

# POLICE & FIRE COMMISSION

## Policies and Procedures Manual



CITY OF  
**EAU  
CLAIRE**

City of Eau Claire, Wisconsin

*November 2023*

# City of Eau Claire Police and Fire Commission POLICIES AND PROCEDURES MANUAL

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**ARTICLE I  
ORGANIZATION OF THE  
EAU CLAIRE POLICE AND FIRE COMMISSION**

**Section 1.00 Establishment of the Police and Fire Commission.**

The Eau Claire Police and Fire Commission is a "Police and Fire Commission" as provided for in §62.13 of the Wisconsin Statutes.

**Section 1.01 Powers of the Commission.**

The Commission exercises those powers specified in §62.13(1) - (12) of the Wisconsin Statutes pertaining to boards of police and fire Commissioners, but it does not exercise the "optional powers" specified in §62.13(6) of the Statutes.

**Section 1.02 Appointment of Commissioners.**

The Commission is composed of five members appointed in accordance with §62.13(1) of the Wisconsin Statutes.

**Section 1.03 Terms of Office.**

- A. Terms of Office. Terms of office for all Commission members shall be five years in duration. Commissioners shall be limited to two consecutive terms. After one year of absence from the Commission, a Commissioner may again be considered for reappointment.
- B. Vacancies. Whenever a vacancy occurs during the term of office of a Commissioner, a new Commissioner shall be appointed to complete his or her predecessor's term of office. The appointment shall be made in the same manner as original appointments are made. Time in office filling a vacancy is not considered when calculating terms per Section 1.03 A. above.

**Section 1.04 Officers of the Commission.**

- A. President.
  - (1) Election. The Commission shall elect a President at the first meeting of the Commission that occurs after May 1st of each year. The President shall hold office until his or her replacement is duly elected by the Commission.

- (2) Duties. The President of the Commission shall have the responsibility to:
- a. Work with the Human Resources Director to set the agenda for Commission meetings, which shall include items requested by Commission members;
  - b. Preside over Commission meetings;
  - c. Preside over any disciplinary hearings involving the Chief or subordinate members over whom the Commission has jurisdiction and perform such other functions in the disciplinary process as are identified in Article III of these Rules or in §62.13 of the Wisconsin Statutes;
  - d. Appoint Commission members to any committees that are created by the Commission from time to time;
  - e. Approve all official correspondence of the Commission;
  - f. Take such other action as is necessary to assure that the duties of the Commission are properly discharged, provided that such action is not inconsistent with these Rules or with the Wisconsin Statutes.
  - g. Appoint a Secretary for the Commission.

B. Vice President.

- (1) Election. The Commission shall elect a Vice President at the first meeting of the Commission that occurs after May 1st of each year. The Vice President shall hold office until his or her replacement is duly elected by the Commission.
- (2) Duties. The Vice President of the Commission shall have the responsibility to:
- a. Preside at Commission meetings when the President is absent;
  - b. Assume the responsibilities of the President when requested to do so by the President; and
  - c. Perform such other Commission duties as requested by the President, provided that such duties are not inconsistent with these Rules or with the Wisconsin Statutes.

C. Secretary.

- (1) The President of the Commission shall appoint a Secretary, who need not be a member of the Commission, at the first meeting of the Commission that occurs after May 1st of each year. The Secretary shall serve until his or her replacement is appointed by the Commission President.
- (2) Duties. The Secretary of the Commission shall have the responsibility to:
  - a. Attend all meetings of the Commission, prepare the Minutes thereof for approval by the Commission.
  - b. Prepare and publish official notices of Commission business, including meeting notices and agendas, as required by these Rules or by the Wisconsin Statutes;
  - c. Assist the President in preparing and circulating Commission correspondence;
  - d. Accept for filing all appointments of Commission members pursuant to §62.13(1) of the Wisconsin Statutes;
  - e. Perform such other Commission duties as requested by the President, provided that such duties are not inconsistent with these Rules or with the Wisconsin Statutes.
  - f. The Secretary may delegate any of these duties to a recording secretary with the approval of the Commission.

D. Press Spokesperson.

- (1) The President of the Commission shall serve as the official spokesperson for the Commission.
- (2) The President may delegate the role of spokesperson to the Human Resources Director or other appropriate individuals.

**Section 1.05 Address of the Commission.**

All correspondence with the Commission, its officers, and its members shall be sent to the following address:

Eau Claire Police and Fire Commission  
c/o Human Resources Department  
203 South Farwell Street  
Eau Claire, WI 54701

### **Section 1.06 Service of Process on the Commission.**

The Commission designates the Human Resources Director, whose offices are located at 203 South Farwell Street, Eau Claire, as its agent to receive legal process addressed to the Commission or to any of its members in their official capacities, unless personal service of process is otherwise required by law.

### **Section 1.07 Rules of the Commission.**

- A. These Rules of the Commission and the Code of Conduct of the Commission shall govern the conduct of all business relating to the duties and responsibilities of the Commission and shall further apply to the positions of Police and Fire Chief and to all subordinate positions within the Police and Fire Departments that are under the jurisdiction of the Commission.
- B. These Rules of the Commission, the Code of Conduct of the Commission, and any amendments thereto shall take effect upon adoption by the Commission at a regular meeting thereof and shall remain in effect until such time as they are repealed and amended in whole or in part.
- C. These Rules of the Commission and the Code of Conduct of the Commission are subject to the applicable provisions of state and federal law. It is the express intention of the Commission to comply with all applicable state and federal laws as they relate to hiring, promotion, discipline, and termination of Department members within the jurisdiction of the Commission.
- D. Should any provision of these Rules or the Code of Conduct be declared unlawful by a court of competent jurisdiction, all other provisions shall remain in full force and effect.

### **Section 1.08 Definitions.**

Unless otherwise indicated, the following terms have the indicated meanings whenever they are used in these Rules:

- A. "President" means the duly elected President of the Commission.
- B. "Chief" means the person officially appointed by the Commission to the position of Police Chief or Fire Chief of the City of Eau Claire and, in the event of a vacancy in the position of Police or Fire Chief, the person appointed by the Commission to serve as Acting Chief.
- C. "Commission" means the Commission officially known as the Eau Claire Police and Fire Commission.

- D. "Commissioner" means a duly appointed member of the Eau Claire Police and Fire Commission.
- E. "Department" means the Eau Claire Police or Fire Department.
- F. "Member" means all personnel employed by the Eau Claire Police or Fire Department, including the Chiefs, who are within the jurisdiction of the Commission.
- G. "Rules" means the Rules of the Eau Claire Police and Fire Commission.
- H. "Day" is defined as per State Statute 801.15 which excludes weekends and holidays when the period is less than 11 days.
- I. "Secretary" means the duly appointed secretary of the Commission.
- J. "Subordinate" and "subordinate member" mean all personnel employed by the Eau Claire Police and Fire Departments, except the Chiefs, who are within the jurisdiction of the Commission. As used in these Rules, the terms "subordinate" and "subordinate member" do not include non-Fire Fighters and unsworn employees of the Police Department.
- K. "Vice President" means the duly elected Vice-President of the Commission.
- L. "Human Resources Director" means the City of Eau Claire Human Resources Director.

## **ARTICLE II COMMISSION MEETINGS**

### **Section 2.00 Schedule of Meetings.**

- A. The Commission shall conduct an annual meeting during the month of May to elect a President and Vice President, and sign a “Conflict of Interest” statement.
- B. Meetings are generally scheduled bi-monthly, on the third Thursday.
- C. Additional meetings may be held to conduct interviews for Police Officers or Fire Fighters.
- D. The Commission shall also meet at any time set by the Commission during an official business meeting, at the call of the President, or upon the written request of at least two members of the Commission.

### **Section 2.01 Location of Meetings.**

The Commission meets at Eau Claire City Hall and at such other locations as specified in the Commission’s public meeting notices.

### **Section 2.02 Notice of Meetings.**

- A. Public notice of every meeting shall be given at least twenty-four (24) hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two hours in advance of the meeting.
- B. The notice of meeting shall be provided to each Commission member, the Human Resources Director, the City Manager, and the Chiefs.
- C. The notice of meeting shall also be provided to those news media which have filed a written request with the City Manager’s office for such notice and to any official newspapers designated under State Statutes 985.04, 985.05 or 985.06 of the Wisconsin Statutes or, if none exists, to a news medium likely to give notice in the area.
- D. The notice of meeting shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof.
- E. The notice of meeting shall invite those who require special accommodations in order to attend the meeting to contact the President or the City Manager’s office in advance so that reasonable accommodations can be made.



### **Section 2.03 Meeting Agenda.**

- A. The Human Resources Director shall set the agenda for each meeting and cause it to be included in the notice of meeting.
- B. In setting the agenda, the Human Resources Director shall work with the President to set the agenda for each meeting. The agenda shall include items of business requested by other Commission members.

### **Section 2.04 Order of Business.**

The ordinary order of business for most meetings of the Commission is as follows:

- Call to Order
- Roll Call
- Consideration of Minutes of Previous Meeting(s)
- Unfinished Business from Prior Meetings
- New Business
- Other Business Authorized by Law
- Set Next Meeting Date
- Discussion of Future Agenda Items
- Adjournment

### **Section 2.05 Meetings Subject to Wisconsin Open Meetings Law.**

Meetings of the Commission are open to the public and all business of the Commission shall be conducted in open session, except that the Commission may convene in closed session when duly authorized to do so pursuant to law and then only upon a motion to that effect that is carried in a roll call vote that is recorded in the Minutes. The motion shall specify the subject matters to be discussed in closed session and the statutory authority for considering them in closed session.

### **Section 2.06 Quorum.**

A majority of the members of the Commission shall constitute a quorum for the transaction of any business at a meeting of the Commission.

### **Section 2.07 Vote Required to Take Action.**

- A. The act of a majority of the Commissioners present at a Commission meeting at which a quorum is present shall be the act of the Commission.
- B. Only duly appointed members of the Commission may vote on matters at a Commission meeting.

- C. Proxy voting is not permitted at Commission meetings.

**Section 2.08 Floor Privileges.**

- A. Only duly appointed members of the Commission shall have the right to speak at Commission meetings.
- B. The Commission may, in its sole discretion, allow anyone else present at a Commission meeting to speak at the meeting and then only to the extent of and subject to any parameters established by the Commission.

**Section 2.09 Rules of Order.**

The then current edition of Robert's Rules of Order shall be the rules of order for the conduct of business at Commission meetings, unless otherwise provided by these Rules of the Commission or by the Wisconsin Statutes or unless the Commission waives those rules of order or specified provisions thereof for a particular meeting.

**ARTICLE III  
DISCIPLINARY PROCEDURES**

**Section 3.00 Scope and Authority.**

- A. 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.
- B. The provisions of Article III apply to the Fire Chief, the Police Chief, and to all subordinate members of each department.
- C. The provisions of Article III do not apply to:
  - (1) Probationary employees, who may be summarily discharged from the Department by the Chief;
  - (2) 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
  - (3) Unsworn employees of the Department.

**Section 3.01 Definitions.**

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

- A. “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.
- B. “Respondent” means the person charged in the statement of charges.

**Section 3.02 Legal Counsel for the Commission.**

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

### **Section 3.03 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 any time.

### **Section 3.04 Suspension of Members as a Penalty.**

- A. 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 Section 3.07 (G)(1) 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 Section 3.04 (C) of these Rules.
- B. Report of Suspension. If a suspension penalty is imposed by the Chief, the Chief shall file a report with the President of the Commission as soon as possible upon issuing the order of suspension.
- C. Request for Hearing.
- (1) If a member, suspended by the Chief requests a hearing on the suspension, the Chief shall file with the President of the Commission a written statement of charges upon which the suspension is based. The statement shall conform to the requirements of Section 3.05(B) below. Thereafter, the processes described in Sections 3.06-3.07 shall be observed.
  - (2) 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 Section 3.05(B) below. Thereafter, the processes described in Sections 3.06-3.07 shall be observed.
  - (3) A request for a hearing shall be in writing and shall be filed with the President of the Commission within ten (10) days of the date on which the written order of suspension was received by the respondent.
- D. No Request for Hearing. If the suspended member does not request a hearing on the suspension within ten (10) days of the date on which he or she received the written order of suspension, no hearing shall be held.

### **Section 3.05 Filing of Charges; Suspension Pending Disposition of Charges.**

- A. 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.
- B. Statement of Charges. In order to invoke the formal disciplinary process as described in Article III of these Rules, the statement of charges shall:
- (1) Be in writing;
  - (2) Be addressed to the Commission;
  - (3) Identify the person against whom the charges are brought;
  - (4) 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;
  - (5) State the specific statute, rule, regulation, policy, procedure, or order which the accused is charged with violating;
  - (6) 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
  - (7) Be filed with the President of the Commission at the address specified in Section 1.05 of these Rules.
- C. Sufficiency of Charges. The process for determining sufficiency of charges is as follows:
- (1) Human Resources staff shall conduct an initial "investigation" as to whether the charge meets the requirements of Section 3.05(B) above (in writing; addressed to the Commission; identifies person against whom the charges are brought; states sufficient facts to allow accused to defend allegations; identifies a specific statute, rule, regulation, policy or procedure alleged to have been violated; charge is signed in presence of a notary public; and charge is timely) and forward the charge to the Commission President.

- (2) The Commission President shall review the charge and draft a letter to the Complainant either accepting the charge as sufficient, or dismissing the statement of charges, without prejudice, as not meeting the requirements of Section 3.05.B.
  - (3) The Commission President shall forward the statement of charges and proposed letter to all Commission members for review before the letter is sent to the Complainant. Commission members shall have 14 days to review and respond to the President of the Commission.
  - (4) If any Commission member(s) disagrees with the conclusion of the Commission President, the matter shall be reviewed in closed session at the next regularly-scheduled Police and Fire Commission meeting.
  - (5) A majority of Commission members may, in the exercise of discretion, override the decision of the President of the Commission with respect to the sufficiency of a charge.
- D. Filing Deadline. The Commission may, in the exercise of its discretion, dismiss any charges with prejudice where it determines that the complainant through neglect failed to file charges in a timely manner. Charges filed within 120 days of the alleged violation shall be deemed timely. For charges filed beyond 120 days the Commission may consider such issues as the complainant's reasons for delay, the availability and recollection of key facts by witness(es), prior notice of the incident with attendant opportunity to investigate for the department and officer, the public interest of present review, and such others as the Commission finds proper and just in balancing the interests involved.
- E. Service of Charges. Following the filing of charges with the President of the Commission, the complainant shall cause a copy thereof to be promptly served upon the respondent and shall promptly furnish the President of the Commission with written evidence of that service.
- F. Suspension Pending Disposition of Charges. Pending disposition of charges that have been filed with the President of the Commission, the Chief or the Commission may suspend the respondent.

### **Section 3.06 Pre-Hearing Procedures.**

- A. 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.

- B. Pre-Hearing Conference. The Commission may authorize the President, a Commissioner designated by the President, 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.
- C. Discovery.
- (1) At least seven (7) days before the date scheduled for the hearing, the complainant and the respondent shall furnish each other and the President 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.
  - (2) Except as otherwise allowed by the Commission, there is no right to any additional pre-hearing discovery.
- D. Subpoenas. Both the complainant and the respondent may compel the attendance of witnesses by subpoena, which shall be issued by the President 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.

### **Section 3.07 Hearing Procedures.**

- A. Commencement. The hearing shall be commenced not less than ten (10) days nor more than thirty (30) days following the service of charges on the respondent.
- B. 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:
- (1) To attend the hearing in person;
  - (2) To be represented by an attorney;
  - (3) To respond to and challenge the charges;
  - (4) To cross-examine and confront the witnesses against him or her under oath.
  - (5) To present witnesses under oath on his or her own behalf;

- (6) To testify on his or her own behalf;
  - (7) To argue his or her view of the law and the facts; and
  - (8) To subpoena witnesses.
- C. Representation by Counsel. Both the complainant and the respondent may be represented by counsel at the hearing.
- D. 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.
- E. 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.
- F. Hearing to be Recorded. All public portions of the hearing shall be recorded verbatim.
- G. Issues at Hearing.
- (1) No member may be suspended or reduced in rank by the Commission, unless the Commission determines that there is just cause, as described in Section 3.07 (G) (2) below, to sustain the charges.
  - (2) In making its determination of just cause under Section 3.07(G)(1), the Commission shall apply the following standards, to the extent applicable:
    - a. Whether the member could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct;
    - b. Whether the rule or order that the member allegedly violated is reasonable;
    - c. 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;
    - d. Whether the effort described in Section 3.07(G)(2) (c) was fair and objective;



- e. 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;
  - f. Whether the Chief is applying the rule or order fairly and without discrimination against the member; and
  - g. Whether the proposed discipline reasonably related to the seriousness of the alleged violation and to the member's record of service with the Department.
- H. 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.
- I. Presentation of Evidence.
- (1) 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.
  - (2) The testimony of witnesses shall be under oath or affirmation and shall be recorded verbatim.
  - (3) Cross-examination of all witnesses by the opposing party shall be permitted.
  - (4) The Commission may question any witness and may call witnesses of its own.
  - (5) Parties may be called to testify adversely.
  - (6) Witnesses may be sequestered upon order of the Commission.
  - (7) Rules of evidence do not apply. However, hearsay cannot be the sole basis of proof at any factual finding.
- J. 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.
- K. Decisions by the Commission.

- (1) 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:
  - a. That the respondent be suspended;
  - b. That the respondent be reduced in rank;
  - c. That the respondent be both suspended and reduced in rank; or
  - d. That the respondent be removed from the Department.
  - e. If the Commission determines that none of the charges are sustained, the respondent, if suspended, shall be immediately reinstated and all lost pay restored.
- L. Filing of Written Findings. Findings and determinations rendered at the conclusion of the hearing and orders of suspension, reduction, or removal, shall be in writing and shall be filed as soon as possible following the close of hearings with the Secretary of the Commission.
- M. 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. Written notice of an appeal must be served on the Secretary of the Commission within ten (10) days after the order is filed. If the appeal is to Circuit Court, then within five (5) days after receiving written notice of appeal, the Commission shall certify to the Clerk of Courts the record of the proceedings.
- N. 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.

### **Section 3.08. Informal Resident Complaint Process.**

When a resident files a written complaint with the Chief of the Police Department or Fire Department about the conduct of a member of the Department, but does not invoke the formal disciplinary process by filing a statement of charges meeting the specifications of Section 3.05 (B) above, the Chief of the Department will cause an investigation as to the complaint to be conducted. Upon completion of the investigation, the Chief of the Department shall notify the resident of the results of the investigation conducted in response to his or her complaint, with a copy of said response and the complaint being sent to the Human Resources Director and City Attorney. All complaint files will be available for review by the President of the Police and Fire Commission by request.

**ARTICLE IV  
POLICE DEPARTMENT  
ENTRY LEVEL HIRING AND ELIGIBILITY LISTS**

**Section 4.00 Purpose.**

The purpose of these rules is to establish guidelines for recruiting and selecting new Police Officers to the Police Department.

**Section 4.01 Policy.**

- A. The Police and Fire Commission and the Eau Claire Police Department will strive for a balanced work force, reasonably reflecting the demographic makeup of the community, including ethnic, racial, and gender factors.
- B. The process will be conducted in compliance with Equal Employment Opportunity and Americans with Disabilities Act guidelines.

**Section 4.02 Qualifications and Criteria.**

- A. Overview. The selection of police officers for the City of Eau Claire entails a process of choosing only the best qualified and professional persons for employment. The ideal applicant is a responsible individual with the ability to communicate effectively with the public. Interested persons must first meet the listed qualifications before applying:
- B. Education. An applicant with the Eau Claire Police Department shall:
  - a. Be a graduate of an applicable accredited high school (or proof of high school equivalency, such as GED certificate.)
  - b. Possess a minimum of 60 post high school semester credits at the time of appointment
    - i. OR have three (3) years full-time employment or military experience and obtain 60 post high school semester credits within 5 years of appointment.
- C. Driver's License. Must be listed on the application at the time of application. A Wisconsin driver's license must be obtained prior to employment.
- D. Citizenship. United States citizenship and/or proof of naturalization are required. Persons born outside of the United States or its possessions must show proof of citizenship at the time of application.
- E. Criminal History. As a minimum, must not have been convicted of a felony.

- F. Character. Must be a person of high moral standards.
- G. Lateral Transfers. At the discretion of the chief, consistent with other minimum hiring standards, lateral transfers may be considered for employment.
- H. Contact Information. Anyone who meets these qualifications may obtain official application information on the City of Eau Claire employment web site: [www.eauclairewi.gov/jobs](http://www.eauclairewi.gov/jobs).

#### **Section 4.03 Advertising.**

Advertisements will be prepared and placed by Human Resources staff.

#### **Section 4.04 Changes.**

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

#### **Section 4.05 Applications.**

Application format and requirements will be determined by the Human Resources Director. Immediately after the closing date for submitting applications, Human Resources Department staff will verify that all materials have been submitted in a complete and timely manner. In no particular order, the following examinations and oral interviews shall be conducted to establish an eligibility list:

#### **Section 4.06 Police and Fire Commission Oral Interview.**

- A. Typically, each interview panel will consist of one Police and Fire Commissioner or designee, and a Police Chief, Deputy Chief, or a senior member of the Police department. Persons will be judged on their ability to solve problems, oral communication skills, interpersonal skills, motivation, interest, and other criteria developed by the Commission.
- B. The candidates to be interviewed may be divided randomly among the above described interview panels.
- C. The Commission will meet with the interview panel members immediately after conclusion of the interviews to establish a hiring eligibility list.
- D. The Commission may, at its discretion, disqualify candidates from reapplying for up to three years.

#### **Section 4.07 Hiring Eligibility List.**

The hiring eligibility list will remain in effect until it is replaced by a new list. The Commission may carry over names from the previous eligibility list at the Chief's request.

#### **Section 4.08 Written Examinations.**

- A. A written examination shall be conducted to evaluate general aptitude and related knowledge pertinent to successful performance in the duties of a police officer. The areas covered may include such things as recognizing physical similarities, relating written descriptions and sketches, sense of direction and orientation, organizing information, grammar usage, and locating information on standard police forms. The written test is scored on a pass/fail basis with the cut-off score determined by the Human Resources Director.
- B. The selection of written examination and testing agency shall be made by the Human Resources Director.

#### **Section 4.09 Physical Aptitude Examination.**

All applicants who complete the written examination will advance to the second phase of the selection process, the physical aptitude test. The physical aptitude test consists of a series of job-related activities designed to evaluate various capabilities. The test measures one's power agility, strength, flexibility, abdominal strength (an indicator of lower back strength), and stamina.

The content of the physical aptitude examination will be determined by the Police Chief, and will be a pass/fail exam. The physical aptitude test will be administered by the Human Resources Department with the assistance of the Police Department.

#### **Section 4.09 Hiring Eligibility List.**

The names of the applicants who are selected following the Police and Fire Commission Oral Interview will remain on the hiring Eligibility List until the list is replaced by a new one. The Commission may carry over names from the previous eligibility list at the Chief's request.

#### **Section 4.10 Hiring Procedure.**

- A. The Police Chief may hire a new employee from the Police and Fire Commission approved list for an entry level position without further action by the Police and Fire Commission.

- B. Upon certification of the eligibility list, a copy of the list and applicant information is forwarded to the Police Department. The Police Chief makes appointments to the Department from this list. From this point, the Police Department is responsible for further applicant assessment when positions become available.
- C. Oral Interview. When the Police Department is ready to fill a vacant position, department staff members will review applicant information and schedule a second oral interview for those individuals being considered for hire at that time.
- D. Background Investigation. Prior to any appointment, a detailed background investigation will be performed by the Police Department. This investigation will include such items as criminal and traffic records, present and past employment, educational achievements, recommendations from acquaintances, and numerous reference checks.
- E. Further Testing. Prior to employment, candidates may be asked to participate in further testing at City expense, which may include physical/medical evaluation, personality testing, psychological examination, polygraph and/or chemical substance testing.

**ARTICLE V  
PROMOTIONAL PROCEDURES  
FOR THE POLICE DEPARTMENT**

**Section 5.00 General Provisions.**

The provisions of Article V shall apply to promotions within the Eau Claire Police Department.

Position descriptions establishing duties, required knowledge, and abilities are established by the Police Chief.

**Section 5.01 Promotion to Sergeant.**

Section 5.011 Application.

To be eligible for promotion to Sergeant, all candidates must have attained the status of a First-Class Officer or have a minimum of five (5) years of full-time enforcement experience. The application process will include a requirement for the candidate to provide a written response to a questionnaire provided by the Police Chief.

Section 5.012 Assessment.

Candidates will be ranked by a supervisory assessment panel. The purpose of this panel is to rank the relative attributes of the candidates regarding various supervisory strengths, including their perceived communication skills, initiative and self-motivational skills, judgment and decision-making skills, leadership skills, and problem-solving skills. The purpose of the ranking is to establish the appropriate number of candidates who will move on to the next step of the promotional process. This number may vary depending on anticipated promotional opportunities.

Section 5.013 Interview.

Remaining candidates will be interviewed (all candidates may be interviewed depending on the number of applicants). The information provided in the candidate's application and written questionnaire will be considered as well. The individual members of the interview board will independently assess the candidates. The purpose of this panel is to provide informal guidance to the Police Chief in selecting a candidate for promotion. The interview panel will be selected by the Chief and may include members of the Police and Fire Commission.

Once the eligibility list has been established, the rankings will no longer be relevant. In other words, there will be no ranking of candidates on the final eligibility list, and all candidates on the list are available for consideration of promotion by the Police Chief. The Chief has the right to promote any candidate on the eligibility list.

## **Section 5.02 Promotion to Lieutenant.**

To be eligible for promotion to Lieutenant, the preferred candidate will have attained the rank of Sergeant of Police. However, the Police Chief reserves the right to promote an officer to the rank of Lieutenant who is otherwise eligible for promotion to the rank of Sergeant, or to recruit for the open Lieutenant position from outside the organization. These options may be exercised if, in the judgment of the Chief, there are an insufficient number of interested internal candidates willing to compete for the available Lieutenant position.

### Section 5.021 Application.

To be eligible for promotion to Lieutenant, all candidates must have attained the status of a First-Class Officer or have a minimum of five (5) years of full-time enforcement experience.

The application process will include a requirement for the candidate to provide a written response to a questionnaire provided by the Police Chief.

### Section 5.022 Interview.

Remaining candidates will be interviewed (all candidates may be interviewed depending on the number of applicants). The information provided in the candidate's application and written questionnaire will be considered as well. The individual members of the interview board will independently assess the candidates. The purpose of this panel is to provide informal guidance to the Police Chief in selecting a candidate for promotion.

Once the eligibility list has been established, the rankings will no longer be relevant. In other words, there will be no ranking of candidates on the final eligibility list, and all candidates on the list are available for consideration of promotion by the Police Chief. As always, the Chief reserves the right to promote any candidate on the eligibility list.

## **Section 5.03 Promotion to Deputy Chief.**

No formal process.

## **Section 5.04 Promotion to Police Chief**

The process for hiring a Police Chief shall be determined by the Commission in compliance with State Statute.



### **Section 5.05 Formal and Informal Chief Review Process.**

- A. Informal and formal Chief reviews occur on alternate years in closed session at the September and November meetings, unless otherwise decided by Human Resources and/or the Commission. A written response from the Chief is required prior to the formal review and will be distributed for review to the Commission.
- B. During years of a formal review, the Commission may solicit feedback at their discretion from the City Manager.
- C. After the formal review, the President of the Commission will then complete a written summary of the annual performance evaluation for each Chief within 30 days and a copy will be placed in the individual personnel file.

**ARTICLE VI  
FIRE DEPARTMENT  
ENTRY LEVEL HIRING AND ELIGIBILITY LISTS**

**Section 6.00 Purpose.**

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

**Section 6.01 Policy.**

- A. The Police and Fire Commission and the Eau Claire Fire Department will strive for a balanced work force, reasonably reflecting the demographic makeup of the community, including ethnic, racial and gender factors.
- B. The process will be conducted in compliance with *Equal Employment Opportunity* and *Americans with Disabilities Act* guidelines.
- C. The process detailed within this Article reflects the CVTC process. However, the City of Eau Claire may contract with additional agencies in addition to CVTC to facilitate the application and testing process. The City of Eau Claire Human Resources Department may establish its own application and testing process in addition to utilizing contracting agencies.

**Section 6.02 Qualifications and Criteria.**

- A. The selection of Fire Fighters for the City of Eau Claire entails a process of choosing only the best qualified and professional persons for employment. The ideal applicant is a responsible individual with the ability to communicate effectively with the public. Interested persons must first meet the listed qualifications of 6.02 B.
- B. Nationally Registered or State of Wisconsin EMT licensure by cut-off date to be determined by the Fire Chief. Eligible candidates must possess a High School diploma or equivalent (GED, etc.); possess and maintain a valid driver's license; be a U.S. citizen; be at least 18 years old; and possess a valid CPAT certification at time of hire. Candidates must also be either, Nationally Registered or State of Wisconsin EMT certified and Firefighter I certified, OR be Nationally Registered or State of Wisconsin Paramedic certified at time of hire with the requirement to train within the department to Firefighter I and II certifications within one year after hire date.
- C. At the discretion of the chief, consistent with other minimum hiring standards, lateral transfers may be considered for employment.
- D. Must be a person of high moral standards.

### **Section 6.03 Changes.**

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

### **Section 6.04 Applications.**

The department contracts with Chippewa Valley Technical College (CVTC) to facilitate the application and testing process in conjunction with other regional fire departments. Application materials are made available online through CVTC at the time of recruitment. CVTC typically schedules the testing process on a monthly basis. CVTC application guidelines and their application are on file in the City of Eau Claire Human Resources office.

- A. Application format and requirements will be determined by the Human Resources Director in conjunction with CVTC. After an application is submitted, CVTC staff will verify that all required materials have been submitted.
- B. The Eau Claire Fire Department does NOT have a residency requirement.
- C. Candidates for the Eau Claire Fire Department are required to sign a “No Tobacco Use” Condition of Employment stating that from the date of hire, candidate will not smoke, chew, or use any tobacco product(s) on or off duty during the duration of employment with the Department, and further, any tobacco use will be cause for dismissal.
- D. Fire Department staff will review applications to confirm that the applicant meets the minimum requirements which are listed in Section 6.02 B.
- E. Candidates with an accepted application will be notified by CVTC staff of the written examination option date(s) and time(s) and the physical agility portion of the testing process.
- F. Candidates are required to pay a fee to CVTC (as determined by CVTC) for the Candidate Physical Ability Test (CPAT). CVTC bills the City of Eau Claire for their facilitating the CPAT. Charges are paid by the Human Resources Department.

### **Section 6.05 Physical Agility Examination.**

- A. The test process that CVTC utilizes is the nationally recognized Candidate Physical Ability Test (CPAT), which measures the capabilities of Fire Fighter recruits along the following eight job-specific areas: Stair climb, hose drag, equipment carry, ladder raise, forcible entry, search, rescue drag, and ceiling breach and pull.
- B. All applicants will be required to successfully complete the CPAT or equivalent physical agility exam as determined by the Human Resources Department and Fire Chief before starting employment.

### **Section 6.06 Written Exam.**

The written exam is selected and administered by CVTC staff. These exams are offered weekly at CVTC and can be registered for via [firedepartmentnhiring.com](http://firedepartmentnhiring.com). Offers of employment are contingent upon having successfully passed the written exam. The cutoff score is determined by the Human Resources Director or designee.

### **Section 6.07 Oral Interview.**

- A. Typically, each interview panel will consist of one Police and Fire Commissioner or designee and one staff person consisting of the Fire Chief, a Chief Officer of the Fire Department, or a representative from Human Resources. Persons will be judged on their ability to solve problems, oral communication skills, interpersonal skills, motivation, interest, and other criteria developed by the Commission.
- B. The candidates to be interviewed may be divided randomly among the above described interview panels.
- C. The Commission will meet with the interview panel members immediately after conclusion of the interviews to establish a hiring eligibility list.
- D. The Commission may, at its discretion, disqualify candidates from reapplying for up to three years.

### **Section 6.08 Hiring Eligibility List.**

The names of applicants who are successful in completing the first two phases (Written test and oral interview) of the selection process will be placed on a rolling eligibility list that normally remains in effect for a period of one year. All applicants will be required to successfully complete all eligibility qualifications prior to starting employment, to include both physical agility and written exam. The Commission may carry over names from the previous eligibility list at the Chief's request.

### **Section 6.09 Hiring Procedure.**

- A. Second Oral Interview When the Fire Department is ready to fill a vacant position, department staff members will review applicant information and schedule a second oral interview for those individuals being considered for hire at that time.
- B. The Fire Chief may hire a new employee from the Police and Fire Commission approved list for an entry level position without further action by the Police and Fire Commission.

- C. Upon certification of the eligibility list, a copy of the list and applicant information is forwarded to the Fire Department. The Commission will be advised of each new hire from the list at the next Police and Fire Commission meeting following the acceptance of an offer. The Fire Department is responsible for further applicant assessment when positions become available.
  
- D. Background Investigation Prior to any appointment, a detailed background investigation will be performed. This investigation may include such items as criminal and traffic records, present and past employment, educational achievements, recommendations from acquaintances, and numerous reference checks.
  
- E. Further Testing Prior to employment, candidates may be asked to participate in further testing at City expense, which may include physical/medical evaluation, personality testing, and/or chemical substance testing.

**ARTICLE VII  
PROMOTIONAL PROCEDURES  
FOR THE FIRE DEPARTMENT**

**Section 7.01 General Provisions.**

- A. The provisions of Article VII shall apply to promotions within the Eau Claire Fire Department.
- B. Position descriptions establishing duties, required knowledge and abilities are established by the Chief.
- C. Promotional eligibility lists for the positions of Engineer and Lieutenant are created annually based on the testing administered by the Human Resources staff and the Fire Department. The proposed eligibility list is brought forward, typically at the May Police and Fire Commission meeting, to be reviewed and established by the Commission. After the promotional eligibility list is established by the Commission, the candidates from that list may be promoted by the Fire Department as openings occur, and does not require further action by the Commission, unless a change in qualifications has occurred. The Fire Chief will notify the Commission at the next regular meeting when a vacancy has been filled via these promotional eligibility lists.
- D. Promotional eligibility list for the position of Captain is created annually based on the testing administered by the Human Resources staff and the Fire Department. The eligibility list does not require establishment by the Commission. The Fire Chief will bring forward the recommendation for approval to the Police and Fire Commission for the individual who meets the minimum requirements.
- E. Promotion to Chief Officer will be based on Fire Chief recommendation. The Fire Chief will bring forward the recommendation for approval to the Police and Fire Commission for the individual who meets the preferred qualifications.

**Section 7.02 Promotion to Engineer.**

The position will be awarded to the most senior individual who has completed the necessary qualifications as follows:

- Possesses a valid Wisconsin or State issued Driver's License
- Has been eligible and willing to act in the Engineer's position for the previous two years.
- Has passed the department's written exam using the current version of the following texts (written exam valid for 3 years):
  - IFSTA – editions
    - Aerial Apparatus Driver/Operator Handbook
    - Pumping Apparatus Driver/Operator Handbook
- Has passed the Practical Skills Checklist:

- Demonstrates ability to safely and efficiently operate pumping apparatus and aerial apparatus in a proficient manner based upon State of Wisconsin certification criteria.
  - Passes each individual station as set by the criteria within the document
  - Total of 3 attempts
    - Four scheduled days A, B, C + one make-up day
    - 2 on the scheduled test day
    - 1 on an additional scheduled day
    - In the event of the candidate is only scheduled on the 4th day of the test they will be allowed up to 3 attempts on that day
- Has passed the Fire Apparatus Driver/Operator-Pumper course or approved equivalent
- Has passed the Accessory Testing:
  - To maintain eligibility
  - Completed prior to promotion
  - Accessory tests will include: Streets test and Emergency SOG's tests

### **Section 7.03 Promotion to Lieutenant.**

The position will be awarded to the most senior individual who has completed the necessary qualifications as follows:

- Has passed the department's written exam using the current version of the following tests (written exam valid for 3 years):
  - Selected sections – IFSTA Emergency Service Instructor Text
  - Company Officer Text – Jones & Bartlett
  - Tactics Text – Brady with NIST information
- Has completed an Associate's Degree or equivalent toward a Bachelor's Degree.
- Has completed the Wisconsin Fire Officer I or approved equivalent course
- Has completed a skill development lab consisting of (3 attempts to pass):
  - ICS simulation
  - In-basket
  - Conflict resolution
- Has been eligible and willing to act in the Company Officer position for the previous two years.
- Has passed the Accessory Testing:
  - To maintain eligibility
  - Completed prior to promotion
  - Accessory tests will include: Emergency and Administrative SOG's tests
  - Fire Service Supervisory Training: During the time of eligibility, the employee will work in the role of Officer while under the direct supervision of a current company officer. Minimum of 96 hours each year. Guidelines will be provided
- To be eligible for promotion to the rank of Lieutenant, employees must have completed seven (7) years of Eau Claire Fire Department employment and been eligible and willing to act for a period of two (2) years. Candidate(s) with less than

seven (7) completed years of Eau Claire Fire Department employment may provide equivalent experience for consideration.

#### **Section 7.04 Promotion to Captain.**

The evaluation process to develop a recommendation for promotion to Captain shall be defined by the Fire Chief. The preferred qualifications for promotion to Captain are as follows:

- Has passed the department's written exam using the current version of the following tests (written exam valid for 3 years):
  - Selected sections – IFSTA Emergency Service Instructor Text.
  - Company Officer Text – Jones & Bartlett.
  - Tactics Text – Brady with NIST information.
- Has completed an Associate's Degree or equivalent toward a Bachelor's Degree, and continues to actively further education.
- Has completed the Wisconsin Fire Officer I or approved equivalent course.
- Has completed a skill development lab consisting of:
  - ICS simulation
  - In-basket
  - Conflict resolution
- Has been eligible and willing to act in the Company Officer position for the previous two years.
- Has completed the Accessory Testing:
  - Completed prior to promotion
  - Accessory tests will include: Emergency and Administrative SOG's tests
  - Fire Service Supervisory Training: During the time of eligibility, the employee will work in the role of Officer while under the direct supervision of a current company officer. Minimum of 96 hours each year. Guidelines will be provided (current company officers excluded)
- Demonstrated willingness to participate in National Fire Academy coursework and attend the National Fire Academy.

#### **Section 7.05 Promotion to Sworn Fire Inspector.**

The evaluation process to develop a recommendation for promotion to sworn Fire Inspector shall be defined by the Fire Chief. The preferred qualifications for promotion to sworn Fire Inspector are as follows:

- A minimum of 30 credit hours or equivalent towards Associate or Bachelor's degree.
- Twelve hours or six credits in Personnel Management or Supervisory Management training.
- Successful completion of skill development lab consisting of:
  - ICS simulation
  - In-basket
  - Conflict resolution scenario



- Willingness to act in the Company Officer's position for the previous two years.
- Willingness to take Certified Company Officer course when available.
- Demonstrated willingness to participate in National Fire Academy coursework and attending the National Fire Academy.

### **Section 7.05 Promotion to Chief Officer.**

The evaluation process to develop a recommendation for promotion to Chief Officer shall be defined by the Fire Chief. The preferred qualifications for promotion to Chief Officer are as follows:

- Bachelor Degree or higher in related field, or commitment to attain over reasonable time frame.
- Education subsidized with current seminars, conferences, and other training experiences.
- Commitment to National Fire Academy Executive Fire Officer certification.
- Company Officer or higher rank.
- Definable supervisory experience.
- Broad based experience in departmental service delivery areas.
- Incident Safety officer trained/experienced.
- ICS trained and experienced at varied incident levels.
- Experience with labor relations.
- Fire Service Instructor I certification.
- Hazardous Material Technician.
- Valid Wisconsin Driver's License.
- Broad based experience of fire service delivery encounters.

### **Section 7.06 Promotion to Fire Chief**

The process for hiring a Fire Chief shall be determined by the Commission in compliance with State Statute.

### **Section 7.07 Formal and Informal Chief Review Process.**

Informal and formal Chief reviews occur on alternate years in closed session at the September and November meetings, unless otherwise decided by Human Resources and/or the Commission. A written response from the Chief is required prior to the formal review and will be distributed for review to the Commission.

- A. During years of a formal review, the Commission may solicit feedback at their discretion from the City Manager.
- B. After the formal review, the President of the Commission will then complete a written summary of the annual performance evaluation for each Chief within 30 days and a copy will be placed in the individual personnel file.

## INFORMATION FOR FILING CHARGES

If you believe a police officer or firefighter, employed by the City of Eau Claire, has violated a department rule, city ordinance, state or federal law, or standard of acceptable conduct, you may file a formal statement of charges with the Police and Fire Commission which, if found sufficient by the Police and Fire Commission, may initiate a formal hearing process. The Commission will carefully review your charges and provide you with a response. This is a formal process, you may wish to consult an attorney to assist you with filing a statement of charges with the Commission.

Enclosed is a form that can be used to initiate formal charges. You must complete the statement of charges form fully, providing sufficient detail of the basis for your charges, the date or dates on which you allege violations occurred, and identify the person against whom you are filing the charges. With limited exceptions, you must file within 120 days of occurrence. The information you provide should be based on your personal knowledge or other reliable sources. If from other sources, please provide contact information, as the person must be present at any hearing to testify under oath as to his or her knowledge of the events alleged in the charges, or the evidence must be present. You must also sign the statement of charges to verify the charges are made under oath, in the presence of a notary public. You should be aware that making a false statement under oath or affirmation is a felony crime. Section 946.32(1), Wis. Stats. The Commission cannot impose any discipline in the absence of a formal statement of charges.

Before filing a statement of charges with the Commission, you may want to consider first bringing your concern to the Chief of the Police Department or the Fire Department. Both departments have complaint forms that can be used for this purpose. The Department will carefully review your concerns and provide a response.

If you choose to file a formal statement of charges, please file it with the Commission and then serve a certified copy upon the Police or Fire Department at the following locations:

<i>City of Eau Claire</i>	<i>Police Department</i>	<i>Fire Department</i>
<i>Police and Fire Commission</i>	<i>740 2nd Ave.</i>	<i>216 S. Dewey St.</i>
<i>c/o Director of Human Resources</i>	<i>Eau Claire, WI 54703</i>	<i>Eau Claire, WI 54701</i>
<i>203 South Farwell Street</i>		
<i>Eau Claire, WI 54701</i>		

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*Adopted by the Police & Fire Commission 3-21-02*  
*Revised by the Police & Fire Commission 10-18-06 & 10-6-11*



**DESCRIPTION OF CHARGES (Continued)**

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**SOURCES OF INFORMATION**

If you are aware of additional information from sources other than your own observation regarding the events detailed in your Description of Charges, state such information followed by the name and address of each source, or otherwise identify the source of your information, such as a document that has information supporting the charges.

--

**SPECIFICATION OF VIOLATION**

If known, cite the department rule, city ordinance, state or federal law, or standard of acceptable conduct you believe the person named in this statement of charges violated.

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Complainant's Initials \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_ Pages

**PUBLIC ACCESS – CONFIDENTIALITY**

I acknowledge that this statement of charges is a public record and therefore, with limited exceptions, the Commission is required to honor requests from the news media or any person to obtain a copy.

\_\_\_\_\_   
 Complainant's Signature

\_\_\_\_\_   
 Date Signed

**VERIFICATION UNDER OATH**

State of Wisconsin )   
 \_\_\_\_\_ County ) ss.

I, \_\_\_\_\_, the above named Complainant, being duly sworn, on oath depose and state that I have read the foregoing statement of charges, and that I know it is true and complete to my own knowledge, except as to those matters based upon information and belief, and as to those matters I believe the same to be true. I realize that making a false statement under oath or affirmation may be treated as a felony.

\_\_\_\_\_   
 Complainant's Signature

Subscribed and sworn to before me   
 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Wisconsin

My Commission is (permanent) or   
 (expires on \_\_\_\_\_).

Complainant's Initials \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_ Pages

**Eau Claire Fire Department  
Citizen Complaint Form**

Date: \_\_\_\_\_ Supervisor Receiving Complaint: \_\_\_\_\_

Complainant: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
City/State: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Incident Occurred: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Employee(s)/Policy Involved: \_\_\_\_\_

Upon completion of this investigation of firefighter misconduct, you shall receive a written or verbal explanation of the disposition of the investigation. If you are not satisfied with the results of the investigation, you may file a statement of charges with the Police and Fire Commission. (Please contact the City of Eau Claire Department of Human Resources at 715-839-4921 to obtain a statement of charges form.)

Synopsis: \_\_\_\_\_

Complainant's Signature \_\_\_\_\_

**Final Disposition:**

Unfounded      Unsubstantiated      Substantiated      Exonerated      Policy Failure

Reviewed by Chief \_\_\_\_\_ Date \_\_\_\_\_

*Adopted by Police & Fire Commission October 6, 2011*

**Eau Claire Police Department  
Citizen Complaint Form**

Date: \_\_\_\_\_ Supervisor Receiving Complaint: \_\_\_\_\_

Complainant: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
City/State: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Incident Occurred: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Employee(s)/Policy Involved: \_\_\_\_\_

**Notice: Wisconsin Statute 946.66 reads: "Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture."**

Upon completion of this investigation of officer misconduct, you shall receive a written or verbal explanation of the disposition of the investigation. If you are not satisfied with the results of the investigation, you may file a statement of charges with the Police and Fire Commission. (Please contact the City of Eau Claire Department of Human Resources at 715-839-4921 to obtain a statement of charges form.)

Synopsis: \_\_\_\_\_

Complainant's Signature \_\_\_\_\_

**Final Disposition:**

Unfounded      Unsubstantiated      Substantiated      Exonerated      Policy Failure

Reviewed by Chief \_\_\_\_\_ Date \_\_\_\_\_

*Revised by Police & Fire Commission October 6, 2011*

**Open Meeting Law**

*"[T]he public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business." § 19.81(1), Wis. Stats.*

**Wisconsin Law: A Policy of Openness.** Council members must conduct their collective works as members of the City Council in public and only after notice of their meetings or other gatherings. If six (6) Council members are together to discuss City matters, whether together physically, by telephone, or by a series of e-mail communications, they are presumptively meeting for purposes of the Open Meeting Law and must stop the discussion until a proper public notice and public location for the meeting can be established.

**Governmental Bodies.** A governmental body includes the City Council and any "agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order;" including any formally constituted subunit thereof. § 19.82(1), Wis. Stats. Certain meetings are expressly excluded from coverage, including a governmental body which is formed for the purpose of collective bargaining for labor purposes; and meetings called by City staff, unless under formal order from Council.

**Meeting.** A meeting is the "convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body." § 19.82(2), Wis. Stats. If one-half or more members are present (City Council has a 6 member quorum), there is a rebuttable presumption that the gathering is a "meeting." Even less than half of the members can constitute a "meeting." A "negative quorum" is the number of members required to defeat an item scheduled to come before the governmental body. A meeting for the purpose of discussing a matter requiring an extraordinary (3/4, 2/3) vote could be as few as three Council members. Even a series of meetings, phone calls, or e-mails between members to discuss board business, if involving as few as three (3) members, is a potential violation of the Open Meeting Law. The Open Meeting Law does provide an exception for social or chance gatherings not intended to avoid the Open Meeting Law. However, please advise the City Manager's office if you think there is the appearance of a violation at a social gathering so the City Clerk and City Attorney can consider the matter and issue a public notice if warranted.

**Public Notice.** Public notice is provided to inform the public of the meeting topic and location and allow an opportunity to attend and observe as desired any meeting of a public body. Even if the public body has a lawful reason for entering closed session, it must notice the meeting, commence in open session, and only then follow the statutory procedure to move into closed session. A few standards related to public notice are as follows:

- "Every meeting of a governmental body shall be preceded by public notice..." § 19.83(1), Wis. Stats.
- Notice must be provided to news media at least 24 hours before meeting, UNLESS, for "good cause such notice is impossible or impractical," then at least 2 hours notice must be provided.
- Notice need not be published. It may be given verbally or in writing, although written notice is the normal and better practice. Notice is also posted in City Hall and other public places. Notice must contain "time, date, place and subject matter of the meeting,



including that intended for consideration at any contemplated closed session.” (If subject matter is not included, it cannot be discussed.) § 19.84(2), Wis. Stats.

- Notice must “reasonably apprise” the public of the subject of any closed session, with greater notice required in matters of heightened public interest. *State ex rel. Buswell v. Tomah Area School Dist*, 2007 WI 71, 732 N.W.2d 804.
- Government body cannot commence a meeting, which must always be in open session, convene in closed session, and then reconvene in open session within 12 hours thereafter, unless advance public notice is provided. § 19.85(2), Wis. Stats.

**Closed Session.** Meetings are to be held in open session, except as otherwise explicitly provided by the Open Meeting Law. § 19.83, Wis. Stats. Exemptions include those stated in § 19.85, Wis. Stats., including the following, which are most often used:

- Deliberation of a quasi-judicial hearing. § 19.85(1)(a), Wis. Stats.
- Considering employment matters regarding a public employee over which the board exercises responsibility. § 19.85(1)(c), Wis. Stats.
- Negotiating purchase of property or whenever competitive or bargaining reasons otherwise require confidentiality. § 19.85(1)(e), Wis. Stats.
- Conferring with legal counsel with respect to litigation in which it is or is likely to become involved. § 19.85(1)(g), Wis. Stats.

The following procedures are used to move into closed session:

- Presiding officer announces the nature of the closed session by reading the public notice and statutory justification for closed session.
- Upon motion and second, a majority roll call vote is necessary to proceed to closed session. (Unanimous consent acceptable, but not preferred. *Schaeve*, 370 N.W.2d 271).

Voting in closed session is not expressly authorized by state statute and therefore discouraged, but according to Attorney General Opinion may occur when “clearly an integral part of the deliberations authorized to be conducted in closed sessions.”

- Even if a vote occurs in closed session, public action at the Tuesday legislative session will almost always be required for the City Council to publicly deliberate and vote on final ratification.

Minutes of closed session record attendance, any votes taken, and the time the session begins and ends. As with open session minutes, they are not a verbatim transcription.

- Notice is required to return to open session, as boards cannot meet in open session, convene in closed session, and re-convene in open session within 12 hours thereafter.
- Some meetings must remain in open session (e.g., Board of Review, exchange of initial labor negotiation proposals, or action to ratify a collective bargaining agreement).

**Enforcement and Penalty.** Enforcement of the Open Meeting Law is through the office of the Attorney General or by the district attorney upon a verified complaint. § 19.97(1), Wis. Stats. If a person files a verified complaint and the district attorney does not take action within 20 days, the person may commence the action and recover costs and fees, including attorney fees, if he/she prevails. § 19.97(4), Wis. Stats. A judge may void action taken by the governmental

body in violation of the Open Meeting Law. § 19.97(3), Wis. Stats. Each member in violation is subject to a penalty of \$25 to \$300. § 19.96, Wis. Stats.

**Advice.** Please contact the City Attorney regarding interpretation of the Open Meeting Law. The City Attorney may also consult with the Wisconsin Attorney General's office that provides opinions on the Open Meeting Law to state agencies and municipalities.

## **City of Eau Claire Police and Fire Commission CODE OF CONDUCT**

The Police and Fire Commission of the City of Eau Claire serves in the role of public servant overseeing the Eau Claire Police & Fire departments. The Commission has been entrusted by the Community and City Council to conduct work in a professional, fair and impartial manner. Participation is greatly appreciated as is the commitment to the public good, Public safety and the ethical and professional standards outlined below.

Eau Claire Police and Fire Commission Members Shall:

1. Demonstrate in works and actions in the role as commissioners the highest standards of personal integrity, truthfulness and commitment.
2. Show respect for each other and officials of the City of Eau Claire.
3. Conduct ourselves in a fair and impartial manner.
4. Conduct meetings openly and transparently as required by law and ordinance.
5. Maintain confidentiality of information that cannot be disclosed and protect security of confidential records.
6. Obey all applicable Federal and State Laws and City of Eau Claire Ordinances.
7. Not participate in the business of the committee while impaired by any substance.
8. Recognize that diversity is a strength and commit to promoting an inclusive and welcoming culture at public meetings. Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to, protected classes: Age, ethnicity, race, disability, gender, sexual orientation religion or political beliefs.
9. Commit to attend all regularly scheduled meetings. Because the Commission is comprised of only five members and conducts important time sensitive work, Commission members must make meeting attendance a priority. In the event that two consecutive meetings are missed without prior notice, or three consecutive meetings are missed with prior notice, the Commission member will automatically be removed and the Committee on Appointments will be asked to assign a new commissioner.
10. Participate in at least a minimum number of the scheduled interviews for applicants and promotions for both police and fire departments as well as select department events held to recognize personnel. This is necessary for the consideration of the time commitment of all Commissioners, to ensure the proper level of functioning for the departments, and so that Commissioners maintain connection with department personnel and an understanding of the departmental staffing needs, goals, and the pool of applicants; including the effectiveness of the PFC interview process and questions.

