

AGENDA
POLICE AND FIRE COMMISSION
Superior, WI 54880

Police & Fire Commissioners: Shawnu Ksicinski, Ephraim Nikoi, Howard Hendrickson,
Arthur Gil de Lamadrid, ChaQuana McEntyre

Council Representative: Brent Fennessey

The Board of the Police and Fire Commission for the City of Superior will meet in regular session on **Wednesday, January 13, 2021 at 6:00 p.m.** This will be a virtual only meeting. Access the meeting online by entering the following information:

[Join with Google Meet](#)

meet.google.com/unq-xocb-qqp

[Join by phone](#)

(US) +1 617-675-4444 PIN: 807 181 490 0159#

The following has been scheduled for discussion/action:

1. Call to order
2. Roll call
3. Recognition of notice to public
4. Approval of minutes: December 9, 2020
5. Police & Fire department updates
6. Letter from Chief Gordon; Completion of probationary period, Zimmerman
7. Letter from Chief Gordon; Completion of probationary period, Lorenz
8. Letter from Chief Gordon; Completion of probationary period, Baker
9. Letter from Chief Gordon; Extension of probationary period; Melcher
10. Discuss and approve changes to Article VI – Examination Rules and Certified Hiring Lists, to add language to allow for Lateral Transfer Applicants
11. Discuss and approve changes to Article VII – Disciplinary Procedures, to add clarifying language to Formal
12. Discipline and Informal Complaint processes
Update on Police Officer hiring process

Adjournment

-Donna Swanson, Recording Secretary

In compliance with Wisconsin Open Meetings Law, this agenda was:

Posted: Government Center, Douglas County Courthouse, Superior Public Library

Notified by email: Superior Telegram, Duluth News Tribune

The City of Superior complies with the Americans with Disabilities Act of 1990. If you are in need of an accommodation to participate in the public meeting process, please contact the City Clerk's Office at (715)395-7200 by 4:30 p.m. on the day prior to the scheduled meeting. We will attempt to accommodate any request depending on the amount of notice we receive.

c:	Mayor Paine	Cammi Koneczny, Human Resources Director
	City Clerk	Frog Prell, City Attorney
	Scott Gordon, Fire Chief	Russ Milroy, WPPA, Local #27
	Nick Alexander, Police Chief	Suzanne Olson, IAFF Local #74
	Rich Burghaus WPPA Representative	

MINUTES
POLICE AND FIRE COMMISSION
Superior, Wisconsin

1. The regular meeting of the Board of the Police and Fire Commission for the City of Superior was called to order Thursday, December 9, 2020 at 6:00 p.m. Participants joined the meeting via Google Meet.

2. ROLL CALL

Commissioners present: Howard Hendrickson, Ephraim Nikoi, Arthur Gil de Lamadrid, Shawnu Ksicinski

Also present: Chief Alexander, Chief Gordon, HR Director Koneczny, Councilor Fennessey, Shelley Nelson

There being a quorum present, the meeting was in order.

3. RECOGNITION OF NOTICE TO THE PUBLIC

The recording secretary mailed and/or delivered agendas and agenda packets to persons or organizations listed, and the meeting was legally noticed in accordance with Wisconsin State Statutes open meeting law.

4. Approval of minutes: November 12, 2020

Motion by Commissioner Nikoi, seconded by Commissioner Hendrickson and carried to approve the minutes from November 12, 2020.

5. Police & Fire department updates

Chief Gordon said the Fire Department has now had four positive COVID cases. Luckily none of those members brought the virus back to the department. Department members are now being tested on a regular basis. Chief Gordon believes they have a pretty good handle on this issue. Chief Gordon said they are now focusing on the vaccine. He has spoken with public health and other state entities regarding the vaccine. The Fire Department will have the Toys for Tots event this weekend. Chief Gordon said they hope to benefit 500 kids this year with the toys that have been donated. The hiring process is in the background phase right now. Three of the four backgrounds are completed. Next week the criminal histories will be completed by the police department. Physical tests are a bit of a problem right now because clinics are not doing physicals at this time because of COVID and lack of staff. Chief Gordon and HR Director Koneczny will explore other options for getting new hires their physicals and get those employees started with the Fire Department.

Chief Alexander said that overall things are good in the department. He said we've had about 12 members test positive for COVID. We continue to remind people to use their PPE and take precautions to try to keep people healthy. Chief Alexander said the department received a \$20,000 grant from WI Department of Justice with the focus being on PPE equipment, cleaning supplies and increasing the capacity to work from home. We will be getting laptops to allow officers to do some work remotely if possible, and these laptops also will allow for online training. Courts are also moving to virtual pre-trial conferences and preliminary hearings, so we set up an area within the department to accommodate those proceedings. We will also likely purchase a portable UV light to help disinfect areas. Chief Alexander said on Monday, December 21st we will have a small swearing in for three new officers. The public will not be invited because of COVID concerns. The three new hires are Brittany Letica, Hillary Peterson, and Lauren Phillips. All three will attend recruit school at Chippewa Valley Technical College beginning in early January.

No action

6. Letter from Chief Gordon; Completion of probationary period, Abrahamson

Motion by Commissioner Hendrickson, seconded by Commissioner Nikoi and carried to approve the completion of probationary period, Abrahamson.

7. Letter from Chief Gordon; Completion of probationary period, Staples

Motion by Commissioner Nikoi, seconded by Commissioner Hendrickson and carried to approve the completion of probationary period, Staples.

8. Letter from Chief Gordon; Extension of probationary period; Elliot

Motion by Commissioner Hendrickson, seconded by Commissioner Gil de Lamadrid and carried to approve the extension of probationary period, Elliot.

9. Lateral transfers

Chief Alexander gave some updates on this process.

No action

10. Article VII, Review PFC rules related to how the Commission receives correspondence and the process for an individual filing a complaint

No action

Motion by Commissioner Hendrickson, seconded by Commissioner Gil de Lamadrid and carried to adjourn at 6:50 p.m.

*Submitted by: Donna Swanson
Recording Secretary*



SUPERIOR
W I S C O N S I N

Living up to our name.

Superior Fire Department

*Scott Gordon, Fire Chief
Superior Fire Department
3326 Tower Avenue
Superior, WI 54880*

*Phone: (715) 395-1680
Fax: (715) 395-1681
www.ci.superior.wi.us*

December 15, 2020

TO: Police & Fire Commission Members
FROM: Scott Gordon, Fire Chief
REF: Probationary Period

For your information and records, Battalion Chief Robert Zimmerman will successfully complete his one year probationary period effective January 1, 2021.

I recommend that he be appointed to his respective position.

Thank you,

Scott Gordon
Fire Chief

c: Human Resources
Battalion Chief Robert Zimmerman



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www.ci.superior.wi.us*

December 29, 2020

TO: Police & Fire Commission Members
FROM: Scott Gordon, Fire Chief
REF: Probationary Period

For your information and records, MPO Colton Lorenz will successfully complete his one year probationary period effective January 1, 2021.

I recommend that he be appointed to his respective position.

Thank you,

A handwritten signature in black ink that reads "Scott Gordon".

Scott Gordon
Fire Chief

c: Human Resources
MPO Colton Lorenz



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*Scott Gordon, Fire Chief
Superior Fire Department
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Superior, WI 54880*

*Phone: (715) 395-1680
Fax: (715) 395-1681
www.ci.superior.wi.us*

December 29, 2020

TO: Police & Fire Commission Members
FROM: Scott Gordon, Fire Chief
REF: Probationary Period

For your information and records, Captain Jeff Baker will successfully complete his one year probationary period effective January 13, 2021.

I recommend that he be appointed to his respective position.

Thank you,

Scott Gordon
Fire Chief

c: Human Resources
Captain Jeff Baker



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Superior Fire Department

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3326 Tower Avenue
Superior, WI 54880*

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FireDept4@ci.superior.wi.us
www.ci.superior.wi.us*

December 29, 2020

TO: Police & Fire Commission Members
FROM: Scott Gordon, Fire Chief
REF: Extension of Probationary Period

For your information and records, MPO John Melcher's one year probationary period is requested to be extended, per PFC rules, due to COVID related scheduling issues that interfered with his ability to complete the certified driver operator exam, which is in the job description.

I recommend that his probationary period, which was scheduled to be completed on January 13, 2021, be extended to allow time for the completion of the certified driver operator exam.

Thank you,

A handwritten signature in black ink that reads "Scott Gordon".

Scott Gordon
Fire Chief

c: Human Resources
MPO John Melcher

ARTICLE VI

EXAMINATION RULES AND CERTIFIED HIRING LISTS

§ 600. Purpose.

The purpose of these rules is to establish guidelines for recruiting and selecting new recruits to the Police and Fire Departments.

§ 602. Policy.

- (1) The Police and Fire Commission and the Superior Police and Fire Departments will strive for a balanced work force, reasonably reflecting the demographic makeup of the community, including ethnic, racial and gender factors.
- (2) The process will be conducted in compliance with Equal Employment Opportunity and Americans with Disabilities Act guidelines.

§ 603. Determination of Need for Testing and Advertising.

- (1) The Commission will determine when a testing process is needed and the time within which the process will be completed.
- (2) Advertisements will be prepared and placed by Human Resources staff. The content will be subject to the approval of the Commission.
- (3) At a minimum, the advertisement will include:
 - (a) Educational, age and physical requisites.
 - (b) Criminal history restrictions.
 - (c) Application requisites.
 - (d) Salary range.
 - (e) Deadline for submission of applications.
- (4) The Commission will determine which advertising mediums will be used and in which regions the ads will be placed.

(4)(5) Lateral Transfer Applicants: Applicants who are certified WI law enforcement officers, or are eligible for the reciprocity exam for WI certification, may submit an application for employment at any time. At a minimum, lateral transfer applicants need to possess one

year of full-time law enforcement experience and will be required to have passed the WI certification reciprocity test, if needed, prior to being placed on a certified hiring list.

§ 604. Changes.

These rules may be changed only upon approval of the Police and Fire Commission.

§ 605. Examinations.

- (1) Immediately after the closing date for submitting applications and transcripts, Human Resources Department staff will verify that all materials have been submitted in a complete and timely manner.
- (2) The first examination will be a preliminary examination of the application materials by the Human Resources Department to ensure that minimum qualifications are met. Candidates will not be present for this review.
 - (a) In the event the number of qualified candidates exceeds 200, an additional step may be added at the discretion of the PFC.
- (3) **Written examination:** Qualified candidates will be notified by email of the date for a written examination. Those not qualified will be so notified by email.

The email will include a statement that individuals with disabilities who will need reasonable accommodation to complete a test should inform the City prior to administration of the test. Accommodation need not be made if the ability to complete the test is an essential requirement of the job.

- (a) The Human Resources Department staff will thereafter make arrangements for the written examination.
 - (1) The written examination may be provided by the Wisconsin Employee Relations Commission Testing Unit, or any other source determined by the Commission.
 - (2) Each candidate must receive at least 70% standardized score on the written test to continue in the process. The Commission will predetermine the number of top scoring candidates to be invited to the oral examination and will publish this number in the recruitment brochure.
- (4) **Oral Examination:** The Commission will schedule oral examinations for the top scoring candidates receiving 70% or greater on the written examination. Oral examinations for lateral transfer applicants will be scheduled on an as needed basis.

The Commission shall act as an interview panel to conduct the oral examinations. The Commission may also establish five separate interview panels of three persons.

Depending on whether the selection is for the Police or the Fire Department, each panel will consist of:

- (1) One Police and Fire Commissioner (Chairperson of each panel);
 - (2) A Police or Fire Department supervisor; and
 - (3) One sworn member of the Police Department or the Fire Department.
- (a) The candidates to be interviewed may be divided randomly among the five above-described interview panels.
 - (b) Questions asked will be those approved by the Commission.
 - (c) Interview panelists will be given training prior to participating in the interview process.
 - (1) The oral exam scores will be based on a standardized score of 100%. Below 70% points will mandate disqualification.
- (2) The rank order is established by the results of the oral examination weighted 100%.
- (5) **Physical Agility Examination:** The candidates who pass the written examinations will proceed to a physical agility examination.
- (a) The content of the physical agility examination will be determined by the Commission, and will be a pass/fail exam.
 - (b) The physical agility test may be administered by itself or in conjunction with the oral examination based upon scheduling facility requirements.
- (6) The three exam scores, written, oral and physical will be considered as follows:
- | | | |
|-----|---------------|-----------|
| (a) | Written Exam | Pass/Fail |
| (b) | Oral Exam | 100% |
| (c) | Physical exam | Pass/Fail |
- (7) The candidates shall be ranked based on the total score in accordance with 606 (4) below. This shall become the official hiring list.

§ 606. Police and Fire Department Certified Hiring Lists.

- (1) Police and Fire Department hiring lists shall remain valid for either one (1) or two (2) years depending upon the needs of the respective department as recommended by the Chief and approved by the Police and Fire Commission. The life of the hiring list will be determined from the date it is first published and shall remain valid until all candidates have been removed from the list by hiring or otherwise or until the list expires. The hiring list may be extended beyond the original

published period through approval of the Police and Fire Commission. However, in no event shall the hiring lists remain valid for more than three (3) years. Before three years have elapsed and in consultation with the respective chiefs, the PFC shall elect a date for official expiration of the hiring list and establish a schedule for the creation of a new hiring list. The PFC shall not announce the expiration of a hiring list without first noticing it on the agenda for the meeting prior to the meeting at which the list officially expires by action of the PFC.

(2) In accordance with these rules, a rank order for those final applicants will be established. This ranking will remain confidential and shall not be made known to either the Police or Fire Chief or any other person not on the PFC.

~~(3)~~ ~~(3)~~ Applicants qualifying for and requesting veterans preference will have points added in accordance with Wis. Stats. §230.16(7) following establishment of rank order as noted above. An applicant's total with veterans points will not prevent a panel's number one candidate from being placed on the certified hire list, both applicants would be elevated to the certified list.

~~(4)~~ ~~(4)~~ In accordance with its examination rules, the PFC will establish a rank order list of candidates who have successfully completed all phases of the examination procedure and submit the names of the top five scoring candidates and each interview panel's top candidate if he/she is not included in the top five scoring candidates (in alphabetical order) to each respective chief for use as a CERTIFIED HIRING LIST. Tie scores will be given the same ranking and may result in six (6) or more candidates' names submitted to the respective chief. When a name is removed from the list, another name will be added so the respective chief always has a list of five names available. The next name added will be the highest scoring candidate who was a panel's second highest scoring candidate. All panels' second highest scoring candidates must be elevated to the certified list before any panels' third highest scoring candidates are added; and so on. A person considered for appointment for the third time and not selected may be requested by the Chief to be removed from the list.

For the Police Officer certified hire list, the certified list will also include the top five scoring candidates that are currently certified by the Wisconsin Law Enforcement Standards Board to be a police officer. Lateral transfer applicants will be placed on the certified list if there is less than five certified WI law enforcement officers on the certified list. Placement of lateral transfer applicants will not displace other candidates on the certified hire list. The addition of these candidates to the certified list may result in six or more candidates' names submitted to the Police Chief. ~~When a name is removed from the list, another name will be added so the respective chief always has a list of five names available. The next name added will be the highest scoring candidate who was a panel's second highest scoring candidate. All panels' second highest scoring candidates must be elevated to the certified list before any panels' third highest scoring candidates are added; and so on. A person considered for appointment for the third time and not selected may be requested by the Chief to be removed from the list.~~ If the certified list of

five names is reduced to a point that it does not include a Wisconsin certified police officer candidate, the next two highest scoring Wisconsin police officer certified candidates' names will be elevated to the certified list which would cause the certified police officer list to include more than five names.

- (a) Once a name is placed on the **CERTIFIED HIRING LIST** it may be removed only under the following conditions:
 - 1. Person is hired.
 - 2. Removed for justified cause. (Requires PFC approval.)
 - 3. Refused employment. (Requires PFC approval.)
 - 4. Considered for appointment at least three times and not selected. (Requires PFC approval.)
 - (b) It is the intention of the PFC that each chief may hire a new employee from the PFC approved list for an entry level position without further action by the PFC. Each chief must notify the PFC of that selection at the next regular PFC meeting. Each chief must submit a written request seeking PFC approval to remove a person from probationary status.
- (5) The candidate list will be kept up to date by the PFC Secretary or designee. This list will be filed with the City Clerk for public dissemination.

ARTICLE VII

DISCIPLINARY PROCEDURES

(Last Updated ~~August 1997~~ January 2021)

§ 700. Scope and Authority.

- (1) The provisions of this Article govern the administration of disciplinary procedures over which the Commission has jurisdiction pursuant to § 62.13(5) of the Wisconsin Statutes. They are adopted pursuant to the authority granted to the Commission under § 62.13(5)(g) to promulgate rules for the administration of disciplinary actions.
- (2) The provisions of Article VII apply to the Fire Chief, the Police Chief, and to all subordinate members of each department.
- (3) The provisions of Article VII do not apply to:
 - (a) Probationary employees, who may be summarily discharged from the Department by the Chief;
 - (b) Members of the Department who are serving in a probationary capacity in a promoted rank and who are demoted by the Commission for failing to satisfactorily complete the period of probation; and
 - (c) Unsworn employees of the Department.

§ 701. Definitions.

When used in Article VII, the following terms have the indicated meanings:

- (1) **“Complainant”** means the person who signs the statement of charges against the respondent. In the case of a statement of charges filed by the Commission as a body, “complainant” means the Commission.
- ~~(2)~~ **“Respondent”** means the person charged in the statement of charges.
- ~~(3)~~ **“Formal Discipline Process”** is a specifically detailed process described in § 705 of this section, where someone may file charges against a member of the fire or police department.
- ~~(2)~~~~(4)~~ **“Informal Complaint Process”** is an alternative to the Formal Discipline Process, which is described in § 708 of this section, where a citizen may file a written complaint about the conduct of a member of the fire or police department.

§ 702. Legal Counsel for the Commission.

The Commission may retain legal counsel to assist it in the administration of any disciplinary matter pending before it.

§ 703. Appointment of Hearing Examiner.

The Commission may appoint a hearing examiner to assist it in the administration of any disciplinary matter pending before it. Use of a hearing examiner, however, does not relieve the Commission of its responsibility for making findings of facts and conclusions of law in the matter. A hearing examiner duly appointed by the Commission may be discharged by it at anytime.

§ 704. Suspension of Members as a Penalty.

- (1) **Authority to Suspend; Written Order of Suspension.** The Chief or the Commission may suspend a member of the Department as a penalty. Such suspension may be imposed only for just cause, as described in § 707+(7)(b) below. The order of suspension shall be in writing, shall state the reasons for the suspension and the length thereof, shall indicate the date on which the suspension takes effect, and shall advise the member suspended of the right to appeal the suspension to the Commission pursuant to § 704(3) of these Rules.
- (2) **Report of Suspension.** If a suspension penalty is imposed by the Chief, the Chief shall file a report with the Chair of the Commission immediately upon issuing the order of suspension.
- (3) **Request for Hearing.**
 - (a) If a member suspended by the Chief requests a hearing on the suspension, the Chief shall file with the Chair of the Commission a written statement of charges upon which the suspension is based. The statement shall conform to the requirements of § 705(2) below. Thereafter, the processes described §§ 706-707 shall be observed.
 - (b) If a member suspended by the Commission requests a hearing on the suspension, the Commission shall require the complainant to file a written statement of charges upon which the suspension is based. The statement shall conform to the requirements of § 705(2) below. Thereafter, the processes described in §§ 706-707 shall be observed.
 - (c) A request for a hearing shall be in writing and shall be filed with the Chair of the Commission within ten (10) calendar days of the date on which the written order of suspension was received by the respondent.
- (4) **No Request for Hearing.** If the suspended member does not request a hearing on the suspension within ten (10) calendar days of the date on which he or she received the written order of suspension, no hearing shall be held.

§ 705. Formal Discipline Process.

Filing of Charges; Suspension Pending Disposition of Charges.

- (1) **Who May File Charges.** Charges may be filed against a subordinate member of the Department by the Chief, by a member of the Commission, by the Commission as a body, or by any aggrieved person. Charges may be filed against the Chief by a member of the Commission, by the Commission as a body, or by any aggrieved person.
- (2) **Statement of Charges.** In order to invoke the formal disciplinary process as described in Article VII of these Rules, the statement of charges shall:
 - (a) Be in writing;
 - (b) Be addressed to the Commission;
 - (c) Identify the person against whom the charges are brought;
 - (d) State sufficient facts to allow the accused to know and understand the factual allegations and to be able to prepare a defense. The statement of charges shall indicate the date(s) and location(s) of the alleged offense(s). If any portion of the statement of charges is made upon information and belief, the source(s) of such information and belief shall be identified by name and address;
 - (e) State the specific statute, rule, regulation, policy, procedure, or order which the accused is charged with violating;
 - (f) Be verified, meaning that the complainant must sign and date the statement of charges in the presence of a notary public after declaring under oath or affirmation that the contents of the statement are true and correct to the best of the person's knowledge, information, and belief; and
 - (g) Be filed with the Chair of the Commission at the address specified in § 105 of these Rules.
- (3) **Dismissal of Charges.** The Commission may dismiss without prejudice any statement of charges that fails to comply with the requirement of § 705(2). The Commission may, in the exercise of its discretion, dismiss any complaint where it determines that the complainant through neglect failed to file a complaint in a timely manner.
- (4) **Service of Charges.** Following the filing of charges with the Chair of the Commission, the complainant shall cause a copy thereof to be promptly served upon the respondent and shall promptly furnish the Chair of the Commission with written evidence of that service.

- (5) **Suspension Pending Disposition of Charges.** Pending disposition of charges that have been filed with the Chair of the Commission, the Chief or the Commission may suspend the respondent.

§ 706. Pre-Hearing Procedures.

- (1) **Scheduling Conference.** After the respondent has been served with the statement of charges, the Commission may conduct a scheduling conference with the parties and their counsel to calendar future proceedings in the matter and to consider any other matters relating to the administration of future proceedings in the case.
- (2) **Pre-Hearing Conference.** The Commission may authorize the Chair, a Commissioner designated by the Chair, or a hearing officer to conduct a pre-hearing conference with the parties for such purposes as attempting to simplify the issues at the hearing, determining which issues are contested by the respondent, and identifying facts to which the parties are willing to stipulate. Participation in a pre-hearing conference shall not disqualify any Commissioner from participating in further proceedings in the case.
- (3) **Discovery.**
 - (a) At least seven calendar days before the date scheduled for the hearing, the complainant and the respondent shall furnish each other and the Chair with the names and addresses of the witnesses each intends to call at the hearing. The Commission may refuse to allow a party to call a witness not named on the witness list, unless the Commission determines that the failure to name the witness occurred for good reason.
 - (b) Except as otherwise allowed by the Commission, there is no right to any additional pre-hearing discovery.
- (4) **Subpoenas.** Both the complainant and the respondent may compel the attendance of witnesses by subpoena, which shall be issued by the Chair of the Commission on request. The service of subpoena shall be the responsibility of the party requesting the subpoenas, and the cost of any service fees, witness fees and other related expenses shall be borne by the party requesting the subpoenas.

§ 707. Hearing Procedures.

- (1) **Commencement.** The hearing shall be commenced not less than 10 days nor more than 30 days following the service of charges on the respondent.

- (2) **Notice of Hearing.** The Commission shall furnish written notice of the hearing to the complainant and to the respondent promptly upon scheduling the hearing. The notice shall state the date, time and location of the hearing and shall advise the respondent of the following rights:
 - (a) To attend the hearing in person;
 - (b) To be represented by an attorney;
 - (c) To respond to and challenge the charges;
 - (d) To cross-examine and confront the witnesses against him or her under oath.
 - (e) To present witnesses under oath on his or her own behalf;
 - (f) To testify on his or her own behalf;
 - (g) To argue his or her view of the law and the facts; and
 - (h) To subpoena witnesses.
- (3) **Representation by Counsel.** Both the complainant and the respondent may be represented by counsel at the hearing.
- (4) **Duty to Prosecute Case.** When the complainant is the Chief, it is the responsibility of the Chief and the Chief's counsel, if any, to prosecute the case. When the complainant is other than the Chief, it is the responsibility of the complainant and the complainant's counsel, if any, to prosecute the case.
- (5) **Hearing to be Public.** Disciplinary hearings before the Commission shall be conducted in public, except that deliberations by the Commission may be conducted in closed session.
- (6) **Hearing to be Recorded.** All public portions of the hearing shall be recorded verbatim.
- (7) **Issues at Hearing.**
 - (a) No member may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Commission based on charges filed by the Commission as a body, by an individual Commissioner, by the Chief, or by an aggrieved person, unless the Commission determines that there is just cause, as described in § 707(7)(b) below, to sustain the charges.
 - (b) In making its determination of just cause under § 707(7)(a), the Commission shall apply the following standards, to the extent applicable:
 - (c) Whether the member could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct;
 - (d) Whether the rule or order that the member allegedly violated is reasonable;

- (e) Whether the Chief, before filing the charge against the member, made a reasonable effort to discover whether the member did in fact violate a rule or order;
- (f) Whether the effort described in § 707(7)(b)3 was fair and objective;
- (g) Whether the Chief discovered substantial evidence that the member violated the rule or order as described in the statement of charges filed against the member;
- (h) Whether the Chief is applying the rule or order fairly and without discrimination against the member; and
- (i) Whether the proposed discipline reasonably related to the seriousness of the alleged violation and to the member's record of service with the Department.

(8) **Opening Statements.** The parties shall be allowed to make opening statements to the Commission prior to the presentation of evidence. The Commission may set reasonable time limitations on the length of opening statements.

(9) **Presentation of Evidence.**

- (a) The complainant shall proceed first with the presentation of evidence in support of the charges filed with the Commission. The respondent may then present evidence. Thereafter, each side may offer evidence in rebuttal until both sides rest.
- (b) The testimony of witnesses shall be under oath or affirmation and shall be recorded verbatim.
- (c) Cross-examination of all witnesses by the opposing party shall be permitted.
- (d) The Commission may question any witness and may call witnesses of its own.
- (e) Parties may be called to testify adversely.
- (f) Witnesses may be sequestered upon order of the Commission.

- (g) The Wisconsin Rules of Evidence shall be applied at the hearing, provided that the Commission may, in its discretion, relax said rules if it deems that the interests of justice will be served by doing so. Objections to the admissibility of evidence and offers of proof regarding evidence ruled inadmissible may be made and incorporated into the hearing record.
- (10) **Final Arguments.** At the close of the presentation of evidence, the complainant may make a final argument, the respondent may make a final argument, and the complainant may make a rebuttal argument. The Commission may set reasonable time limitations on the length of final arguments.
- (11) **Decisions by the Commission.**
 - (a) If the Commission determines that one or more of the charges have been sustained, it may order any of the following as the good of the service may require:
 1. That the respondent be suspended;
 2. That the respondent be reduced in rank;
 3. That the respondent be both suspended and reduced in rank; or
 4. That the respondent be removed from the Department.
 - (b) If the Commission determines that none of the charges are sustained, the respondent, if suspended, shall be immediately reinstated and all lost pay restored.
- (12) **Filing of Written Findings.** Findings and determinations rendered at the conclusion of the hearing and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and shall be filed within three days of their rendering with the Secretary of the Commission.
- (13) **Appeal and Judicial Review.** Appeals and other forms of judicial review of Commission determinations shall be as provided for by the Wisconsin Statutes and by controlling decisions of Wisconsin courts.
- (14) **Additional Hearing Rules.** The Commission may make additional rules for the conduct of the hearing for purposes of assuring fairness to the parties or promoting the orderly administration of the proceedings.

§ 708. Informal Citizen Complaint Process.

~~When a~~ citizen can files a written complaint with the Commission about the conduct of a member of the Department ~~but does not~~without ~~invoking~~ the formal disciplinary process ~~by filing a statement of charges meeting the specifications of in~~ § 705(2) above, This is done by submitting a written complaint to:

Superior Police & Fire Commission
c/o Human Resources Department
1316 N 14th Street, Suite 301
Superior, WI 54880

Or email: humanresources@ci.superior.wi.us

Or fax: 715-395-7590

For questions about the process, contact Human Resources at 715-395-7210.

~~†~~The Commission may in its discretion either refer the matter to the Chief for investigation and possible disciplinary action or cause its own investigation of the matter to be conducted. In either event the citizen shall be notified of the results of any investigation conducted in response to his or her complaint. Use of the Informal Complaint Process does not prohibit a citizen from invoking the Formal Discipline Process.