

1983 Senate Bill 56

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1983 Wisconsin Act 179

AN ACT *to amend* 62.50 (1m), (6) and (23); and *to repeal and recreate* 62.50 (3) of the statutes, *relating to* authority of the board of police and fire commissioners and the chief engineer of the fire department and the chief of police of 1st class cities.

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

SECTION 1. 62.50 (1m), (6) and (23) of the statutes are amended to read:

62.50 (1m) POLICY REVIEW. The board shall conduct at least once each year a policy review of all aspects of the operations of the police and fire departments of the city. ~~The board shall consider but not limit its review to procedures relating to, promotion, work rules and any other procedure relating to the conduct of employes of the police and fire department~~ The board may prescribe general policies and standards for the departments.

The board may inspect any property of the departments, including but not limited to books and records, required for a review under this section.

(6) APPOINTMENT OF CHIEFS. If a vacancy exists in the office of chief of police or in the office of chief engineer of the fire department, the board by a majority vote shall appoint proper persons to fill such offices respectively, ~~subject to suspension and removal as provided in this section.~~ When filling a vacancy in the office of chief of police or in the office of chief engineer of the fire department occurring after June 15, 1977, the board shall appoint the person to a term of office the number of years and commencement date of which shall be set by the city of the 1st class by ordinance and which may not exceed 10 years, or for the remainder of an unexpired term.

(23) DUTIES OF CHIEF. The chief engineer of the fire department and the chief of police of a 1st class city, shall be the head of their respective departments. The chief of police shall ~~cause preserve~~ preserve the public peace ~~to be preserved~~ and see that enforce all laws and ordinances of the city ~~are enforced~~. The chief ~~chiefs~~ shall be responsible for the efficiency and general good conduct of the department ~~under his or her~~ their control. ~~The chief of each department shall prescribe rules for the government of the members of the department. Any rule prescribed by a chief shall be subject to review and suspension by the board. The board may prescribe a rule to replace any rule the board suspends. A chief may not suspend any rule prescribed by the board. The board may prescribe a procedure for the prescription of rules by a chief or by the board and for the review and suspension of rules by the board. Such procedure may include, without limitation because of enumeration, a provision that a rule not take effect until the rule is reviewed and approved by the board. The rules of each department shall be available to the public at a cost not to exceed the actual copying costs. The board may review the efficiency and general good conduct of the departments. A chief shall act as an advisor to the board when the board reviews his or her department. The board may issue written directives to a chief based on a review of the chief's department. The chief receiving a directive shall implement the directive unless the directive is overruled in writing by the mayor. Each of the chiefs shall maintain and have the custody and control of all public property pertaining to of their respective departments. They shall have the custody and control of, including but not limited to, all books, and records, machines, tools, implements and any apparatus necessary for use in each of the departments, which shall be available and subject to inspection by the board.~~

SECTION 2. 62.50 (3) of the statutes is repealed and recreated to read:

62.50 (3) RULES. (a) The board may prescribe rules for the government of the members of each department and may delegate its rule-making authority to the chief of each department. The board shall prescribe a procedure for review, modification and suspension of any rule which is prescribed by the chief, including, but not limited to, any rule which is in effect on the effective date of this paragraph (1983).

(am) The common council may suspend any rule prescribed by the board under par. (a).

(b) The board shall adopt rules to govern the selection and appointment of persons employed in the police and fire departments of the city. The rules shall be designed to secure the best service for the public in each department. The rules shall provide for ascertaining, as far as possible, physical qualifications, standing and experience of all applicants for positions, and may provide for the competitive examination of some or all applicants in such subjects as are deemed proper for the purpose of best determining the applicants' qualifications for the position sought. The rules may provide for the classification of positions in the service and for a special course of inquiry and examination for candidates for each class.

(c) The rules of each department shall be available to the public at a cost not to exceed the actual copying costs.

SECTION 3. **Initial applicability.** The treatment of section 62.50 (3) (a) and (am) of the statutes, as created by this act, which effects a requirement that the board of police and fire commissioners in 1st class cities prescribe a procedure for review, modification and suspension of police and fire department rules, first applies to the board 90 days after the effective date of this act.
