



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 114
[2007 Senate Bill 176]

**Payment of First Class City Police
Officer's Salary After Discharge or
Suspension**

2007 Wisconsin Act 114 does the following:

1. *Payment of a First Class City Police Officer's Salary After Discharge or Suspension.*

Under *prior law*, no member of the police force of a first class city (currently, only Milwaukee) could be discharged or suspended without pay or benefits until the matter that was the subject of the discharge or suspension was disposed of by the Board of Fire and Police Commissioners (board) or the time for an appeal passed without an appeal being made. [Note: Currently, no member of a police force of a second, third, or fourth class city may be deprived of compensation while suspended, pending disposition of the charges.]

Under current law, if the board's decision upholding the discharge or suspension is reversed, the member must be reinstated to his or her former position in the department and is entitled to pay as if he or she was not discharged or suspended. Similar provisions apply to a second, third, or fourth class city police officer whose suspension or removal is reversed.

Under *Act 114*, no member of a first class city police force is entitled to any salary or wages from the department pending an appeal to the board of the officer's discharge or suspension if: (a) *felony criminal, or Class A or B misdemeanor, charges* are also pending against the officer; and (b) the charges arose out of the same conduct or incident that serves as the basis for the discharge or suspension.

2. *Chief to Provide Exculpatory Evidence, if any.* Under current law, if a member of the police force or fire department is discharged or suspended by the chief for more than five days, the chief must give the member written notice, and must also notify the board. Within 10 days of receiving a notice of his or her discharge or suspension, the member may appeal the chief's action to the board. *Act 114* requires the chief to give the member, at the same time the member is given written notice of the disciplinary action, any exculpatory evidence in the chief's possession that relates to the discharge or suspension.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

3. Time Frame for Scheduling Trial. Under *Act 114*, if the board receives a notice of appeal, it must schedule a trial *between 60 and 120 days* after service of the notice and copy of the complaint. Under *prior law*, the time frame for scheduling a trial was *within five and 15 days*.

4. Request for Adjournment. Under *prior law*, both the accused and the chief of a department had the right to request up to a 15-day adjournment of the trial or investigation of the charges. Once such a request is made, it was granted automatically. Under *Act 114*, the board may grant an adjournment, *for cause*, to either party. The adjournment is not automatic.

5. Board Membership; Quorum; Training Class. Under *prior law*, the board consisted of *five members*. Each member was appointed to a staggered five-year term by the Mayor of Milwaukee, subject to confirmation by the Milwaukee Common Council. *Act 114*:

- a. Increases the number of members on the board to *seven or nine*.
- b. Authorizes the Mayor of Milwaukee to appoint the two to four *additional members* of the board upon the Act's effective date.
- c. Generally, increases the quorum requirement to four or five members, depending on the size of the board, but the Act also authorizes a three-member panel of the board to conduct and decide by majority vote disciplinary trials and to hear and decide by majority vote complaints filed by an aggrieved person. Under *prior law*, a quorum of the board was permitted to conduct such a trial or to hear and rule on such a complaint.
- d. Authorizes the mayor to reduce the size of the board from nine to seven members.

Members of the board who are appointed on or after the effective date of Act 114 are still subject to confirmation by the Milwaukee Common Council and are appointed to staggered five-year terms.

Act 114 requires new members of the board to complete a training class that is related to the mission of the board.

Effective Date: Act 114 takes effect on April 3, 2008.

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