

PORT WASHINGTON POLICE & FIRE COMMISSION
Minutes of Regular Meeting Held Monday May 21, 2007

1. Meeting called to order at 7:00 p.m. Present: Commissioners Nelson, Taucher, Tietyen, Gottlieb and Becker; Chief Mitchell; Chief Thomas; Village of Fredonia President Joe Short.
2. Election of officers: Moved by Tietyen, seconded by Taucher to elect Rick Nelson to the position of Commission Chair. Unanimous approval. Moved by Gottlieb, seconded by Nelson to elect Terry Tietyen to the position of Commission Vice Chair. Unanimous approval. Moved by Gottlieb, seconded by Tietyen to elect Gina Taucher to the position of Commission Secretary. Unanimous approval.
3. There were no public appearances.
4. The minutes of the meeting held on April 9, 2007 were reviewed. Moved by Tietyen, seconded by Becker to approve. Unanimous approval.

POLICE DEPARTMENT

1. A discussion was held with Village of Fredonia President Joe Short regarding part-time employment. Commissioners explained that the policy modifications that are being considered will establish clear rules and regulations for secondary employment. While the new policy will affect the process by which PWRD officers gain approval for outside employment, their availability for employment by the Village of Fredonia will remain essentially the same.
2. Police Department bills for April 2007 were reviewed. Moved by Tietyen, seconded by Gottlieb to approve. Unanimous approval.
3. Command and overtime pay for April 2007 were reviewed.
 - Command Pay 174.00 hours
 - Overtime Pay 220.00 hours
4. Municipal Court Statements
 - a. The Municipal Court income for December 2006 was \$1585.00. Total income for 2006 was \$94,540.00.
 - b. The 2006 Municipal Court summary was reviewed. Chief Thomas suggested that the reasons for the drop in revenue may include a decrease in traffic through the city and/or a larger number of cases held open by the Municipal Court Judge.
 - c. Municipal Court income for January 2007 was \$7365.00.
5. Chief's Report
 - a. Command Level schools
 - (1) Lt. Hingiss was nominated for the FBI NA for fall, 2009.
 - (2) Lt. Davel will be nominated for Wisconsin's Certified Public Managers program to be held in January, 2008.
 - (3) Lt. Barbuch will be nominated for FBI LEEDS, to be held in April, 2008.
 - (4) Lt. Leet to be nominated for the Department of Justice Leadership in Police Orgs. Distance Learning Program, scheduled for September, 2007.
 - b. Consolidated dispatch
 - (1) The Ozaukee County Public Safety Committee authorized the Sheriff to spend \$20,500 to hire Virchow Krause & Company as a consultant, to study consolidated dispatch. Following the study, the PWRD will hold a community forum on the topic in July. Chief Thomas expects to bring a proposal to the PFC at the August meeting.
6. Revised copies of page 13 of the 2006 Annual Report, which has been updated to reflect January – December 2006 Municipal Court fines, were distributed.
7. Press Releases on the following topics were reviewed:
 - a. Lt. Davel's graduation from FBI LEEDS on April 20, 2007.
 - b. The attempted sexual assault along the Interurban Bike Trail.
8. Checks Received
 - a. Port Washington Rotary Club donated \$250 for 125th anniversary badges.

- b. WI Dept. of Natural Resources sent the 2006 Boat Patrol reimbursement of \$3,783.66.
 - c. WI Dept. of Justice reimbursed \$3,800 for officer mandatory training.
 - d. Mid-Moraine Municipal Court reimbursed prisoner meal costs of \$1,665 for October 12 to December 31, 2006.
 - e. Port Washington State Bank donated \$100 for the bike rodeo, scheduled for June 28
9. Chief Thomas reported on the May 15 Peace Officers Memorial Ceremony.
 10. An amended version of department rules and regulations, Rule 7, Section 5, relating to off-duty employment, was reviewed. Moved by Gottlieb, seconded by Tietyen to approve PFC Resolution No. 2007 – 2, “Amending the Rules and Regulations Governing Secondary Employment.” Unanimous approval. (See attached resolution.)
 11. Future PFC minutes will be emailed to commissioners unless a paper copy is requested. There were no requests for paper copies
 12. There was no other business.

AMBULANCE DEPARTMENT

1. Ambulance Department bills for April 2007 were reviewed. Moved by Tietyen, seconded by Gottlieb to approve. Unanimous approval.
2. The year-to-date ambulance budget was reviewed.
3. April 2007 ambulance revenue was \$19,030.61. The year-to-date total is \$70,617.14.
4. April 2007 ambulance calls were reviewed.
5. There was no other business.

FIRE DEPARTMENT

1. Fire Department bills for April 2007 were reviewed. Moved by Taucher, seconded by Gottlieb to approve. Unanimous approval.
2. The year-to-date fire budget was reviewed.
3. April 2007 fire calls were reviewed.
4. Hydraulic rescue equipment (commonly known as “jaws of life”) from four different manufacturers was tested by members of the department, who recommended the purchase of the TNT Rescue Systems equipment. Moved by Tietyen, seconded by Gottlieb to approve the purchase of the TNT Rescue Systems equipment. Unanimous approval. This equipment will be purchased using a funding carryover from 2006.
5. Chief Mitchell explained that although a letter to the editor had been published in the local newspaper regarding occasional shortages in the ambulance crew, the problem is not as severe as was implied by the letter writer. The upcoming graduation of three department employees from EMT school will help to alleviate the shortage.
6. There was no other business.
7. Moved by Gottlieb, seconded by Taucher to adjourn. Unanimous approval. Meeting adjourned at 8:19 p.m.

Respectfully submitted,
Gina Taucher, Secretary

PORT WASHINGTON POLICE & FIRE COMMISSION
Resolution No. 2007 - 2

Amending the Rules and Regulations Governing Secondary Employment

WHEREAS, Rule 7, Section 5 of the *Rules and Regulations of the Port Washington Police Department* dated January 1, 1970 prohibited members and employees of the Department from engaging in any business or occupation other than their service to the Department; and

WHEREAS, on November 11, 1974, the Port Washington Police & Fire Commission (the "Commission") amended Rule 7, Section 5 to allow members and employees of the Department to engage in part-time employment, subject to certain restrictions and prohibitions relating to the type of work and hours worked, and further subject to approval of such part-time employment by the Chief of Police; and

WHEREAS, upon the recommendation of the Chief of Police, the Commission, pursuant to its authority under sec. 62.13(6), Wis. Stats. to supervise the Department and prescribe rules and regulations for its control and management, has determined that it is necessary and appropriate for the good of the service and for the safety and welfare of the public to amend Rule 7, Section 5 as set forth herein below; and,

WHEREAS, in an effort to ensure the fairness and uniform application of the Department's rules and regulations as they apply to its members and employees as well as the public, the Commission desires to adopt the following rules and regulations applicable to all secondary employment,

NOW, THEREFORE, BE IT RESOLVED by the City of Port Washington Police & Fire Commission that Rule 7, Section 5 of the *Rules and Regulations of the Port Washington Police Department* is amended to read as follows:

Section 5.

A. **Secondary Employment Policy.** The employment responsibilities to the Department are primary for any Department members or employees; any other employment in which that person chooses to engage and which produces income is secondary employment. A member or employee may, with the prior written approval of the Police & Fire Commission, engage in secondary employment concurrently with their employment by the Department. The purpose of this approval process is to determine that the secondary employment does not have an adverse effect on the primary employment and does not create a conflict of interest.

B. **Definition.** A conflict of interest is defined as when a member or employee is or may be in a position to influence activities or Department or City decisions in ways that would lead to personal gain or benefit for the member or employee, or his or her immediate family, or give an improper advantage to third parties in their dealings with the Department or with the City.

C. **General Prohibition.** Secondary employment shall not be permitted when it would create, either directly or indirectly, a conflict of interest with the primary

employment, or when it would impair in any way the member's or employee's ability to perform all expected duties, to make decisions or to carry out in an objective manner the responsibilities of the member's or employee's position.

D. Approval Required; Withdrawal of Approval; Discipline. In all cases, secondary employment shall not be accepted, undertaken or continued by any member or employee until the necessary approval has been given by the Commission. Approval of secondary employment may be withdrawn at any time if it is determined that secondary employment creates a conflict of interest or has an adverse effect on the primary employment. Members or employees found to be in violation of this policy will be subject to disciplinary action, up to and including dismissal from employment.

E. Approval Process. A Request for Approval of Secondary Employment form must be completed and submitted to the Chief of Police. The form:

- (1) may be submitted at any time;
- (2) shall be updated and resubmitted at least annually for Commission review and approval; and
- (3) shall be submitted by December 1 each year for existing secondary employment that is expected to continue in the succeeding year.

The Chief of Police shall review the application and recommend whether such secondary employment be approved, conditionally approved, or denied by the Commission. However, notwithstanding the Chief's recommendation, the Commission shall have sole discretion and authority to approve, conditionally approve, or deny such secondary employment.

F. Restrictions on Work Days and Hours. The Department needs to ensure, where reasonable and practicable, that its members or employees are not subject to excessive workloads which might adversely affect their health and safety at work, or the safety and welfare of the public. Secondary employment which involves long work hours is incompatible with the Department's commitment to the health and safety of its personnel and the public. Therefore, approval of secondary employment shall be conditional upon all of the following:

- (1) a member or employee shall not work at any secondary employment during their assigned work hours for the Department;
- (2) a member or employee shall not work at any secondary employment more than 4 hours on the same day that he or she is also scheduled to work for the Department;
- (3) a member or employee shall not work at any secondary employment for the 4-hour period immediately preceding the start of their Departmental work shift, unless approved in writing by the Chief; and
- (4) a member or employee may work at their secondary employment an unlimited number of hours on those days when he or she is not scheduled to work for the Department, provided, however, that in no event shall a member's or employee's total work hours at any secondary employment exceed 24 hours in any week.

G. Prohibited Types of Work: Without limiting the generality of this policy, members or employees are prohibited from engaging in the following types of secondary employment:

- (1) process server, bill collector, towing of vehicles or any other employment in which police authority might tend to be used to collect money or merchandise for private or civil purposes.
- (2) personnel investigations for the private sector or any employment which requires a member or employee to have access to Department records or services as a condition of employment.
- (3) any employment in a City police uniform while in the performance of tasks other than those of a City police officer in the performance of official duties.
- (4) for a business or labor group that is on strike.
- (5) any employment presenting a threat to the dignity, prestige or status of the member or employee, or of the Department, including, but not limited to, establishments that sell pornographic books, magazines, sexual devices or videos, or that otherwise provide entertainment of a sexual nature.
- (6) any employment which is or would be incompatible or inconsistent with the performance of Departmental duties or interfere with his or her position as a police officer.
- (7) sales work or any work requiring any type of solicitation.
- (8) any employment with, or work in, any business whose primary source of revenue or primary service is the manufacture, transportation, delivery, sale or serving of alcohol beverages.

H. Restrictions. Without limiting the generality of this policy, approval of secondary employment will not be granted to members or employees under any of the following circumstances:

- (1) he or she is on probation.
- (2) he or she has not completed the FTO program.
- (3) he or she is on medical or other leave due to sickness, temporary disability, or an on-duty injury.
- (4) when the hours of secondary employment would impair his or her ability to safely and efficiently perform their departmental duties.
- (5) when the secondary employment is of such nature or location that he or she would be unavailable for emergency call-back duty.

Adopted and dated this 21st day of May, 2007.

ATTEST:

**PORT WASHINGTON
POLICE & FIRE COMMISSION**

Gina Taucher, Secretary

Richard Nelson, Chairperson