

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2007 SENATE BILL 176**

March 5, 2008 – Offered by Representative ALBERS.

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

2 **1.** Page 1, line 3: before “1st class” insert “deputy sheriff’s, county law
3 enforcement employee’s, and”.

4 **2.** Page 3, line 1: before that line insert:

5 “**SECTION 1d.** 59.26 (9) (a) of the statutes is amended to read:

6 59.26 (9) (a) ~~A~~ Except as provided in par. (d), a deputy sheriff in any county
7 may not be suspended or dismissed under sub. (8) or s. 59.52 (8) or 63.10 without pay
8 or benefits, for any action taken that is within the scope of the deputy’s employment,
9 until the matter that is the subject of the suspension or dismissal is disposed of by
10 the grievance committee or civil service commission or the time for appeal of that
11 matter passes without an appeal being made.

12 **SECTION 1g.** 59.26 (9) (d) of the statutes is created to read:

1 59.26 **(9)** (d) Following a discharge or suspension under sub. (8) or s. 59.52 (8)
2 or 63.10, no deputy sheriff or other law enforcement employee of the county is
3 entitled to any salary or wages from the department pending an appeal of the
4 discharge or suspension to the board, the grievance committee, or the civil service
5 commission if charges relating to an offense, as defined in s. 62.50 (1e), are also
6 pending against the deputy or employee and such charges arose out of the same
7 conduct or incident that serves as the basis for the discharge or suspension. If the
8 charges against the deputy or employee are dismissed, or if the deputy or employee
9 is found not guilty of the charges, the deputy or employee shall be reinstated and
10 entitled to pay as if he or she was in continuous service.

11 **SECTION 1k.** 59.52 (8) (b) (intro.) of the statutes is amended to read:

12 59.52 **(8)** (b) (intro.) ~~A~~ Except as provided in s. 59.26 (9) (d), a law enforcement
13 employee of the county may not be suspended, demoted, dismissed or suspended and
14 demoted by the civil service commission or by the board, based either on its own
15 investigation or on charges filed by the sheriff, unless the commission or board
16 determines whether there is just cause, as described in this paragraph, to sustain the
17 charges. In making its determination, the commission or the board shall apply the
18 following standards, to the extent applicable.”.

19 **3.** Page 3, line 1: delete “**SECTION 1**” and substitute “**SECTION 1s**”.

20 **4.** Page 8, line 4: after that line insert:

21 “**SECTION 9m.** 63.10 (1) of the statutes is amended to read:

22 63.10 **(1)** Whenever a person possessing appointing power in the county, the
23 chief executive officer of a department, board or institution, the county park
24 commission, county election commission, civil service commission, and county board

1 of welfare as to officers and employees under their respective jurisdictions, believes
2 that an officer or employee in the classified service in that person's, commission's or
3 board's department has acted in such a manner as to show the officer or employee
4 to be incompetent to perform the officer's or employee's duties or to have merited
5 demotion or dismissal, the person, commission or board shall report in writing to the
6 civil service commission setting forth specifically the complaint against the officer
7 or employee, and may suspend the officer or employee at the time such complaint is
8 filed. It is the duty of the director of personnel to file charges against any officer or
9 employee in the classified service upon receipt of evidence showing cause for
10 demotion or discharge of the officer or employee in cases where a department head
11 or appointing authority neglects or refuses to file charges. Charges may be filed by
12 any citizen against an officer or employee in the classified service where in the
13 judgment of the commission the facts alleged under oath by the citizen and supported
14 by affidavit of one or more witnesses would if charged and established amount to
15 cause for the discharge of the officer or employee. The commission shall forthwith
16 notify the accused officer or employee of the filing of the charges and on request
17 provide the officer or employee with a copy of the same. Nothing Except as provided
18 in s. 59.26 (9) (d), nothing in this subsection shall limit the power of the department
19 head to suspend a subordinate for a reasonable period not exceeding 10 days. In case
20 an employee is again suspended within 6 months for any period whatever, the
21 employee so suspended shall have the right of hearing by the commission on the
22 second suspension or any subsequent suspension within said period the same as
23 herein provided for in demotion or dismissal proceedings.”.

