

Ordinance 03-07-16-05

**An Ordinance Amending the Municipal Code of the Village of Fontana on Geneva Lake
Chapter 2, Division 9 – Public Safety Board of Appeals, Sections 2-391 through 2-394, Changing
name to Employee Board of Appeals.**

WHEREAS, the Village Board does intend by this Ordinance to make certain amendments to the Village of Fontana on Geneva Lake Municipal Code.

NOW, THEREFORE, the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

SECTION 1.

To amend Chapter 2, Division 9. – Public Safety Board of Appeals, Sections 2-391 through Section 2-394 as follows:

**Chapter 2, Division 9. – ~~Public Safety~~ Employee Board of Appeals
Sec. 2-391 – Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Public safety Employees*~~ means employees ~~of the police department~~ of the village.

Sec. 2-392. – Composition.

The ~~public safety~~ employee board of appeals shall consist of three members, one member from the village board, and two citizen members, who shall serve staggered three-year terms; except the term of the village board member shall not exceed his term on the village board. Members shall be appointed by the president, subject to confirmation by the village board. Within 30 days after the initial appointment of the members to the ~~public safety~~ employee board of appeals, or an appointment of any person to the ~~public safety~~ employee board of appeals thereafter, the ~~public safety~~ employee board of appeals shall meet and choose a chairman from among its members.

Sec. 2-393. – Powers and duties.

The ~~public safety~~ employee board of appeals shall:

1. Hear and make recommendations to the village board on matters affecting the discipline, termination or employment, except promotion, of ~~public safety employees and all other~~ employees of the village, whether full- or part-time except persons who are appointed by the village board. The procedure set forth in section 2-394 shall apply in matters of discipline and discharge of employees, except that those provisions set forth in subsection 2-394(2), which authorizes the supervisor to suspend an employee pending disposition of charges, and subsections 2-394(7) and (8), ~~shall only apply to public safety employees of the village.~~

2. Hear and decide grievances of ~~public safety employees and all other~~ employees, whether full-or part-time, except persons who are appointed by the village board, regarding conditions of employment or any problems affecting employee efficiency, safety or satisfaction, except matters of discipline and discharge.

Sec. 2-394. – Discipline and discharge procedure.

No employee who has completed his probationary period shall be disciplined or discharged except for just cause. The following procedure will be utilized in all disciplinary and discharge procedures:

1. Charges may be filed against an employee by the supervisor, a member of the ~~public safety employee~~ board of appeals, or the ~~public safety employee~~ board of appeals as a body, a member of the board of trustees, or by the village board as a body, or by any other person.
2. Such charges shall be in writing and shall be filed with the chairman of the ~~public safety employee~~ board of appeals and the president of the board of trustees. Pending disposition of such charges, the ~~public safety employee~~ board of appeals ~~or the chief of police~~ may, in their discretion, suspend such employee; but such suspended employee shall not be deprived of compensation or other benefits while suspended pending disposition of charges.
3. Within five days following the filing of charges as stated in subsection (1) of this section, a copy shall be served upon the person charged, together with a written notice of the time, day and place of the evidentiary hearing as described in subsection (4).
4. An evidentiary hearing shall be held before the ~~public safety employee~~ board of appeals not less than ten days, nor more than 30 days following service of the charges and notice of hearing on the employee. The hearing on the charges shall be closed to the public unless the employee requests that the hearing be open to the public. Such a request shall be in writing and served on the chairman of the ~~public safety employee~~ board of appeals within seven days after service of the charges and notice of hearing on the employee. At the hearing, both the accused and the complainant may be represented by an attorney and may compel the appearance of witnesses by subpoenas, which shall be issued by the president of the board of trustees on request, and be served as are subpoenas under Wis. Stats. Ch. 885.
5. The ~~public safety employee~~ board of appeals shall, after the evidentiary hearing, make findings of fact and a determination based upon the evidence produced at the hearing, which all of the testimony shall be recorded verbatim and shall be transcribed at the village's expense. The ~~public safety employee~~ board of appeals shall make a recommendation to the village board to:
 - a. Take no action against the employee;
 - b. Reinstate the employee if suspended pending disposition of the charges
 - c. Suspend the employee, and if so for what length of time;

- d. Reduce the employee in rank; or
 - e. Remove and discharge the employee from the department.
- These findings and recommendations shall be filed with the clerk within three days of the evidentiary hearing.

- 6. The village board shall determine whether the employee shall be reinstated, suspended or discharged; except that a concurring vote of at least 75 percent of the village board shall be required if the action of the village board is contrary to the recommendation of the ~~public safety~~ employee board of appeals.
- 7. Without the filing of charges, an employee may be suspended without pay for cause up to five days as a penalty. The employee's supervisor shall file a report of such suspension with the ~~public safety~~ employee board of appeals and the clerk immediately upon issuing the suspension. No hearing shall be held unless requested by the employee, which request shall be made within 24 hours of the employee's receiving notice of suspension.
- 8. If a hearing is requested, the employee's supervisor shall file charges with the president of the board of trustees and with the chairman of the ~~public safety~~ employee board of appeals; and the procedure set forth in this section shall apply.

SECTION 2.

Effective Date: This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 7th day of March, 2016

Village of Fontana on Geneva Lake

By: _____
Patrick Kenny, President

Attest: _____
Theresa Loomer, Clerk