary
2 procedures for certain local law enforcement officers and fire fighters.

Analysis by the Legislative Reference Bureau

Generally, under current law, a law enforcement officer or fire fighter employed by a city, village, town, or county (local public safety officer) may be disciplined by a police or fire chief, sheriff, county board, civil service commission, grievance committee, or board of police and fire commissioners, depending on the unit of government for which the officer works and whether the county for which the officer works has in effect a civil service system. Discipline, under current law, includes suspension, reduction in rank, suspension and reduction in rank, and dismissal.

Also under current law, except with regard to police officers and fire fighters employed by a first class city (presently only Milwaukee), no local public safety officer may be suspended, reduced in rank, suspended and reduced in rank, or dismissed by a grievance committee, civil service commission, county board, or board of police and fire commissioners (tribunal) unless the tribunal determines that there is "just cause," as described in the statutes, to sustain the charges that have been brought against the local public safety officer. If the charges are sustained and the officer is disciplined under an order of the tribunal, he or she may appeal the order to the circuit court, except that a county law enforcement officer, under a recent decision of the Wisconsin Supreme Court, may proceed either with an appeal to the circuit court or with the grievance procedures, including arbitration, in the officer's collective bargaining agreement. The trial based on the appeal is before the court. The court must determine whether, upon the evidence and based on the statutory

BILL

description of “just cause,” to sustain the charges against the accused officer and the tribunal’s order. If the charges and the tribunal’s order are sustained, the tribunal’s order is final and conclusive. If the court reverses the tribunal’s order, the officer is reinstated and entitled to pay as though he or she were in continuous service. Similar procedures, other than the “just cause” standard, apply to police officers employed by a first class city.

Under this bill, for city, village, or town public safety officers, if an accused officer is subject to the terms of a collective bargaining agreement that provides an alternative to the appeal process to a circuit court, the appeal process in the collective bargaining agreement applies to the accused officer and not the current law process that involves an appeal to a circuit court, unless the officer chooses to appeal the tribunal’s decision to a circuit court. If the alternative to the appeals process includes a hearing, the hearing must be open to the public. An accused officer who chooses to appeal the tribunal’s decision through a collectively bargained alternative to the current law appeal process is considered to have waived his or her right to circuit court review of the tribunal’s decision. The provisions of this bill do not apply to police officers or fire fighters employed by a first class city.

For further information see the *state and 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:

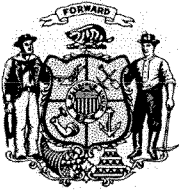
1 SECTION 1. 62.13 (5) (i) ^X of the statutes is amended to read:

2 62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or
3 removed by the board may appeal from the order of the board to the circuit court by
4 serving written notice of the appeal on the secretary of the board within 10 days after
5 the order is filed. Within 5 days after receiving written notice of the appeal, the board
6 shall certify to the clerk of the circuit court the record of the proceedings, including
7 all documents, testimony and minutes. The action shall then be at issue and shall
8 have precedence over any other cause of a different nature pending in the court,
9 which shall always be open to the trial thereof. The court shall upon application of
10 the accused or of the board fix a date of trial, which shall not be later than 15 days
11 after such application except by agreement. The trial shall be by the court and upon
12 the return of the board, except that the court may require further return or the taking

BILL

1 and return of further evidence by the board. The question to be determined by the
2 court shall be: Upon the evidence is there just cause, as described under par. (em),
3 to sustain the charges against the accused? No costs shall be allowed either party
4 and the clerk's fees shall be paid by the city. If the order of the board is reversed, the
5 accused shall be forthwith reinstated and entitled to pay as though in continuous
6 service. If the order of the board is sustained it shall be final and conclusive. This
7 paragraph does not apply to any person who is suspended, reduced, suspended and
8 reduced, or removed by the board or by a committee or person acting under this
9 subsection in place of a board, and who is subject to the terms of a collective
10 bargaining agreement entered into under subch. IV of ch. 111 that provides an
11 alternative to the appeals procedure specified in this paragraph, unless the person
12 chooses to appeal the order to circuit court. If the alternative to the appeals
13 procedure includes a hearing, the hearing shall be open to the public with reasonable
14 advance notice given by the employer. An accused person who chooses to appeal the
15 decision of the board through a collectively bargained alternative to the appeals
16 procedure specified in this paragraph is considered to have waived his or her right
17 to circuit court review of the board decision.

18 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1500/1
MES&CMH:jld:jf

RmNA

2007 BILL

D-note

WANTED!
Fri a.m.

Regen

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 16 procedure specified in this paragraph is considered to have waived his or her right
 17 to circuit court review of the board decision.

(END)

✓
DNS
3-18

d-note
↓

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

-1500/2ins
LRB-0925/1ins
MES:jld:sh

INS 3-18

SECTION 1. Initial applicability.

(1) This act first applies to a person who is suspended, reduced, suspended and reduced, or removed on the effective date of this subsection. ✓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

date

-1500/2
LRB-0925/1dn
MES:jdsh

KEEP

Senator Hansen:

This version of the bill adds an initial applicability provision.

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

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1500/1dn
MES:jld:jf

January 26, 2007

Senator Hansen:

This version of the bill adds an initial applicability provision.

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