

PROCEEDINGS OF THE CITY OF NEW BERLIN
POLICE & FIRE COMMISSION MEETING
Thursday, December 10, 2009
7:00 P.M.

Public Safety Building/16300 W. National Avenue
Municipal Court Room

CALL MEETING TO ORDER; ROLL CALL; PUBLIC NOTICE

The meeting was called to order by President O'Donnell at 7:00 PM. Present: Commissioners O'Donnell, Patzer, Pezze and Piontek. Also present: Police Chief Joseph Rieder, Fire Chief Edward Dobernig, City Human Resources Director Tami Potkay, other Fire Department personnel, Alderman Ted Wysocki and IAFF 5th District representative Luke Kotschi.

APPROVAL OF MINUTES

Motion by Commissioner Piontek to approve the Tuesday, November 17, 2009 minutes, as printed. Seconded by Commissioner Patzer. Commissioner Patzer then requested that the second paragraph of the NEW BUSINESS section of the minutes be amended to delete the words "*Commissioner Patzer requested*". In addition, he asked that the following verbiage be added to this section:

Commissioner Patzer expressed concerns regarding the Nbfd documentation regarding background checks, and daily employee follow through. Concern being the background checks do not provide enough information on the individual being hired as the PD's. Also, the concern regarding proper documentation for each employee being properly trained, without proper documentation the city could be at risk. Chief Dobernig spoke for 40 minutes explaining the merits of his program and how each person meets and has certificates for their required duties.

He also asked that the word "*appropriateness*" be changed to something else in the section of the minutes describing the Commission going into CLOSED SESSION. After discussion, the original sentence was amended to read as follows:

Discussion ensued that the request was unprecedented and the Commission further discussed whether it was appropriate.

Commissioner Piontek amended his original motion to include the above changes and it was seconded by Commissioner Patzer and carried unanimously.

COMMUNICATIONS

Copy of a Municipal Labor Law Update article from Chief Rieder dated December 2009 regarding WERC Invalidated Collective Bargaining Agreement Language that Preserved Circuit Court Review as the Appeal Procedure of Police and Fire Commission Discipline Decisions

Copy of an e-mail communication from Jerry Biggart, Service Representative, International Association of Fire Fighters dated November 24, 2009

Copy of an e-mail communication from Jerry Biggart, Service Representative, International Association of Fire Fighters dated December 2, 2009

Copy of an e-mail communication from Jerry Biggart, Service Representative, International Association of Fire Fighters dated December 9, 2009

Copy of a letter from Commissioner David L. Patzer dated December 7, 2009

OUTSTANDING BILLS

None.

OLD BUSINESS

None.

NEW BUSINESS

Chief Rieder distributed copies of a PowerPoint presentation he created which described updated staffing and organizational changes made at the New Berlin Police Department. He discussed how the changes have resulted in savings and that the four vacant positions, which are currently on hold, will be filled by police officers rather than command or supervisory staff.

Following discussion, Chief Rieder was excused from the meeting.

Recent communications from the International Association of Fire Fighters was discussed. Of particular concern is the determination of probationary periods and the timeliness of requests for extension/termination of probation decisions. It was noted that although the IAFF and the City are not bound by a collective bargaining agreement at the present time, the issues raised in the communications should be investigated further. Chief Dobernig was asked to describe the nature of the contents of current training and evaluations records and how the Fire Department documents its assessment of performance during probationary periods. The Chief spoke at length about this process. IAFF representative Luke Kotschi was present in the audience and he was asked to clarify some of the points in the communications. He was further asked to have the IAFF communicate its current and future concerns to the Commission's attorney in writing. A determination will be made at a later date if a hearing is warranted based on the issues presented, case law cited and remedies suggested. The Commissioners then discussed the points in Commissioner Patzer's correspondence. It was suggested that Commissioner Patzer and Chief Dobernig schedule a meeting to review these points, collect data, look at current practices and report back to the full Commission at its next meeting.

Police and Fire Commission President O'Donnell read the following:

CLOSED SESSION PER ROLL CALL VOTE

To deliberate in closed session pursuant to Wisc Stat Sec 19.85(1)(c):

“Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically the items following”:

Request of Chief Dobernig to extend probationary period for Paid-on-Call personnel:

**Jordan Meka
Joshua Van Ramshorst**

Request of Chief Dobernig to terminate probationary period for fire personnel:

**Ryan Knippel
William Lawton
Shannon Omelina
Marco Pelicarić**

Motion by Commissioner Patzer to go to Closed Session at 8:30 PM. Seconded by Commissioner Pezze. At this time Commissioner Patzer requested that Tami Potkay be allowed to remain in closed session. Discussion ensued about the appropriateness of this request. Ultimately, the question was called for a vote. Commissioners Patzer, Pezze and Piontek voted in favor of going into closed session with Tami Potkay present. Commissioner O'Donnell voted opposed to going into closed session with Tami Potkay present. The motion passed and the Commission adjourned into Closed Session.

Motion by Commissioner Pezze to reconvene in Open Session at 9:30 PM. Seconded by Commissioner

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Piontek and carried unanimously.

OPEN SESSION

Request of Chief Dobernig to extend probationary period for Paid-on-Call personnel:

Jordan Meka

Motion by Commissioner Piontek to extend probationary period of Jordan Meka to July 31, 2010 as stipulated in a memo from Mr. Meka dated December 9, 2009. Seconded by Commissioner Pezze and carried unanimously.

Joshua Van Ramshorst

Motion by Commissioner Patzer to extend probationary period of Joshua Van Ramshorst to July 1, 2010 as stipulated in a memo from Mr. Van Ramshorst dated December 10, 2009. Seconded by Commissioner Piontek and carried unanimously.

Request of Chief Dobernig to terminate probationary period for fire personnel:

Ryan Knippel

Motion by Commissioner Pezze to terminate the probationary period for Ryan Knippel and appoint him as a full-time fire inspector/paramedic effective 0600 hours December 11, 2009. Seconded by Commissioner Piontek and carried unanimously.

William Lawton

Motion by Commissioner Piontek to terminate the probationary period for William Lawton and appoint him as a full-time fire inspector/paramedic effective 0600 hours December 11, 2009. Seconded by Commissioner Pezze and carried unanimously.

Shannon Omelina

Motion by Commissioner Patzer to reject Chief Dobernig's recommendation to terminate probationary period for Shannon Omelina. Motion failed due to lack of a second.

Motion by Commissioner O'Donnell to terminate the probationary period for Shannon Omelina and appoint her as a full-time fire inspector/paramedic effective 0600 hours December 11, 2009. Seconded by Commissioner Piontek and carried, with Commissioner Patzer voting "no".

Marco Pelicaric

Motion by Commissioner Piontek to terminate the probationary period for Marco Pelicaric and appoint him as a full-time fire inspector/paramedic effective 0600 hours December 11, 2009. Seconded by Commissioner Pezze and carried unanimously.

NEXT MEETING DATE

None stated.

ADJOURN

Motion by Commissioner Piontek to adjourn at 9:36 PM. Seconded by Commissioner Pezze and carried unanimously.

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Michael D. O'Donnell, President
Police and Fire Commission