Rules and Regulations

of the

Village of Hartland

Police and Fire Commission

Amended April 12, 2016

Adopted by Police and Fire Commission
April 8, 2003 – Amended April 11, 2006, Amended December 14, 2010, Amended September 9, 2014, Amended April 12, 2016

RULES AND REGULATIONS

of the

POLICE AND FIRE COMMISSION
VILLAGE OF HARTLAND

I. SCOPE OF AUTHORITY

A. Authority granted to Board. Pursuant to the authority granted under Wis. Stat. §§ 61.65 and 62.13 and Village of Hartland Ordinance § 2-226-228, the Board of Police and Fire Commissioners of the Village of Hartland hereby declares that the following Rules and Regulations shall apply to the Chief and all subordinate positions in the Police and Fire Departments respectively of the Village of Hartland and to the conduct of all business relating to the duties and responsibilities of the Board.

B. Definitions. The following terms shall have the following meanings:

1. "Board" shall mean the Board of Fire and Police Commissioners of the Village of Hartland.

2. "Chief or Chiefs" refers to the Chief of Police and Fire Chief of the Village of Hartland.

3. "Member" refers to all positions within the Fire and Police Departments of the Village of Hartland, including Chiefs, who are under the jurisdiction of the Board.

4. "Subordinate" shall refer to members of the Fire and Police Departments, other than Chiefs, who are under the jurisdiction of the Board.

II. ADMINISTRATION.

A. Meetings. Regular meetings shall be held on the second Tuesday of each month at 7:00 p.m. Special meetings may be called at any time upon the request of the President or any two (2) Board members with twenty-four (24) hours notice to each Board member and the public unless for good cause such notice is impossible or impractical, in which case shorter notice may be given under Wis. Stat. § 19.84(3). In no case may notice be provided less than two (2) hours in advance of a meeting.

B. **Terms of Commissioners.** The term length for a Commissioner is for a period of five (5) years from appointment date. Consecutive terms are permitted upon approval of the Village President and Village Board.

C. **Appointment of Officers.** In May of each year, the Board shall elect from its members a President, Vice-President, and Secretary. Upon motion of any Board member, said vote shall be by secret ballot pursuant to Wis. Stat. § 19.88(1). There shall be no limitation on the number of terms any officer may serve, but each term of office shall be for one year commencing with the May meeting.

D. **Duties and Responsibilities.** Board officers shall have the following duties and responsibilities:

1. **President.** The President shall:

a. Preside over all meetings and hearings and ensure their orderly conduct;
b. Make rulings on motions and objections with or without the advice of the other members of the Board or its legal counsel, but always subject to an appeal of the ruling by the member of the Board as would be allowed under Robert's Rules of Order;
c. Accept filing of written charges against Chiefs and subordinates;
d. Issue subpoenas for the attendance of witnesses at hearings pursuant to Wis. Stat. § 62.13(5)(d);
e. Administer oaths to witnesses appearing before the Board;
f. Confirm the charge(s) for the accused at any hearing including the provisions alleged to have been violated;
g. Ask questions and control questions asked by other Board members during any hearing;
h. Ensure standards for procedural due process are afforded the accused at any hearings; and
i. Adjourn Board proceedings.

2. **Vice-President.** The Vice-President shall act in the capacity of President whenever the President is unavailable to act due to disqualification, physical absence or incapacity for any reason.

3. **Secretary.** The Secretary, with the assistance of Village staff, shall:

a. Conduct all correspondence of the Board, send all notices required by law, ordinance, or these rules or as otherwise requested by the Board;
b. Cause to be published such official notices as are required;
c. Attend and keep a record of all Board Proceedings, including the preservation of testimony and any evidence received by the Board at any hearings in a permanent record and to certify such record to the circuit court when required by law;
d. Confirm the availability of the services of a court reporter when Board proceedings require a verbatim transcript;

e. Maintain the minutes of each meeting and hearing, with said minutes being signed by the Secretary and President upon approval by the Board;
f. Provide copies of all Board minutes to each Board member as soon as possible and file a copy of said minutes with the Village Clerk;
g. Accept filing of all appointments under Wis. Stat. § 62.13(1);
h. Accept for filing all findings and determinations of the Board relative to disciplinary actions and Board orders--all of which shall be filed within three (3) days of their adoption pursuant to Wis. Stat. § 62.13(5)(f).

III. BOARD PROCEDURES.

A. Quorum. Pursuant to Wis. Stat. § 62.13(1), three (3) Board members shall constitute a quorum.

B. Adoption, Modification, or Repeal of Board Rules. Except where otherwise provided by statute or ordinance, Board Rules and Regulations may be prescribed, amended, or repealed by a majority vote of the Board members present pursuant to the following procedures:

1. Notice of a proposed rule or rules shall be given; and
2. Action on a proposed rule, amendment, or repeal shall be deferred to, at least, the next regular or special meeting of the Board. Provided, however, that at least ten (10) days shall have elapsed before final action is taken.

C. Emergency Action. Notwithstanding the provisions of III (B), immediate action may be taken on a proposed rule, amendment, or repeal provided that such action has approval of at least 2/3 of the Board members present.

D. Temporary Suspension of Rules. The Board may, for good cause, vote to temporarily waive or suspend any of its rules or regulations on a vote of 2/3 of those Board members present and voting. In no event, however, shall such action be taken except by a majority of the entire Board.

E. Rules of Procedure. The edition of Robert's Rules of Order most conveniently available shall be used as the rules of order of the Board except as otherwise provided herein.

F. Order of Business. The regular order of business before the Board shall be substantially similar to the following:

1. Approval of minutes;
2. Police Department business;
3. Fire Department business;
4. Other old business; and
5. Other new business.

G. Primary Jurisdiction of These Rules and Procedures. Although Ch. 38, § 27 of the Village of Hartland Code of Ordinances sanctions the adoption of bylaws "for the control, management and government and for the regulation of business and proceedings of the [fire] department …." these Rules and Regulations shall control matters within the primary jurisdiction of the Police and Fire

Commission and any provision in the bylaws of the fire department inconsistent with these Rules and Procedures shall not be recognized as binding on the Police and Fire Commission.

IV. APPOINTMENTS.

A. Chief Officers. The Board shall appoint Chiefs of the Police and Fire Departments, who shall hold office during good behavior, subject to suspension or removal by the Board for just cause as defined in VI.(C)(5). The commission may appoint a suitable person in its discretion, who need not be a member of the department nor a resident of the Village. Whenever the position of Chief officer shall become vacant, the Board shall appoint an interim Chief who shall perform the duties of the Chief officer until such time as he or she is removed by the Board or a permanent Chief officer is appointed by the Board.

B. Subordinates.

1. **Hiring.** Any potential member of the Police and Fire Departments shall initially fill out an application form. The applicants will first be interviewed by the Police and Fire Commission to determine their eligibility. The Commission will consider the applicant's written test scores as well as the results of the physical agility test. Depending on the amount of applicants, the Commission will narrow the field down to about twenty applicants. The Commission will then interview the applicants and rank their answers according to a score sheet provided to them. After each examination for subordinates, the Board shall direct the preparation of a list of eligible persons which shall contain the names of those applicants who have received a passing mark. The list shall be filed with the Secretary and the Chief of each department. A copy shall also be filed with the Village Clerk. The top police candidates will then be interviewed by the commanding staff and field training officers. There are no set questions to be asked, but the applicant will generally be told to give a complete historical background, which will be checked by the Department for consistency. If the applicant has successfully completed all the procedures in the application process, he/she will then be given a conditional job offer.

   The top fire candidates will be interviewed by fire officers. There are no set questions to be asked, but the applicant will generally be told to give a complete historical background, which will be checked by the Department for consistency. If the applicant has successfully completed all the procedures in the application process, he/she will be given a conditional job offer. For a period of one year following their hire, all fire department applicants will serve a one (1) year probationary period and shall be listed as a "Probationary Firefighter".

   Applicants for Emergency Medical Technician (EMT) must pass all required tests of the State of Wisconsin and the National Registry. The application procedure for EMTs will be the same as for members of the Fire Department.

2. **Promotion.** Except where an appointment may be made from within the department, the Chief shall make all appointments to positions from the eligible list. All appointments shall be subject to approval by the Board.

3. **Probationary Period**. All appointments, except Chief officer and interim Chief in case of a vacancy of a Chief of a department, shall be probationary for a period of one (1) year. The term of such Chief shall be during good behavior pursuant to Wis. Stat. § 62.13(3).

   An interim appointment shall be for a limited period of time during the recruitment to fill a vacancy in the position of Chief and does not constitute an appointment during good behavior pursuant to Wis. Stat. § 62.13(3).

   If during the first year of service in the new position the person appointed proves to be unsatisfactory or undesirable for the position, the Chief may dismiss him or her from the position where the appointment was an original appointment to the service, or reduce him or her in rank where the appointment was promotional in nature. The appointee shall not be entitled to an appeal to the Board from such a dismissal or reduction in rank.

4. **Number of Officers**. The number of Officers in both the Police and Fire Departments is within the discretion of the Police and Fire Chief and Village budgetary allocations.

C. Selection Process: Chief of Police. Advertisement for the position of Chief of Police may consist of notice to department personnel, and placement of ads in local media, and state and national trade publications.

1. Minimum qualifications.

   a. A minimum of ten (10) years law enforcement employment experience as a sworn officer with a Federal, State, or Local law enforcement agency.
   b. A minimum of five (5) years experience as a Lieutenant or higher in a police agency, as described above in C.(1)(a) above.
   c. A minimum of a four (4) year college degree in criminal justice or public administration from an accredited college or university.
   d. Advanced management training equal to the FBI National Academy, the Northwestern School of Police Staff and Command or the Southern Police Institute.
   e. Good interpersonal, leadership and public relations skills.

2. Selection process.

   a. Application/resume review to determine if minimum qualifications are met.
   b. Conduct an extensive background investigation, including financial, past employment and personal reputation.
   c. Conduct an assessment center to evaluate job performance related skills.
   d. Conduct an oral interview by members of the Commission or other persons approved by the Commission.
   e. Condition appointment upon satisfactory testing for alcohol or illegal use of drugs.
   f. Condition appointment upon satisfactory psychological and medical examination results.

g. Appoint the new Chief of Police and notify the Village President and Village Clerk of the selection.

D. Selection Process: Deputy Chief of Police, Police Captain, and Lieutenant. The selection processes outlined in this Section are designed to provide the most qualified person(s) to lead, administer and manage tasks within the Hartland Police Department. The Police and Fire Commission believe that it is important to enable officers serving the Department to compete in the promotional process. To determine that there are qualified candidates serving in the Department, the Chief of Police shall provide annual personnel reports to the Commission for their review and files.

When a vacancy exists in a managerial rank such as Deputy Chief of Police, Captain, or Lieutenant and any future ranks that may be created below the Chief of Police, the Commission should first determine if qualified candidates exist within the Department. If qualified candidates do exist, advertising the position outside the Department is discretionary.

1. Deputy Chief of Police: Minimum qualifications.

   a. A minimum of ten (10) years of law enforcement employment experience in a sworn capacity with a Federal, State, or Local law enforcement agency.
   b. A minimum of a four (4) year college degree in the criminal justice or public administration field, obtained from an accredited college or university.
   c. A minimum of five (5) years of experience as a Lieutenant or higher grade.
   d. Advanced management training that is equivalent to the FBI National Academy, the Northwestern School of Police and Staff Command or the Southern Police Institute Training Course.
   e. Good interpersonal, leadership and public relations skills.

2. Deputy Chief of Police: Selection process.

   a. The Chief of Police or designee shall review candidate's application or resume to determine if minimum qualifications are met.
   b. The Chief of Police or designee shall conduct a background investigation regarding the candidate's service record and personal reputation.
   c. Conduct an oral interview as may be determined necessary by the Commission. The interview shall be conducted by the Commission or other persons approved by the Commission.
   d. Based on the results of the selection process tests, provide a list of eligible candidates for promotion to the Deputy Chief of Police, who will fill the vacancy from that list.
   e. Condition appointment upon satisfactory testing for alcohol or illegal use of drugs.
   f. Condition appointment upon satisfactory psychological and medical examination results.

3. Captain: Minimum qualifications.

   a. A minimum of ten (10) years of law enforcement employment experience in a sworn capacity with a Federal, State, or Local law enforcement agency.
   b. A minimum of a two (2) year college degree in the criminal justice or public administration field, obtained from an accredited college or university. Four (4) year degree preferred.
   c. A minimum of five (5) years of experience as a Lieutenant or higher grade.
   d. Advanced management training that is equivalent to the FBI National Academy, the Northwestern School of Police and Staff Command or the Southern Police Institute Training Course.
   e. Good interpersonal, leadership and public relations skills.

4. Captain: Selection process.

   a. The Chief of Police or designee shall review candidate's application or resume too determine if minimum qualifications are met.
   b. The Chief of Police or designee shall conduct a background investigation regarding the candidate's service record and personal reputation.
   c. Conduct an oral interview as may be determined necessary by the Commission. The interview shall be conducted by the Commission or other persons approved by the Commission.
   d. Based on the results of the selection process tests, provide a list of eligible candidates for promotion to the Chief of Police, who will fill the vacancy from that list.
   e. Condition appointment upon satisfactory testing for alcohol or illegal use of drugs.
   f. Condition appointment upon satisfactory psychological and medical examination results.

5. Lieutenant: Minimum Qualifications.

   a. A minimum of five (5) years of law enforcement employment experience in a sworn capacity with a Federal, State or Local law enforcement agency.
   b. A minimum of a two (2) year Associate Degree in criminal justice or police science.
   c. Good interpersonal, leadership and public relations skills.

6. Lieutenant: Selection Process.

   a. Same as provided in IV D. 4.

E. Fire Department - Application and Qualification for Voluntary Membership.

1. Minimum Qualifications.

a. At least 18 years of age;
b. Valid Wisconsin driver's license;
c. The necessary interest, aptitude and ability to be a good firefighter or Emergency Medical Technician ("EMT") and a credit to the Fire Department.

2. Applications.

Eligible persons may apply to the Chief Officer for membership. The Chief Officer shall review said applications and make a recommendation to the Police and Fire Commission. The candidate shall be appointed subject to supplying either a certificate of physical examination from an attending physician or have a Fire Department physical examination.

3. Member - Classification.

The Chief shall, from time to time, classify all members as follows:

a. Active Firefighters/EMTs. Active firefighters and EMTs shall be competent and experienced members who are actively engaged in the fire fighting, administration, or rescue functions of the Fire Department. All active firefighters and EMTs shall be chosen by and be subject to such requirements as are from time to time established by the Chief.

b. Probationary Firefighters/EMTs. Probationary firefighters and EMTs shall be members training to become active firefighters or EMTs. They shall be subject to such extended training and supervision as the Chief shall determine. Probationary firefighters and EMTs shall become active firefighters or EMTs only upon recommendation of the Chief and approval by the Fire and Police Commission.

c. Operating Officers. The Chief may appoint from active firefighters and EMTs such Assistant Chiefs, Division Chiefs, and such other officers as the Chief may deem necessary, subject to the approval of the Fire and Police Commission.

d. Support Staff/Auxiliary. Support Staff/Auxiliary Members shall be responsible for responding to emergency medical situations, fires, drills, and other incidents where support and assistance may be needed. These incidents may be dangerous in nature as they may be emergency scenes. The primary goal of the support staff/auxiliary is to provide support at fire calls, medical emergencies, trainings, public relation functions and other station duties.

(1) In the absence of the Chief, an Assistant Chief or Division Chief shall command in the capacity of the Chief. He/she shall execute his/her duties in accordance with the operational procedures and directives as set down by the Chief.

(2) Any Captain appointed by the Chief shall command his/her company company and have control thereof.
(3) The Captain shall be responsible for the conditions of his/her assigned apparatus and equipment.
(4) The Lieutenant of each company appointed by the Chief shall assist his/her Captain in the discharge of his/her duties. In the absence of the Captain, the Lieutenant shall officiate in his/her capacity.

F. Qualifications and Requirements for Fire Department Members.

1. Qualifications and Requirements for Fire Chief.

a. applicant must possess State of Wisconsin certification for Firefighter Level 2;
b. applicant must possess Wisconsin Fire Officer 1 certification;
c. applicant must possess an EMT license;
d. applicant must be a Certified State of Wisconsin Fire Inspector;
e. applicant must have eight (8) years supervisory experience as a Lieutenant or higher in a fire department;
f. applicant must have a minimum of ten (10) years experience with a federal, state, or local fire department;
g. applicant must demonstrate skills in community relations planning, personnel planning, and maintaining effective working relationship with full and paid on-call firefighters and EMTs;
h. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
i. applicant must evidence excellent moral character and the highest personal integrity;
j. applicant must have Bachelors or closely related degree in fire science; and
k. applicant must have a valid State of Wisconsin driver's license.

2. Qualifications and Requirements for Assistant Fire Chief.

a. applicant must possess State of Wisconsin certification for Firefighter Level 2;
b. applicant must have obtained Fire Officer Level 1 certification;
c. applicant must possess an EMT license;
d. applicant must be a Certified State Fire Inspector;
e. applicant must be a State Certified Fire Instructor;
f. applicant must have ten (10) years of fire department experience with a federal, state, or local fire department;
g. applicant must have five (5) years supervisory experience as a Lieutenant or higher in a Fire Department;
h. applicant must possess good personal, leadership, and public relations skills;
i. applicant is required to submit to a medical examination consistent with the

requirements of the position, after an offer of employment and prior to appointment;

j. applicant must evidence excellent moral character and the highest personal integrity;
k. applicant must have an associate degree in fire science or equivalent;
l. applicant must have a valid State of Wisconsin driver's license; and
m. applicant must demonstrate skills in community relations planning, personnel planning, and maintaining effective working relationships with full and paid on-call firefighters and EMTs.

3. Qualifications and Requirements for Division Chief – Fire.

a. applicant must possess State of Wisconsin certification for Firefighter Level 2;
b. applicant must have obtained Fire Officer Level 1 certification or equivalent;
c. applicant must be a Certified State Fire Inspector;
d. applicant must be a State Certified Fire Instructor;
e. applicant must have ten (10) years of fire department experience with a federal, state, or local fire department;
f. applicant must have five (5) years supervisory experience as a Lieutenant or higher in a Fire Department;
g. applicant must possess good personal, leadership, and public relations skills;
h. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
i. applicant must evidence excellent moral character and the highest personal integrity;
j. applicant must have a valid State of Wisconsin driver's license;
k. applicant must demonstrate skills in community relations planning, personnel planning, and maintaining effective working relationships with full and paid on-call firefighters and EMTs.

4. Qualifications and Requirements for Division Chief – EMS.

a. applicant must possess State of Wisconsin certification for Firefighter Level 2;
b. applicant must have obtained Fire Officer Level 1 certification or equivalent;
c. applicant must possess an EMT license for Division Chief EMS; Service level preferred.
d. applicant must be a Certified State Fire Inspector;
e. applicant must be a State Certified Fire Instructor;
f. applicant must have ten (10) years of fire department experience with a federal, state, or local fire department;
g. applicant must have five (5) years supervisory experience as a Lieutenant or higher in a Fire Department;
h. applicant must possess good personal, leadership, and public relations skills;

i. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
j. applicant must evidence excellent moral character and the highest personal integrity;
k. applicant must have a valid State of Wisconsin driver's license;
l. applicant must demonstrate skills in community relations planning, personnel planning, and maintaining effective working relationships with full and paid on-call firefighters and EMTs.

5. Qualifications and Requirements for Fire Captain.

a. applicant must possess State of Wisconsin Certification for Firefighter Level 2;
b. applicant must possess Fire Officer Level 1 certification;
c. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
d. applicant must evidence excellent moral character and the highest personal integrity;
e. applicant must have five (5) years of fire department experience with a federal, state, or local fire department;
f. applicant must have two (2) years of supervisory experience as a Lieutenant in a fire department; and
g. applicant must possess good personal, leadership, and public relations skills.

6. Qualifications and Requirements for EMS Captain.

a. applicant must possess State of Wisconsin Certification for Firefighter Level 2;
b. applicant must possess Fire Officer Level 1 certification;
c. applicant must possess an EMT license;
d. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
e. applicant must evidence excellent moral character and the highest personal integrity;
f. applicant must have five (5) years of fire department experience with a federal, state, or local fire department;
g. applicant must have two (2) years of supervisory experience as a Lieutenant in a fire department; and
h. applicant must possess good personal, leadership, and public relations skills.

7. Qualifications and Requirements for Fire Lieutenants.

a. applicant must possess State of Wisconsin certification for Firefighter Level 2;

b. applicant must possess State of Wisconsin Fire Officers Level 1 certification, or equivalent;
c. preferred applicants will possess a fire instructor certification;
d. applicant must have three (3) years of fire department experience with a federal, state, or local fire department;
e. applicant must have good personal leadership and public relations skills;
f. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
g. applicant must evidence excellent moral character and the highest personal integrity.

8. Qualifications and requirements for EMS Lieutenants.

a. applicant must possess minimal State of Wisconsin EMT License, service level preferred;
b. applicant must have three (3) years of fire department experience with a federal, state, or local fire department;
c. applicant must have good personal leadership and public relations skills;
d. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment prior to appointment;
e. applicant must evidence excellent moral character and the highest personal integrity;
f. applicant must have Officer I or equivalent leadership training.

9. Qualifications and Requirements for Fire Safety Officers.

a. applicant must possess State of Wisconsin certification for Firefighter Level 1;
b. applicant must have three (3) years experience with a federal, state, or local fire department;
c. applicant must be a fire department member;
d. applicant must possess knowledge of OSHA and state laws regarding safety at the scene of a fire;
e. applicant must have a knowledge of the potential safety and health hazards involved in firefighting;
f. applicant must have a knowledge of the principles and techniques of managing a safety and health program;
g. applicant must have a good personal leadership and public relations skills;
h. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
i. applicant must evidence excellent moral character and the highest personal integrity.

10. Qualifications and Requirements for Fire and EMS Training Officers.

a. applicant must possess three (3) years experience with a federal, state, or local fire department;
b. applicant must be a certified fire or EMS instructor;
c. applicant must have good personal leadership and public relations skills;
d. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
e. applicant must evidence excellent moral character and the highest personal integrity.

11. Qualifications and Requirements for Firefighters and Emergency Medical Technicians.

a. applicant must have attained at least eighteen (18) years of age;
b. applicant must have an unrestricted valid Wisconsin driver's license;
c. applicant must complete State of Wisconsin certification for Firefighter Level 1 (one);
d. applicant must be a high school graduate, priority will be given to those applicants with educational studies in fire science;
e. applicant is required to submit to a medical examination consistent with the requirements of the position, after an offer of employment and prior to appointment;
f. applicant must evidence excellent moral character and the highest personal integrity.

12. Qualifications and Requirements for Support Staff/Auxiliary Members.

a. applicant must have attained at least eighteen (18) years of age;
b. applicant must be able to work long hours under sometimes hazardous conditions;
c. valid driver's license preferred;
d. CPR Certification preferred.

13. Applicants or appointees who fall short of the education requirements but who otherwise meet the requirements for the position may, at the discretion of the Chief, take such courses necessary to meet those requirements in a time period to be determined by the Chief.

V. DISCIPLINARY MATTERS.

A. Rules of Conduct. Each Chief shall promulgate rules of conduct for his/her department members. Each Chief shall provide an informational update on the status of such rules to the Police and Fire Commission. No approval of such rules by the Police and Fire Commission is required. The frequency and form of updating is at the discretion of the respective Chief.

B. Departmental Discipline. In accordance with applicable departmental policies, procedures, and regulations subordinates may, for just cause, be disciplined by Chief officers as follows:

1. Subordinates may be temporarily removed from duty with the pay and benefits ordinarily entitled to be renewed.

2. Subordinates may be suspended with loss of pay and benefits.

3. Board to be Notified of Suspensions. Chief officers shall notify the President, Vice-President, and Secretary of the Board in writing within twenty-four (24) hours of imposition of any penalty involving suspension with loss of pay and/or benefits and such notice shall be mailed by the Secretary to all other Board members without delay.

4. Reduction in Rank or Removal. No subordinate shall be removed or reduced in rank except by the Board following a hearing conducted under the provisions of Wis. Stat. § 62.13 and these Rules and Regulations.

5. Appeals of Departmental Disciplinary Actions. Any subordinate subject to a suspension imposed by a Chief officer may seek review of same by making a written request for a hearing before the Board. Said request shall be served on the department Chief and filed with the Board Secretary.

6. Each Chief to File Charges in the Event of Certain Disciplinary Actions. The Chief Officer shall file charges with the Board whenever a suspended subordinate requests a hearing before the Board or whenever the Chief Officer seeks to impose discipline which reduces the subordinate in rank, suspends and reduces the subordinate in rank or removes the subordinate.

7. Review hearings pursuant to sec. V.(B)(5) of departmental discipline shall be conducted in accordance with the provisions of Wis. Stat. § 62.13 and these Rules and Regulations.

C. Just Cause Defined. With respect to all Chiefs and subordinates, for purposes of this Section V., "just cause" shall be determined in the manner set forth in Section VI.(C)(5) of these Rules and Regulations. Just cause includes all conduct that is unbecoming a police officer or a member of the fire department. Conduct unbecoming a police officer or member of the fire department shall include any conduct which brings the Police or Fire Department into disrepute, impairs the operation of efficiency of the Police or Fire Department or officer, or undermines public respect for law enforcement. Police officers and members of the fire department shall conduct themselves, both on and off duty, in a manner that reflects favorably on their respective departments.

D. **Who May File Charges.** Charges may be filed against any Police or Fire Department member, including Chief officers, by the following persons:

1. The Fire or Police Chief;
2. Any aggrieved person; or
3. Any member of the Board or the Board acting as a body under Wis. Stat. § 62.13(5)(b).

E. **Charges to Be in Writing.** All charges filed with the Board shall be in the form of a written complaint which shall state the following in plain language:

1. The full name, address, and telephone number of the complainant;
2. The name, badge number, or other means of identifying the accused member(s);
3. The date(s), approximate time(s), and location(s) of the conduct complained of; and
4. A clear statement of facts specifically stating the individual member's conduct being complained of.

F. **Complaints to be Verified.** Any complaint filed with the Board must be verified by the complainant, and if a minor, by the minor's parent or legal guardian. The verification must state that the person signing the complaint, upon oath or affirmation, declares that the contents of the complaint are true and correct to the best of the person's knowledge. The verification must have been signed and dated in the presence of a notary public.

G. **Where and How to File.** Charges may be filed by mailing the original verified complaint to: Board of Police and Fire Commission, 210 Cottonwood Avenue, Hartland, Wisconsin 53029, or by delivering a properly executed verified original to the Village Clerk during normal Village business hours.

H. **Chief Officers to Accomplish Serving Charges on Subordinates.** In any case where charges are filed against a subordinate, the Chief officers shall, following filing, serve either personally, through another member of the department or through an attorney or agent representing the subordinate, a copy of all charges on the subordinate sought to be disciplined and shall provide the Board Secretary with written confirmation of such service and the date thereof. In the event charges are brought against a Chief officer, the Board shall cause a copy of such charges to be served on the Chief or upon an attorney or agent representing the subordinate. Where charges are filed against a Chief officer, the provisions in V.(B)(1), (2) and (4) may be applicable.

VI. HEARING AND APPEAL PROCEDURES.

A. **Conduct of Hearings.** All hearings, whether reviews of departmental discipline or appeals of charges against any member which the Board is initially considering, shall be conducted in accordance with the provisions of Wis. Stat. § 62.13 and these Rules and Regulations.

B. Scheduling of Hearings.

1. **Hearing Date Set by President.** Except where a waiver has been given by a Chief or subordinate, following consultation with the Board, the President shall set a hearing date before the Board between ten (10) and thirty (30) days after the service of charges.

2. **Notice.** Notice of the hearing date shall be personally given or sent by first class mail to the complainant and the member or the attorney or agent for the member at least eight (8) days prior to the hearing date. Proof of service or mailing shall be prepared.

3. **Suspension Pending Hearing.** The member shall continue to be suspended if previously suspended unless otherwise ordered by the Board.

4. **Adjournment Requests.** The accused and the complainant shall have the right to an initial adjournment of the hearing date for a period not to exceed fourteen (14) days provided that such request is received not less than five (5) days prior to the scheduled hearing. Any subsequent adjournment request of the hearing shall be in writing and received by the Board at least seventy-two (72) hours prior to the scheduled hearing and contain the reasons for the adjournment. Upon good cause properly and timely made, the Board may grant a second adjournment. The Board may adjourn any hearing date on its own motion.

C. Hearing Procedure. Hearings before the Board shall be conducted so as to assure fundamental fairness to the parties.

1. **Subpoena of Witnesses.** Both the complainant and respondent may request subpoenas from the President to compel the attendance of witnesses. Service of subpoenas and witness fees shall be the responsibility of the party requesting the subpoena.

2. **Representation by Counsel.** An accused member may have an attorney represent him or her at the hearing. The Board may be represented by the Village Attorney or by Special Counsel as determined by the Village Administrator in consultation with the President and Village Attorney.

3. **Pre-Hearing Conference.** As soon as possible after the filing of charges, but in no event less than five (5) days prior to the scheduled hearing, representatives of both parties shall meet with the President and/or legal counsel for the Board for purposes of defining the issues to be considered at the hearing. The retention of a court reporter and allocation of costs involved shall also be addressed at that time. Both parties shall provide witness and exhibit lists to opposing counsel and provide for the inspection of any exhibit prior to the hearing. A copy of said lists shall simultaneously be provided by both parties to the Board. Any witness or exhibit not on the list filed with the Board may be excluded at hearing unless the party seeking its introduction can demonstrate satisfactory reasons to the Board for its inclusion.

4. **Hearings to be Held in Public.** All hearings before the Board shall be conducted in public except that deliberations, including consultation with legal counsel, by the Board may be conducted in closed session.

5. **Burden of Proof.** No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Board under § VI(C)(13), based on charges filed by the Board, members of the Board, an aggrieved person or the Chief under § V(B), unless the Board determines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the Board shall apply the following standards, to the extent applicable:

   a. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
   b. Whether the rule or order that the subordinate allegedly violated is reasonable.
   c. Whether the Chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.
   d. Whether the effort described under VI.(C)(5)(c) was fair and objective.
   e. Whether the Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
   f. Whether the Chief is applying the rule or order fairly and without discrimination against the subordinate.
   g. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Chief's department.

6. **Presentation of Evidence.** The complainant shall first present its evidence in support of the charges filed with the Board. The member may then present evidence. Thereafter, each side may offer evidence in rebuttal evidence. Cross examination of all witnesses by the opposing party shall be permitted. The complainant and the member may be called adversely.

7. **Witnesses.** Testimony of witnesses shall be under oath administered by the President or court reporter. Testimony of witnesses at the hearing shall be preserved by audio recording by the Secretary or court reporter. Witnesses may be sequestered upon the request of either the complainant or the member or any member of the Board.

8. **Rules of Evidence.** Proceedings before the Board shall not be governed by the common law or statutory rules of evidence except those relating to privileges under Wis. Stat. Ch. 905 or to admissibility under Wis. Stat. § 901.05. The Board shall admit all other evidence having reasonable probative value, but may exclude irrelevant or repetitious evidence or arguments. Objections to evidentiary offers and offers of proof regarding evidence ruled inadmissible may be made and incorporated into the record.

9. **Hearing Summation.** At the close of the presentation of evidence, each party shall be limited to a twenty (20) minute oral summation of the evidence and any other written submission allowed by the Board.

10. **Hearing Examiner Procedure.** At its discretion, the Board may, upon majority vote, designate an attorney to act as Hearing Examiner to preside over pre-hearings and hearings before the Board and make rulings regarding procedural and evidentiary issues which may arise. All procedural and evidentiary provisions in these Rules and Regulations shall apply except as otherwise provided in this paragraph. At the close of any hearing presided over by a Hearing Examiner, the Hearing Examiner shall file, within twenty (20) days of the close of evidence, a report with the Secretary of the Board which summarizes the evidence presented and shall propose Findings of Fact and Conclusions of Law and a recommended disposition. At the same time, a copy of the report only shall be mailed to all parties or their respective counsel. The parties shall have ten (10) days from the mailing of such report to file a written brief with the Board setting forth their respective positions. Any reference by a party to a transcript shall be accompanied by pertinent portions of said transcript. Within ten (10) days of the filing of any briefs, the Board shall meet to deliberate in closed session in the manner set forth in sub. VI.(C)(11) taking into account VI.(C)(12) and (13). The Board shall render a written decision as provided in sub. VI.(C)(14) which may accept the Hearing Examiner's report, in whole or in part, or make any modifications which the Board deems appropriate.

11. **Board Deliberations, Closed Sessions.** Upon conclusion of the hearing or, if a hearing examiner has conducted the hearing under the provisions of sub. VI.(C)(10) following the submission of the hearing examiner's report and any briefs by the parties, the Board shall meet to deliberate and, upon notice properly given, the President may entertain a motion to enter into closed session pursuant to Wis. Stat. § 19.85(1)(a) to deliberate concerning the case which was the subject of the hearing before the Board. If such a motion is properly seconded, the Secretary shall conduct a roll call vote of the Board members present and record each of their votes in the meeting minutes or, if the vote is unanimous, state in the minutes that the vote is unanimous. No business shall be taken up in closed session except that which relates to the hearing pending before the Board. On conclusion of its deliberations, the Board may, upon proper notice, return into open session to render its decision and/or advise the parties of when a written decision shall be provided. If the Board is unable to reach a decision, the Board may adjourn its proceedings for not more than seven (7) days. Upon reconvening, the Board shall continue deliberations.

12. **Complainant's Failure to Meet Burden of Proof.** In the event the Board determines that the complainant has failed to meet its burden of proof, as set forth in sec. VI.(C)(5), the charges shall be dismissed and the proceedings terminated with the accused being immediately reinstated and all lost pay restored.

13. **Satisfaction of Burden of Proof.** At the conclusion of any hearing, the Department shall provide the Board Secretary with a sealed copy of the employment history and performance records of the accused member(s) if same has not been made a part of the record during the hearing. Such file(s) shall not be opened or reviewed by the Board

unless the Board shall have first determined by a majority vote that the charges have been sustained. If the Board shall determine that there is just cause to sustain the charges under the provisions set forth in sec. VI.(C)(5), the Board shall review said file to determine what, if any, discipline is appropriate. If the charges are sustained, the Board may, for the good of the service, order that the accused be:

a. Suspended,
b. Reduced in rank,
c. Suspended and reduced in rank, or
d. Discharged.

14. **Written Decision.** The Board shall file a written summary of its findings, decision and orders with the Secretary within three (3) days of reaching a decision. A copy of the written decision shall be provided to both parties.

15. **Appeal.** Any person suspended, reduced, suspended and reduced, or discharged by the Board may appeal the Board's determination to the Circuit Court for Waukesha County. In such event, written notice of the appeal shall be served on the Board Secretary within ten (10) days of the filing of the original decision with the Secretary. Within five (5) days after receiving written notice of appeal, the Secretary shall certify to the Clerk of the Circuit Court for Waukesha County the record of the proceedings including all documents, testimony, and minutes.

ADOPTED AS REVISED BY THE POLICE AND FIRE COMMISSION OF THE VILLAGE OF HARTLAND THIS 12th Day of APRIL, 2016.

_____
President
Police and Fire Commission
Village of Hartland

ATTEST:

_____
Police and Fire Commission Secretary
Village of Hartland