

# **GRIEVANCE REVIEW BOARD MINUTES**

## **October 8, 2010**

**Present:** LeRoy Dahms, Tom Shandonay, John Nichols, Joe Hotynski, Jeff Brandt

**Also present:** Ron Montgomery, Sheriff Mike Brooks, Chief Deputy Bill Tedlie, Lt. Todd Christopherson, Attorney Jim Godlewski

**Meeting called to order at 8:30 by Tom Shandonay**

**Approval of the minutes of the December 2<sup>nd</sup> & 4<sup>th</sup>, 2009 meeting**

**Motion by Joe Hotynski**

**Seconded by John Nichols**

**Carried 5-0**

### **ELECTION OF OFFICERS**

Joe Hotynski nominated John Nichols to be the Chairman

Seconded by LeRoy Dahms and to close nominations

Carried 5-0

LeRoy Dahms nominated Joe Hotynski to be the Vice Chairman

Seconded by John Nichols

Jeff Brandt made a motion to close nominations

Carried 5-0

### **DISCUSSION OF THE BOARD'S ROLE AND PREROGATIVES**

Attorney Godlewski presented an outline about the rules and procedures that govern the Board's work. The Grievance Review Board is charged with the responsibility of reviewing the Sheriff's recommendations regarding demotion, suspension or termination of sworn deputies. Mr. Godlewski noted that in the United States, law enforcement and the military are subject to civilian control. Unlike cities' Police and Fire Commissions, however, the Grievance Review Board has no role in hiring the Sheriff, who is elected by the people, or other Sheriff's Office personnel. Members are nominated by the County Executive, subject to County Board confirmation.

Upon receiving the Sheriff's charges, the Board must notify the Deputy immediately. If the deputy requests a hearing, the board is required to schedule it within three weeks of the request. If the Sheriff opts to suspend a deputy, usually when a recommendation for termination is pending, the suspension is with pay until the Board acts on the Sheriff's recommendation. The chairperson of the board is charged with the responsibility of maintaining order of the hearing. The chairperson can also issue subpoenas. Proceedings must be transcribed by a court reporter if the hearing is contested. At the conclusion of the hearing, the board deliberates and issues a written ruling in the form of an Order.

Attorney Godlewski next explained the Seven Steps of Just Cause. Mr. Godlewski said the accused may appeal an unfavorable ruling to the Circuit Court and must file within ten days after the Board's order is filed. The Court is to give preference to the appeal and is required to set the trial of the appeal within 15 days after the application for appeal is made. The Sheriff cannot appeal the Board's decision.

Jeff Brandt asked if the County has a process similar to this for non-sworn employees. Ron Montgomery stated that the Board will almost exclusively hear cases from the Sheriff's Department, but Administrative (Management) employees can appeal to the Board if they believe their termination was unjust.

Member Jeff Brandt, who previously served as counsel to the Board, noted that it is preferable for members to ask questions during an open meeting rather than privately. LeRoy Dahms asked why sometimes he will receive a packet of charges and then two weeks later find out the charges have been withdrawn. Sheriff Brooks said there have been times when he has agreed to reduce charges after packets were mailed to members. At 9:25 Attorney Godlewski requested a two minute recess. At 9:32 the Board resumed its session.

**Motion** by Joe Hotynski to convene closed session, **seconded** by Tom Shandonay, pursuant to an exemption provided in Section 19.85 (1)(b), Wisconsin Statutes, for the purpose of investigating charges against public employees and considering the possible discipline of public employees. Roll call vote: Dahms, aye; Nichols, aye; Shandonay, aye; Hotynski, aye; Brandt, aye. **Carried 5-0**.

### **Discussion**

Chairman John Nichols noted that the Board had convened to consider disciplinary action of a one day unpaid suspension against Patrol Deputy Michael Lichtensteiger for violation of Rule of Conduct .1-Unlawful Acts and Rule of Conduct .10-Level of Competency regarding the operation of his squad car on June 9, 2010.

Lt. Christopherson gave an overview of the charges and played video footage from Officer Lichtensteiger's squad car. Lt. Cristopherson said Officer Lichtensteiger was responding to a disturbance at a group home south of the Plane View restaurant. Officer Lichtensteiger was responding from Highway 10 and 45, almost 20 miles away. Lt. Christopherson said video is constantly captured but not recorded. Approximately 30 seconds into the video Officer Lichtensteiger activates his emergency lights and at this time the audio portion begins. Lt. Christopherson said Officer Lichtensteiger used excessive of speed and 'outran his siren'. Although no one was injured and there was no damage, Officer Lichtensteiger's patrol vehicle wound up in the ditch. This accident diverted the officer and a supervisor from being able to respond to the call.

Lt. Christopherson said Officer Lichtensteiger had recently completed twelve weeks of training and did fourteen rotations with a Field Training Officer.

**Motion** by Jeff Brandt to accept the Sheriff's decision of a one day unpaid suspension for Patrol Deputy Michael Lichtensteiger.

**Seconded** by Tom Shandonay

**Carried 5-0**

**Motion** by Joe Hotynski to reconvene in open session. **Seconded** by Tom Shandonay

Roll call vote: Dahms, aye; Nichols, aye; Shandonay, aye; Hotynski, aye; Brandt, aye.

**Carried 5-0**

Motion to adjourn at 10:13 by Joe Hotynski

Seconded by Tom Shandonay

Carried 5-0

Submitted by Kathy Rumlow, Human Resources Confidential Secretary/Receptionist.