

**Wausau Police & Fire Commission
POLICIES & PROCEDURES MANUAL**

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* Adopted on March 20th, 2012 by the Commission

ARTICLE I

ORGANIZATION OF THE WAUSAU POLICE AND FIRE COMMISSION

Section 1.00 Establishment of the Police and Fire Commission

The Wausau Police and Fire Commission is a “Police and Fire Commission” as provided for in §62.13 of the Wisconsin Statutes. This Commission does not exercise the Optional Powers as set forth in Wisconsin Statutes Section 62.13(6).

Section 1.01 Appointment of Commissioners

Municipal Code 2.60.130: The Police and Fire Commission shall be composed of five residents of the City. Qualifications and responsibilities of the members of the Police and Fire Commission shall be established by Section 62.13 of the Wisconsin Statutes.

State Statute 62.13 (1) Commissioners: Except as provided in subs. (2g), (2m), (2s), and (8) (b) each city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the Secretary of the Commission, one member for a term of 5 years, subject to approval of the Common Council. No appointment shall be made which will result in more than 3 members of the board belonging to the same political party. All records of proceedings shall be stored in a shared drive accessible to the Police Department, Fire Department, and Human Resources Department. In addition, agendas and minutes shall be posted to the City of Wausau website.

Section 1.03 Terms of Office

- A. **Terms of Office:** Terms of office for all Commission members shall be five years in duration. Wausau Municipal Code (2.60.020) Terms of Office states that the terms of all members shall begin on May 1st and no person may be appointed to more than two consecutive regular terms as a member of any city board or commission, unless the reappointment is specifically approved by the Common Council.
- 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. If a vacancy occurs in one of the elected positions, a special election may be held on notice. 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 for one year or until a replacement is duly elected by the Commission.
2. Duties. The President of the Commission shall have the responsibility to:
 - a. Determine the items to be placed on the agenda and work with the secretary of the Commission to set the agenda for Commission meetings, which may include items requested by Commission members and other appropriate City staff person(s) such as the Police and Fire Chiefs;
 - 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 IV of these Rules or in §62.13 of the Wisconsin Statutes;
 - d. Appoint Commission members to any sub-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 for one year or 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 or if the President is unable to perform such duties of the office; 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, 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. The Secretary may designate any or all of the duties listed below to the Recording Secretary.
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 on behalf of the PFC all Statements of Charges;
 - e. Accept for filing all appointments of Commission members pursuant to §62.13(1) of the Wisconsin Statutes;
 - f. 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.
 - g. 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 Director of Human Resources 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:

Wausau Police and Fire Commission
c/o Human Resources Department
407 Grant Street
Wausau, WI 54403

Section 1.06 Service of Process on the Commission

The Commission designates the Human Resources Director, whose offices are located at 407 Grant Street, Wausau, 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 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 and any amendments thereto shall take effect upon adoption by the Commission at a regular meeting thereof and shall replace all prior versions and remain in effect until such time as they are repealed and amended in whole or in part.
- C. These Rules of 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 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 Chief of Police or Fire Chief of the City of Wausau and, in the event of vacancy in the position of Chief 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 City of Wausau Police and Fire Commission.
- D. “Commissioner” means a duly appointed member of the Wausau Police and Fire Commission.
- E. “Department” means the Wausau Police or Fire Department.
- F. “Member” means all personnel employed by the Wausau Police or Fire Department, including the Chiefs, who are within the jurisdiction of the Commission.
- G. “PFC” means the Commission officially known as the Wausau Police and Fire Commission.
- H. “Recording Secretary” means the individual, who need not be a member of the Commission, who is duly designated by the Secretary to complete any or all of the duties of the Secretary.
- I. “Rules” means the Rules of the Wausau Police and Fire Commission.
- J. “Day” is defined as per State Statute 801.15 which excludes weekends and holidays when the period of time prescribed is less than 11 days.
- K. “Secretary” means the duly appointed Secretary of the Commission.
- L. “Subordinate” and “subordinate member” mean personnel appointed by the Chiefs and approved by the Commission and who are within the jurisdiction of the Commission. As used in these Rules, the terms “subordinate” and “subordinate member” do not include unsworn employees of the Fire and Police Departments.
- M. “Vice President” means the duly elected Vice President of the Commission.
- N. “Director of Human Resources” means the City of Wausau Director of Human Resources.

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, appoint a Secretary, and review and sign appropriate paperwork and policies.
- B. Meetings are generally scheduled monthly on the third Tuesday at 8:00 am or at such other times as specified in the Commission's open meeting notices. Meetings are only held upon issuance of the official agenda notice.
- C. The Commission shall also meet at any time set by the Commission during an official business meeting, at the call of the President.

Section 2.01 Location of Meetings

The Commission meets at the Wausau Public Safety Building and at such other locations as specified in the Commission's open 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. At a minimum the notice of meeting shall be provided to each Commission member, the Human Resources Director, Mayor, City Attorney and Chiefs.
- C. The notice of meeting shall also be provided to those news media which have filed a written request with the City Clerk'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 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 Americans with Disabilities Act (ADA) Coordinator for the City of Wausau in advance so that reasonable accommodations can be made.

Section 2.03 Meeting Agenda

- A. The Recording Secretary shall prepare the agenda for each meeting and cause it to be included in the notice of meeting.
- B. In preparing the agenda, the Recording Secretary shall work with the President to set the agenda for each meeting. The agenda may include items requested by the Commission, Police Chief, Fire Chief, and other appropriate City staff person(s).

Section 2.04 Order of Business

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

1. Call to Order
2. Consideration of Minutes of Previous Meeting(s)
3. New Business
4. Police Department Report
5. Fire Department Report
6. Set Next Meeting Date and Location 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. For guidance on closed sessions, the President shall consult with the City Attorney as needed. Closed session meetings shall include duly appointed members of the Commission and those individuals invited into closed session by the President.

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 a 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

CITIZEN COMPLAINT PROCEDURES

Section 3.00 Purpose

The citizen complaint procedure addresses misconduct alleged to have been committed by Fire or Police Department subordinates and Chiefs. The City of Wausau Police and Fire Commission (“PFC”) utilizes this Procedure to receive, evaluate and administer the complaint process. It is expected that the Police and Fire Departments maintain policies and procedures for handling complaints filed with the Department. All complaints will be addressed swiftly, consistently and fairly for both complainants, Department subordinates and Chiefs.

Section 3.01 Complaint

A complaint may be initiated by mail (Wausau Police and Fire Commission, c/o Human Resources Department, 407 Grant Street, Wausau, WI 54403), email (humanresources@ci.wausau.wi.us), telephone (715-261-6630), or in person (Human Resources Department, 407 Grant Street, Wausau, WI 54403). Prior to referral for resolution, the complainant must officially file and sign the complaint using the Citizen Complaint Form to affirm that all information in the complaint is true and correct to the best of the complainant’s knowledge. The Complaint may be filed with the Police (link to Complaint Form) or Fire Department for investigation by the Department itself pursuant to their policy or may be filed directly with the PFC. Every effort should be made to direct the filing of any complaints with the Department for investigation and resolution. In all cases where the Complaint is against the Chief, the Complaint shall be filed directly with the PFC.

Section 3.02 Investigation

Upon receipt of a Complaint filed directly with the PFC, the PFC may investigate or cause to be investigated a complaint received if reasonable cause exists for further investigation, and if not first dismissed upon initial review. All Complaints filed with the Police or Fire Department shall be investigated and resolved in accordance with the respective Department’s policies. All complaints will be fully and fairly investigated.

Section 3.03 Resolution

Complaints filed directly with the PFC shall be acted on, in a reasonable timeframe, by the following methods:

- A. Dismissal: If upon initial review the Complaint is determined to be frivolous, does not evince a violation of Department policy or rules, if the complaint appears to have been filed with malice or ill-intent, or if reasonable cause does not exist for further investigation, then the PFC may vote to dismiss a Complaint without further investigation. Upon such a vote of the PFC, the complainant will be advised in writing of the reason for the dismissal. A complainant may, within thirty (30) days after the date of the notice of dismissal, request in writing that the dismissal be reconsidered by the PFC,

based upon additional relevant information not available at the time the original complaint is filed.

- B. Referral for Further Investigation: If upon review it is determined that the Complaint shows reasonable cause for further investigation, the PFC may vote to refer the Complaint regarding any subordinate other than the Chief, to the Chief for further investigation. The Chief may investigate or select an investigator to conduct the investigation for the PFC.

If the Complaint is made against the Chief, and the PFC determines that further investigation is warranted, the PFC shall vote to refer the Complaint regarding the Chief to the Mayor for further investigation. The Mayor may select an investigator with knowledge and experience regarding the issues raised in the Complaint to conduct the investigation.

Upon referral, the Chief, Mayor or investigator shall investigate all facts and circumstances alleged in the Complaint and may report back to the PFC with any findings from the investigation as soon as reasonably possible or file Charges seeking disciplinary action against the subordinate or Chief.

Upon receipt of the investigatory findings, the PFC shall convene to take further action on the Complaint by either voting to dismiss the Complaint as being unsubstantiated or by determining whether to refer the complaint for internal Department resolution or for the filing of a Statement of Charges or whether the PFC will prepare and issue the Statement of Charges on the subordinate or Chief.

- C. Hearings: Hearings, if necessary, will be conducted in accordance with PFC Rules regarding Hearing Procedures and consistent with Wisconsin law.

ARTICLE IV

POLICE & FIRE COMMISSION HEARING PROCEDURES

Section 4.00 Purpose

These procedures apply when a Statement of Charges is filed against Fire Department or Police Department subordinates and Chiefs. These disciplinary procedures are adopted pursuant to authority granted to the PFC under §62.13, Wis. Stat., to promulgate rules for the administration of disciplinary matters. These disciplinary procedures only apply to subordinates and Chiefs and do not apply to probationary employees, who may be summarily discharged from an initial appointment by the Chief of the Police Department or the Chief of the Fire Department; subordinates of the Department who are serving in a probationary capacity in a promoted rank and who are returned to the previously-held rank by the Chief for failing to satisfactorily complete the period of probation; and unsworn employees of the Department.

These procedures shall be interpreted in conformity with §62.13, Wis. Stat., as it may be amended from time to time, and any inconsistent provisions of these procedures shall be void and of no effect. Should any federal or state law or regulation, or the final decision of any court of competent jurisdiction affect any provision of these procedures, the provision or provisions so affected shall be deemed to be amended so as to conform to the law, regulation or decision. Time limitations set forth in these procedures are directory and not jurisdictional, unless as otherwise provided by §62.13, Wis. Stat., or by these procedures.

Section 4.01 Representations by Counsel; Payment of Costs and Disbursements

The Charging Party and the charged subordinate or charged Chief (the “Respondent”) may be represented by legal counsel, at their own expense, at each stage of a disciplinary proceeding. The PFC may apply to the City Council to assign or for approval to retain legal counsel for the PFC, at the expense of the City, to assist the PFC in the administration of any disciplinary matter pending before it. The costs of recording the evidentiary hearing shall be borne by the City. The costs of any copies of the recording and the costs of any transcripts shall be borne by the requesting party.

Section 4.02 Appointment of Hearing Examiner

The PFC may appoint or apply to the City Council to assign or appoint a hearing examiner, at the expense of the City, to assist the PFC in the administration of any disciplinary matter pending before it. Use of a hearing examiner, however, does not relieve the PFC of its responsibility for making final findings of fact, conclusions of law, and a determination in the matter. A hearing examiner may be discharged by the PFC at any time.

Section 4.03 Disciplinary Suspensions by the Chief

- A. The Chief may suspend a subordinate as a penalty. Such suspension may be imposed only for just cause, as determined under the standards set forth in § 62.13(5) (em) 1-7, Wis. Stat. The order of suspension shall be in writing, shall state the reasons for the

suspension and the length thereof, and shall indicate the date on which the suspension takes effect, and advise the subordinate of the right to appeal the suspension to the PFC.

- B. If a suspension penalty is imposed by the Chief, the Chief shall file a report thereof with the Chairperson and the Secretary of the PFC within five (5) days of issuing the order of suspension. Said report of suspension shall contain only the following information: 1) that a subordinate has been suspended; 2) the duration of the suspension (e.g., number of days); and 3) the commencement date of the suspension.
- C. Subordinate's Request for Hearing Based on Disciplinary Suspension by the Chief.
 - 1. Hearing Request: A request for hearing by the subordinate shall be in writing and shall be filed with the Secretary of the PFC within five (5) calendar days of the date on which the written order of suspension was received by the subordinate. The Secretary shall immediately inform the Chief of the filing of such a request.
 - 2. Filing Statement of Charges: If a subordinate suspended by the Chief requests a hearing on the suspension, the Chief shall file with the Secretary of the PFC within thirty (30) days a verified Statement of Charges upon which the suspension is based. The Statement of Charges shall conform to the requirements of these procedures and the formal hearing processes described in these procedures shall apply.
 - 3. Time Limitations: If the suspended subordinate does not file a written request for hearing on the suspension within five (5) calendar days of the date on which the written order of suspension was received by the subordinate, then no hearing shall be held.

Section 4.04 Administrative Leave Pending Disposition of Charges

The Chief or the PFC may place a subordinate on administrative leave, with pay, pending disposition of the Charges against the subordinate. The PFC may place the Chief on administrative leave, with pay, pending disposition of the Charges against the Chief.

Section 4.05 Filing and Service of Charges

- A. Charges may be filed against a subordinate or the Chief by a member of the PFC, by the PFC as a body, by the Chief or by any aggrieved person. To invoke the formal disciplinary process described in this paragraph, or for the Chief to comply with the suspension penalty processes described in Section 4 of these procedures, the charging party shall file a Statement of Charges which shall:
 - 1. Be in writing.
 - 2. Be addressed to the PFC:
 - 3. Identify the person against whom the Charges are made (the Respondent);

4. Identify the person by whom the Charges are made (the Charging Party);
 5. State the address of the Charging Party, and of the Charging Party's legal counsel, for purposes of receiving notices in connection with the proceedings;
 6. State sufficient facts to allow the Respondent to know and understand the nature of the conduct subject to the Charges and to be able to prepare a defense. The Statement of Charges shall indicate facts, the dates and locations of the alleged offenses;
 7. State the specific statute, ordinance, rule, regulation, policy, procedure, standard of conduct or order which the Respondent is accused of violating;
 8. Be verified, meaning the declaration under oath or affirmation that the contents of the Statement of Charges are true to the Charging Party's own knowledge, except as to those matters stated upon information and belief, and as to those matters the Charging Party shall state that the Charging Party believes those matters to be true; and
 9. Be filed by mailing or delivering a properly executed Statement of Charges to the Secretary of the PFC.
- B. After the Statement of Charges is filed with the Secretary of the PFC, the Charging Party shall immediately cause a copy of the Statement of Charges to be served on the Respondent or the Respondent's agent. Failure of the Charging Party to comply with the procedures, rules or orders of the PFC at any stage of the proceedings may be grounds in the discretion of the PFC to dismiss the Charges, either with or without the Charging Party's ability to re-file.

Section 4.06 Preliminary Hearing

- A. The purpose of such preliminary hearing shall be for the PFC to read and examine the Charges, not as to merit, but as to the sufficiency of their form and nature. The Charges may be deemed sufficient as to their form and nature by the PFC if they set forth allegations in regard to the criteria found in §62.13(5) (em) 1-7, Wis. Stat., to the extent that they may be applicable. Any such preliminary hearing shall be held in open session; however, the PFC may deliberate the disposition of the matter in closed session. The PFC may dismiss, with the ability of the Charging Party to re-file, any Statement of Charges that fails to meet the requirements of these procedures. In its discretion, the PFC may dismiss, without the Charging Party's ability to re-file, any Statement of Charges when the PFC determines that the Charging Party, through excusable neglect, failed to file the Charges in a timely manner and that the Respondent has been unfairly prejudiced thereby, or in the event the Charges are filed with malice or ill-intent.
- B. In this preliminary hearing, which shall not be evidentiary in nature, the Respondent and the Charging Party and their attorneys may be heard.
- C. Notice of a preliminary hearing shall be served personally not less than 24 hours prior thereto and shall, in addition, be given to the Charging Party and Respondent. This

preliminary hearing shall constitute the commencement of the hearing process as required in §62.13(5)(d), Wis. Stat.

- D. If the Charges are found to be sufficient as to form and nature, the PFC shall proceed to consider administrative details to be involved in disposition of the Charges.
- E. If the Charges are found not to be sufficient as to form and nature:
 - 1. If deemed by the PFC to be so insufficient that even if proven no disciplinary action could lie, the same may be dismissed with prejudice.
 - 2. If deemed rectifiable, the PFC shall establish a time within which the Charging Party may amend the same and re-file.
 - 3. If the Charges are deemed by the PFC to be outside the scope of the PFC's jurisdiction, the same may be dismissed with prejudice.

Section 4.07 Conciliation Conference

The PFC shall determine if the matter may be referred to a conciliation conference or offer to the parties the option of participating in a conciliation conference. If the PFC recommends or if the parties agree to proceed to a conciliation conference, then:

- 1. Notice shall be sent to the Charging Party and the Respondent, or their counsel, of the date, time, and place of the conciliation conference.
- 2. The conciliation conference will be conducted by the PFC's designee. The conference will be informal, with the parties encouraged to discuss the matter in an attempt to resolve it short of Hearing. Either party may be accompanied by legal counsel. The purpose of the conciliation conference is to seek resolution, not pretrial discovery, and the statements made at the conciliation conference will not be admissible at the time of Hearing. No individual who participates in the conciliation conference may sit as Hearing Examiner unless the parties agree in writing.
- 3. If a mutual agreement is reached at the conciliation conference, the parties will be asked to sign a statement of resolution stating that the dispute has been resolved and that the matter may be dismissed. If the resolution requires any further action by either party, the statement of resolution will specify the action required and state that, upon completion of the action required, the matter is to be dismissed. A copy of the signed statement of resolution will be given to each party. When the Charging Party and Respondent notify the PFC that all necessary action has been completed, the matter will be recommended for dismissal, based upon successful conciliation, at a meeting of the PFC.
- 4. If no conciliation agreement is reached or a party to the matter fails to participate, the matter will be returned to the PFC for further proceedings.

Section 4.08 Pre-Hearing Conference

The pre-hearing conference shall be presided over by the Chairperson of the PFC, by a Commissioner designated by the Chairperson, or by a hearing examiner appointed by the PFC. The Pre-hearing Conference is a status conference and not an evidentiary hearing or a formal meeting of the PFC and need not be attended by all Commissioners or a quorum of the PFC. Witnesses need not attend.

- A. At the pre-hearing conference the presiding officer shall:
 - 1. Define the issues and determine if they can be narrowed;
 - 2. Determine if the parties can stipulate to any facts or agree to the identity or authenticity of documents;
 - 3. Set a date for the evidentiary hearing in the matter;
 - 4. Set the dates by which the Charging Party and the Respondent are to file and serve a list of the names and addresses of the witnesses they intend to call at the Evidentiary Hearing and a list of evidence they intend to use at the Evidentiary Hearing. Neither party is required to identify witnesses who will be called solely as rebuttal witnesses, but the parties may not call any other person to testify at the evidentiary hearing without a showing of good cause for the failure to timely identify the witness.
 - 5. Consider and report to the parties and the PFC on any other matter which may aid in the disposition of the proceeding.
- B. The PFC may permit the taking and preserving of evidence in advance of the evidentiary hearing under the methods available under Wis. Stat. Chapter 804 with respect to a witness who is beyond the reach of subpoena of the PFC; who is about to go out of the state, not intending to return in time for the hearing; or who is sick, infirm or aged as to make it probable the witness will not be able to attend the hearing.
- C. The parties may compel the attendance of witnesses and the production of evidence by subpoena, which may only be issued at the discretion of the Chairperson of the PFC upon request. The preparation and service of the subpoena is the responsibility of the party requesting the subpoena, and the cost of service fees, witness fees and other related expenses shall be borne by the party requesting the subpoena.
- D. The PFC in its discretion may schedule additional hearings or conferences to aid in the fair, impartial and orderly disposition of any pending proceeding, including for purposes of hearing and deciding any motions.

Section 4.09 Evidentiary Hearing Procedures

- A. The Chairperson of the PFC shall normally preside at the Evidentiary Hearing. The Chairperson calls the Hearing to order, preserves order, sees that the proceedings are conducted in a fair or impartial manner, explains the purposes of the hearing, and describes to those in attendance the general procedures, which will be followed. Unless waived by the Respondent, the Chairperson reads the Statement of Charges at the outset of the hearing. The Chairperson has authority for rulings on admissibility of evidence and for rulings on motions, except motions that result in the final disposition of the Charges. The Chairperson determines the times for recesses and adjournments of the hearing, and times for reconvening. The Chairperson determines when the record is closed for presentation of evidence, and determines the extent to which the record will remain open for submission of closing oral arguments or written memoranda.
- B. In the absence of the Chairperson, or at the Chairperson's request, the PFC may designate another of its members to preside in the Chairperson's stead for all or some portion of the hearing.
- C. If a hearing examiner has been appointed, then the PFC may delegate tasks and authority to the hearing examiner in connection with the proceedings before, during, and after the evidentiary hearing, including those tasks and the authority assigned to the Chairperson under these procedures. Notwithstanding the appointment of a hearing examiner, however, the Chairperson retains responsibility for the orderliness, fairness and impartiality of the proceedings.
- D. The Secretary of the PFC, or another person designated by the Chairperson of the PFC, shall administer oaths or affirmations of the witnesses, keep the exhibits, maintain minutes, and otherwise serve as clerk of the proceedings.
- E. The parties, or their counsel, may make opening statements before the presentation of evidence. The PFC may set reasonable time limits on the duration of the opening statements.
- F. Presentation of Evidence and Official Notice:
 - 1. The PFC shall not be bound by common law or statutory rules of evidence. The PFC shall admit all testimony having reasonably probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. The PFC shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality and probative force shall govern the proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.
 - 2. Each party shall be afforded adequate opportunity to present evidence and to rebut or offer countervailing evidence.

3. The PFC may take official notice of any generally recognized fact or any established or technical fact, but parties shall be afforded an opportunity to contest the validity of the official notice.
 4. The PFC shall take notice of all duly adopted ordinances of the City and of all duly adopted and published rules, regulations, policies and procedures of the Police Department and Fire Department.
 5. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
 6. Each party may call witnesses. Each party may conduct cross-examination reasonably required for a full and true disclosure of the facts. Parties may be called to testify adversely. The PFC may question witnesses. The PFC may order witnesses to be sequestered.
 7. The PFC may modify the order of testimony or make such additional or modified orders or rules at such hearing as it deems necessary for the orderly, fair, and impartial conduct of the proceedings.
- G. The Charging Party shall have the burden of proof. The burden of proof is by the preponderance of the evidence; that is, by the greater weight of the credible evidence to a reasonable certainty.
- H. In determining whether just cause has been established for imposition of discipline, the PFC shall consider each of the standards, as they may be applicable, set forth in §62.13, Wis. Stat.
- I. Closing arguments:
1. At the close of the presentation of evidence, the Charging Party may make a closing argument, the Respondent may make a closing argument, and the Charging Party may make a final argument, limited to matters in rebuttal. The PFC may set reasonable time limits on the duration of closing arguments.
 2. The PFC may invite written briefs or memoranda, including, at the PFC's discretion, proposed findings of fact and conclusions of law, following the close of presentation of evidence. The PFC may close the hearing of evidence but keep the record open for the receipt of written submissions and issuance of findings of fact and conclusions of law.
- J. Proceedings to be public: Evidentiary Hearings before the PFC shall be conducted in public at all stages, except that deliberations by the PFC may be conducted in closed session. Unless otherwise provided by law, any paper filed in the proceeding is public.
- K. Hearing to be recorded: All public portions of the evidentiary hearing shall be recorded verbatim by either audio recording, transcription or video recording.

Section 4.10 Decision

- A. The PFC shall issue a written decision in each proceeding, file such decision with the Secretary of the PFC, and mail a copy to the parties within three (3) days after the conclusion of the Evidentiary Hearing, including that portion of the Hearing devoted to the PFC's deliberations.
- B. The decision shall contain the PFC's order determining the outcome of the material matters at issue in the case, and may contain findings of fact, conclusions of law and a memorandum decision. The PFC's decision shall make specific reference to the standards of just cause contained in §62.13, Wis. Stat., as applicable.
- C. If the PFC determines that one or more of the Charges have been sustained, the PFC may order any of the following, as the good of the service may require:
 - 1. That the Respondent be suspended;
 - 2. That the Respondent be reduced in rank;
 - 3. That the Respondent be both suspended and reduced in rank; or
 - 4. That the Respondent be removed from the Department.
- D. If the PFC determines that none of the Charges have been sustained, the Respondent, if suspended, shall be immediately reinstated, and all lost pay restored.

ARTICLE V

APPOINTMENT PROCESS FOR THE CHIEFS OF THE POLICE AND FIRE DEPARTMENTS

Section 5.00 General

- A. The Commission shall appoint the Chief of Police and the Chief of the Fire Department. The Commission may, under the proper circumstances, appoint an interim Chief for either department. In the event of a vacancy in the office of the Chief, an interim Chief may be appointed by the Commission
- B. The City has established job descriptions for the positions of Chief of Police and Chief of the Fire Department which are on file with the City of Wausau Human Resources Department. The job descriptions may be amended from time to time by the City. No application for appointment as Chief shall be accepted from any person who does not meet the minimum qualifications for Chief as set forth in the job description.
- C. When a vacancy occurs in either department, the Commission shall begin the selection process for a new Chief in a reasonable amount of time but shall act with extraordinary care, ever mindful of their responsibility, the good of the City of Wausau and the needs of the department.

Section 5.01 Publication

The Commission shall announce that applications for the position of Chief will be accepted by posting a notice within the affected department and having an announcement published in a manner designed to bring the application process to the attention of eligible persons within the targeted area which may be statewide, limited to the Midwest or national in character, as the Commission shall determine. Cost of such publication is charged to the Human Resources Department budget. The Commission shall consult with the Human Resources Director regarding the salary range and benefit package to be included in the notices and advertising for the Chief's position, limited to the maximum of the current approved salary range and benefit structure.

Section 5.02 Procedure

The specific procedure for the selection of a Chief shall be established by the Commission at the time the vacancy exists. The Commission shall consider the following:

- A. **Consultant:** Recognizing the limitations of a citizen board, the Commission should consider retaining the services of a consultant to aid and assist the Commission. The consultant would include a person or agency that is available for hire for this purpose or a board of professionals selected by the Commission. The consultant(s) shall be screened for knowledge, experience and impartiality. The Commission shall consider the cost of the consultant(s) but that should not be the determining factor. The consultant(s) must be from outside the respective department. A request and approval needs to be made to and

by the Common Council for approval of the financing for the consultant prior to employing.

- B. **Application:** The Human Resources Director shall prepare an application form for the position based on the requirements of the position as established in the job description. The application shall include information on the background of the applicants including military service, post high school education, command experience, administrative experience, related and non-related employment, criminal and traffic records, references within and outside the police or fire communities, civic/community involvement, and essay questions designed to elucidate the applicant's qualifications and suitability for the position.
- C. **Scoring and Selection:** As approved by the Commission, the Human Resources Director shall establish a scoring and selection process so as to provide a verifiable scoring method. Evaluation procedures shall be conducted in a manner recognized by the Human Resources Director as generally acceptable. The scoring and selection process shall be established so as to provide for elimination of unsuitable applicants for the position until a final list of three (3) to five (5) applicants is reached.
- D. **Oral Interview:** The Commission and/or its designee shall conduct a final oral interview of the remaining applicants. Each applicant shall be asked identical initial questions but the follow-up questions may vary depending upon the response. The Commission shall arrange for the questions to be presented by a third party, either the consultant or an independent person not a member of the Commission, who shall not be entitled to a vote. The questions shall be accorded a numerical value with specific weight given the presentation and content of each question determined by the Commission in advance. Commissioners may be present at the final interview if conducted by a third party.
- E. **Background Investigations:** The Commission shall require background investigations, including reference checks, to be conducted by an independent agency outside the City of Wausau to determine the veracity of the information contained in the job applications and the suitability of the remaining candidates. The Commission and/or its designee shall specify the procedures to be used in the background investigations and shall allot sufficient time for a thorough check. Background investigations are not scored.
- F. **Physical Examinations:** After a conditional offer of employment, contingent upon passing the physical and psychological exams, has been extended to the selected candidate, a physical exam shall be conducted by the medical doctor selected by the Commission and/or the City of Wausau to determine fitness to perform the essential job duties.
- G. **Psychological Examinations:** After a conditional offer of employment, contingent upon passing the physical and psychological exams, has been extended to the selected candidate, a psychological exam shall be conducted by a psychologist selected by the Commission and/or the City of Wausau to determine fitness to perform the essential job duties.

Section 5.03 Offer of Employment

The Commission shall make a Conditional Offer of Employment to its final candidate which shall be contingent upon satisfactory completion of a physical examination as well as a psychological examination, if the Commission requires one. The Mayor shall then have responsibility for the negotiation of the financial employment terms.

Compensation and benefits for the Chief as well as all subordinates shall be the sole province of the Common Council. The Common Council may increase the compensation package from time to time but may not decrease the salaries without the previous recommendation of the Commission, pursuant to statute.

ARTICLE VI

POLICE DEPARTMENT ENTRY LEVEL HIRING AND ELIGIBILITY LISTS

Section 6.00 Policy

- A. The Police and Fire Commission and the Wausau 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 6.01 Qualifications and Criteria

- A. Overview: The selection process of police officers for the City of Wausau 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: Graduate of an applicable accredited high school (or proof of high school equivalency, such as GED certificate.) An applicant with the Wausau Police Department shall possess a minimum of 60 post high school semester credits and any other education qualifications required for the position at the time of the application.
- C. Driver's License: A valid Wisconsin driver's license must be held at time of background investigation.
- 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. The applicant must also not have any convictions that would prevent the individual from lawfully possessing or using a firearm or impede the individual's ability to credibly testify in any proceedings.
- F. Contact Information: Anyone who meets these qualifications may obtain official application information on the City of Wausau employment web site: www.ci.wausau.wi.us.

Section 6.02 Advertising

Advertisements will be prepared and placed by Human Resources staff.

Section 6.03 Applications

Application format and requirements will be determined by the Director of Human Resources. 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. The Human Resources Department will certify a list to the Police Department of applicants who meet the minimum qualifications and are eligible for consideration for hire.

Section 6.04 Written Examinations

- A. The first step for all applicants is a written test that will 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 determined by the Director of Human Resources.
- B. Candidates with a correctly submitted application who meet the minimum requirements will be notified by Human Resources staff of the written examination option date(s) and time(s).
- C. The selection of written examination and testing agency shall be made by the Director of Human Resources in consultation with the Chief of Police.
- D. Those candidates with a passing score on the written test will be contacted by Human Resources staff and invited to the next step. Human Resources staff will also contact candidates who scored less than a passing score.
- E. Ranking shall be determined by the numerical score on the written exam plus the addition of Veteran's Preference Points if applicable. It is the duty of a candidate who seeks the addition of Veteran's Preference Points to so indicate the number of points claimed and the basis for the preference. Any candidate who fails to make claim for the Veteran's Preference Points and submitting a copy of DD Form 214 "Certificate of Release or Discharge from Active Duty" shall be deemed to have waived a claim to them. The City shall have no independent duty to seek out information from the applicant or on behalf of the applicant regarding the preference points.

Section 6.05 Initial Interviews

Applicants who pass the written test will advance to the next phase of the selection process on the same day. There will be two initial interviews conducted on the day of the Written Exam. These interviews will be a brief interview intended to evaluate a candidate's communication skills, their education and work experience in addition to general skill and behavioral based interview questions. Each applicant shall be asked identical initial questions but the follow-up questions may vary depending upon the response. A scoring and selection process, approved by the Human Resources Director, shall provide a verifiable scoring method for this process.

Section 6.06 2nd Interview Day

- A. The command staff interview shall be for the purpose of determining the knowledge, skills and abilities of the applicant for the position to be filled. Its scope shall include an evaluation of the applicant's demeanor, attitude, interest, bearing, oral communication skills, interpersonal skills, responsibility and self-confidence. Each applicant shall be asked identical initial questions but the follow-up questions may vary depending upon the response.
- B. The Field Training Officer (FTO) interview will require applicants to complete a detailed background informational packet prior to the interview. The background packet will be reviewed with the candidate with the Field Training Officers.

Section 6.07 Background Investigation

Prior to any appointment, a detailed background investigation will be performed by the Police Department. This investigation will verify information included in the background packet and also include such items as criminal and traffic records, present and past employment, educational achievements, recommendations from acquaintances, and numerous reference checks. The background investigation shall not be assigned a score to be used in rating the applicant. Additionally, the background investigation may include testing for controlled substances.

Section 6.08 Final Command Staff Interview

The final command staff interview will further evaluate the knowledge, skills, and abilities of the candidates in addition to examining any findings from the background investigation. Its scope shall also include an evaluation of the applicant's demeanor, attitude, interest, bearing, oral communication skills, interpersonal skills, responsibility and self-confidence. Each applicant shall be asked identical initial questions but the follow-up questions may vary depending upon the response.

Section 6.09 Polygraph Examination

Applicants for original appointment with the Police Department shall submit to a Polygraph Device Deception Test, at such time and place as the Chief may designate. Such test shall be given without expense to the applicant. Failure of the applicant to take such test on the date and time specified shall disqualify the applicant from further consideration. No applicant may be disqualified solely on the basis of a polygraph device reading indicating that the applicant gave an untruthful response to a question. Applicants may be disqualified from further consideration on the basis of responses provided prior to or after the polygraph device portion of the examination, inconsistent responses to questions, efforts to manipulate, control or distort the data of the test or untruthful responses together with other information received by the examiner or the Board. The polygraph test shall be administered by a licensed operator.

Section 6.10 Police and Fire Commission Interview

Section 6.11 Eligibility List

The names of applicants who are successful in completing the selection process will be placed on an eligibility list that normally remains in effect for one year unless otherwise authorized by the Commission. Prior to filling a vacancy from the eligibility list, the Chief of Police may offer the candidate a conditional offer of employment, contingent upon passing the physical exam including drug screening, psychological exam, and Police and Fire Commission interview as described below.

Section 6.12 Physical Examinations

After a conditional offer of employment, contingent upon passing the physical and psychological exams, has been extended to the selected candidate, a physical exam shall be conducted by the medical doctor selected by the Commission and/or the City of Wausau to determine fitness to perform the essential job duties. This physical examination shall include a drug screening as required by the Wisconsin Law Enforcement Standards Bureau.

Section 6.13 Psychological Examinations

After a conditional offer of employment, contingent upon passing the physical and psychological exams, has been extended to the selected candidate, a psychological exam shall be conducted by a psychologist selected by the Commission and/or the City of Wausau to determine fitness to perform the essential job duties.

- A. The Commission shall consider those applicants who have passed the Chief's screening process and are being recommended for hire.
- B. Oral interviews shall be scheduled in closed session at the convenience of the Commission and may be scheduled on a regular meeting or at a special meeting. Generally no more than five (5) applicants should be scheduled at a time. The applicants will each be asked identical initial questions during the oral interview but follow-up questions may vary depending upon the response.
- C. Upon completion of the interview(s), the Commission shall go into open session to move on the hiring of the interviewed candidates. Applicants not receiving approval from the Commission will be removed from consideration for hire.

ARTICLE VII

POLICE DEPARTMENT PROMOTIONAL PROCESS

Section 7.00 Policy

- A. The Police and Fire Commission and the Wausau Police Department will strive for a balanced work force, reasonably reflecting the demographic makeup of the community, including ethnic, racial, and gender factors. This includes both entry level hiring and in promotional processes.
- B. The process will be conducted in compliance with *Equal Employment Opportunity* and *Americans with Disabilities Act* guidelines, state law, and with the endorsement of the Director of Human Resources.

Section 7.01 Qualifications and Criteria

- A. Overview: The selection process for Detective, Lieutenant, Captain, and Deputy Chief for the Wausau Police Department is designed to select from among the candidates, the best qualified and professional person for each position.
- B. Eligibility:
 - 1. Detective: An applicant for the position of Detective must be off probation and have three years of full-time police officer experience by the projected date of promotion.
 - 2. Lieutenant: An applicant for the position of Lieutenant must be off probation and have six years of full-time police officer experience by the projected date of promotion.
 - 3. Captain: An applicant for the position of Captain must be off probation and have four years of experience as a Lieutenant (or the equivalent); or, be off probation and have two years of experience as a Lieutenant (or the equivalent) and possess a Bachelor's Degree.
 - 4. Deputy Chief: The applicant for the position of Deputy Chief must hold the rank of Captain; or, be off probation and have six years of experience as a Lieutenant (or its equivalent) by the projected date of promotion; or, be off probation and have four years of experience as a Lieutenant (or its equivalent) by the projected date of promotion and possess a Bachelor's Degree.
- C. Special Circumstances: The Chief may, with the consent of the Police and Fire Commission, waive or modify the eligibility requirements for promotion.

Section 7.02 Promotional Process

- A. The Chief or his/her designee, in consultation with the Director of Human Resources, will develop the schedule and announcement for the promotional process.
- B. The Chief, in conjunction with the Director of Human Resources, will determine the selection process for promotions which may include any or all of the following steps:
 - 1. Written letter of interest
 - 2. Position paper
 - 3. Peer review
 - 4. Supervisor review
 - 5. Oral interview
 - 6. Presentation
- C. Once the schedule and evaluation tools have been developed, the Chief, or his/her designee, shall develop a recruitment plan for the position. Positions may be recruited internally or externally, or both, at the discretion of the Chief. A document announcing the promotional process will be created and released according to the recruitment plan. The document will include the following information:
 - 1. The anticipated date of promotion.
 - 2. Eligibility requirements for the position.
 - 3. The shift information for the position.
 - 4. The minimum and maximum salary range.
 - 5. Information on how to apply and deadline to apply.
 - 6. The timeline and deadlines of the promotional process and the established selection process.
 - 7. The weighted scoring system used to rank the candidates.
 - 8. The Command Staff personnel who will serve as evaluators during the promotional process.
 - 9. A copy of the job description.

For positions recruited externally, advertisements will be prepared and placed by Human Resources staff. Internally recruited positions shall be announced to all Police Department staff, usually via a department-wide email communication.

- D. At the conclusion of the promotional process, the Chief shall recommend the candidate with the highest final weighted score to the Police and Fire Commission for approval. The Police and Fire commission shall interview the candidate prior to final approval of the promotion.

Section 7.03 Written Letter of Interest

- A. Candidates who are eligible and wish to apply for the promotional process shall submit a letter of interest including:

1. The candidate's eligibility for the position.
2. An overview of the candidate's qualifications.
3. Additional information the candidate would like to include regarding his/her experience, training, or education

B. The written letter of interest is not scored as a part of the promotional process.

The following steps may be used in any combination with the promotional processes for any position.

Section 7.04 Position Paper

- A. The purpose of the position paper is to identify the candidate's ability to write, analyze an issue pertaining to law enforcement, and provide the candidate's personal philosophy on the supervisory topic.
- B. The formal promotional process announcement shall contain the guidelines for the position paper (i.e. format, length, topic, deadline, submission requirements).
- C. The formal promotional process announcement shall contain the percentage weighting of the position paper as a percentage of the total score of the promotional process.

Section 7.05 Peer Review

- A. The purpose of the peer review is to solicit feedback from peers of the candidates in the lieutenant promotional process.
- B. This step should be conducted in survey format allowing peers to supply quantitative feedback through a scoring mechanism as well as qualitative feedback through an opportunity to provide written statements of their observations and interactions with the candidates.
- C. Peers will score the candidates in the following categories:
 1. Core Values
 2. Communication
 3. Teamwork
 4. Customer Service
 5. Initiative
 6. Positive Impact
 7. Problem Solving & Decision Making
 8. Job Knowledge
 9. Time Management
 10. Quality of Work

- D. The peer review survey is not mandatory for line staff to complete.
- E. The formal promotional process announcement shall contain the percentage weighting of the peer review as a percentage of the total score of the promotional process.

Section 7.06 Supervisor Review

- A. The purpose of the supervisor review is to solicit feedback from the candidates' supervisors in the promotional process.
- B. This step should be conducted in survey format allowing supervisors to supply quantitative feedback through a scoring mechanism as well as qualitative feedback through an opportunity to provide written statements of their observations and interactions with the candidates.
- C. Supervisors will be required to score the candidates in the following categories:
 - 1. Core Values
 - 2. Communication
 - 3. Teamwork
 - 4. Customer Service
 - 5. Initiative
 - 6. Positive Impact
 - 7. Problem Solving & Decision Making
 - 8. Job Knowledge
 - 9. Time Management
 - 10. Quality of Work
- D. The supervisor review survey is mandatory when included in the selection process..
- E. The formal promotional process announcement shall contain the percentage weighting of the supervisor review as a percentage of the total score of the promotional process.

Section 7.07 Presentation

- A. The purpose of the presentation in the promotional process is to determine the candidate's knowledge, skills, and abilities in the following areas:
 - 1. Properly research and understand a topic
 - 2. Prepare a visual presentation such as PowerPoint
 - 3. Effectively present the information to a group
 - 4. Identify and analyze key information pertinent to the topic
 - 5. Understand and express the mission and values of the police department as they pertain to the topic selected

- B. The formal promotional process announcement shall contain the guidelines for the presentation (i.e. format, length, topic, deadline, submission requirements, etc.)
- C. The formal promotional process announcement shall contain the percentage weighting of the presentation as a percentage of the total score of the promotional process.

Section 7.08 Interview

- A. The purpose of the interview is to determine the candidate's knowledge, skills and abilities in the following areas:
 - 1. Personal integrity and ethical conduct
 - 2. Leadership
 - 3. Emotional stability and maturity
 - 4. Stress tolerance
 - 5. Policy and procedure
 - 6. Oral communication skills
 - 7. Interpersonal skills
 - 8. Self-confidence
 - 9. Core values
 - 10. Sound judgment and decision-making
- B. Each candidate shall be asked identical initial questions but the follow-up questions may vary depending on the response.
- C. The formal promotional process announcement shall contain the percentage weighting of the interview as a percentage of the total score of the promotional process.

Section 7.09 Eligibility List

- A. If additional promotions are projected, the Chief may maintain an eligibility list for 6 months from the conclusion of the promotional process. During the life of the eligibility list, the Chief may recommend the next-highest scoring candidate for appointment, subject to interview by and approval of the Police and Fire Commission.

Section 7.10 Police and Fire Commission Interview

- A. The Commission shall interview the candidate(s) presented for promotion at the conclusion of the Chief's selection process and make the final recommendation for promotion. Whenever possible, the Police and Fire Commission interview shall occur after all other requirements of the selection process have been successfully completed.

B. Oral interviews shall be scheduled at the convenience of the Commission and may be scheduled for a regular meeting or a special meeting.

ARTICLE VIII

FIRE DEPARTMENT ENTRY LEVEL HIRING AND ELIGIBILITY LISTS

Section 8.00 Policy

- A. The Police and Fire Commission and the Wausau 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
- C. Americans with Disabilities Act guidelines.
- D. The Wausau Fire Department may elect to participate in a hiring consortium, which would administer one or more of the selection steps.

Section 8.01 Qualifications and Criteria

- A. Overview: The selection process of firefighters/paramedics for the City of Wausau entails 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: Graduate of an applicable accredited high school (or proof of high school equivalency, such as GED certificate.) An applicant with the Wausau Fire Department shall possess a minimum of 60 post high school semester credits and any other education qualifications required for the position at the time of the application.
- C. Driver's License: A valid Wisconsin driver's license must be held at time of background investigations.
- D. Certified Physical Agility Test (CPAT): The candidate will need to have a CPAT certificate demonstrating they passed the necessary agility testing within one year of application submission deadline.
- E. Criminal History: As a minimum, must not have been convicted of a felony. The applicant must also not have any convictions that would prevent the individual from lawfully attaining or maintaining a Wisconsin Emergency Medical Service license or impede the individual's ability to credibly testify in any proceedings.
- F. Contact Information: Official application information will be made available on the City of Wausau employment web site: www.ci.wausau.wi.us.

Section 8.02 Advertising

Advertisements will be prepared and placed by Human Resources staff.

Section 8.03 Applications

Application format and requirements will be determined by the Director of Human Resources. 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. The Human Resources Department will certify a list to the Fire Department of applicants who meet the minimum qualifications and are eligible for consideration for hire.

Section 8.04 Written Examinations

- A. The first step for all applicants is a written test that will evaluate general aptitude and related knowledge pertinent to successful performance in the duties of a firefighter/paramedic. The written test is a video-based testing system that assesses critical skills necessary to be a firefighter and includes content areas such as teamwork, human relations, mechanical aptitude, reading ability and basic math skills. The written test is scored by a third party with the results directed to the Human Resources staff.
- B. Candidates with a correctly submitted application will be notified by Human Resources staff of the written examination option date(s) and time(s).
- C. The selection of the written examination and testing agency shall be made by the Director of Human Resources in consultation with the Fire Chief.
- D. Those candidates with a passing score on the written test will be contacted by Human Resources staff and invited to the next step. Human Resources staff will also contact candidates who scored less than a passing score.
- E. Ranking shall be determined by the numerical score on the written exam plus veteran's preference points.

Section 8.05 Panel Interview

Applicants who pass the written test will advance to the next phase of the selection process which is a panel interview. The panel interview is an interview intended to evaluate a candidate's skills and abilities, communication skills, education and work experience. With the use of behavioral based interview questions the panel will also attempt to determine how the candidate has handled real situations in their past work experience directly related to the position of firefighter/paramedic. Each applicant shall be asked identical initial questions but the follow-up questions may vary depending upon their response. A scoring and selection process, approved by the Human Resources Director, shall provide a verifiable scoring method for this process.

Section 8.06 Command Staff Interview and EMS Testing

- A. The command staff interview shall be for the purpose of determining the knowledge, skills and abilities of the applicant for the position to be filled. Its scope shall include an evaluation of the applicant's demeanor, attitude, leadership, aptitude, interest, oral communication skills, interpersonal skills, responsibility and self-confidence. Each applicant shall be asked identical initial questions but the follow-up questions may vary depending upon the response.
- B. The EMS testing will be conducted immediately after the command staff interview with the purpose of evaluating the skills and abilities of the candidate directly related to EMS.

Section 8.07 Background Investigation

Prior to any appointment, a detailed background investigation will be performed by the Human Resources staff. This investigation will verify information included in the application and also include such items as criminal and traffic records, present and past employment, educational achievements, recommendations from acquaintances, and numerous reference checks. The background investigation shall not be assigned a score to be used in rating the applicant.

Section 8.08 Eligibility List

The names of applicants who are successful in completing the selection process will be placed on an eligibility list that normally remains in effect for one year unless otherwise authorized by the Commission. Prior to filling a vacancy from the eligibility list, the Fire Chief may offer the candidate a conditional offer of employment, contingent upon passing the physical exam including drug screening, psychological exam, back ground check and Police and Fire Commission interviews as described below.

Section 8.09 Physical Examinations

After a conditional offer of employment has been extended to the selected candidate, a physical exam shall be conducted by the medical doctor selected by the Commission and/or the City of Wausau to determine fitness to perform the essential job duties. Part of the physical examination shall include a drug screening specified by the City of Wausau.

Section 8.10 Psychological Examinations

After a conditional offer of employment has been extended to the selected candidate, a psychological exam shall be conducted by a psychologist selected by the Commission and/or the City of Wausau to determine fitness to perform the essential job duties.

Section 8.11 Police and Fire Commission Interview

- A. The Commission shall consider those applicants who have passed the Chief's screening process and are being recommended for hire.

- B. Oral interviews shall be scheduled in closed session at the convenience of the Commission and may be scheduled at a regular meeting or at a special meeting. Generally no more than five (5) applicants should be scheduled at one time. The applicants will each be asked identical initial questions during the oral interviews but follow-up questions may vary depending upon candidate's response.
- C. Upon completion of the interview(s), the Commission shall go into open session to move on the hiring of the interviewed candidates. Applicants not receiving approval from the Commission will be removed from consideration for hire.

ARTICLE IX

FIRE DEPARTMENT PROMOTIONAL PROCESS

Section 9.00 Policy

- A. The Police and Fire Commission and the Wausau Fire Department will strive for a balanced work force, reasonably reflecting the demographic makeup of the community, including ethnic, racial, and gender factors. This includes both entry level hiring and in promotional processes.
- B. The process will be conducted in compliance with Equal Employment Opportunity and Americans with Disabilities Act guidelines, state law, and with the endorsement of the Director of Human Resources.

Section 9.01 Qualifications and Criteria

- A. The selection process for the following positions within the Wausau Fire Department is designed to select the most qualified and professional person for the each position: Lieutenant, Fire Marshal, EMS Division Chief, Training Division Chief, Battalion Chief, and Deputy Chief. The Wausau Fire Department may conduct either an internal or external search for candidates, at the discretion of the Chief in consultation with the Human Resources Department.
- B. The Chief shall see that available openings for regular or new positions are made known to all employees in the Department. Notice of such openings or new positions shall be posted in each station in the Fire Department for a minimum of ten (10) calendar days and this shall be considered full compliance with this provision.
- C. The Chief, in conjunction with the Human Resources Department, will establish the certifications and training requirements for each of the listed position that best reflect what is essential for the job based on the current job description.
- D. Eligibility:
 - 1. Lieutenant:
 - a. Applicants for promotion to the position of Lieutenant must be part of the Acting Lieutenant pool and therefore must be either an Engineer, who by rank are required to be Acting Lieutenants as needed, or a Firefighter on the Acting Lieutenant list.
 - b. The Lieutenant testing process shall be limited to a maximum of fifteen (15) candidates. In the event that more than fifteen (15) candidates apply to be tested,

the fifteen (15) qualified applicants with the highest seniority shall be advanced to the selection process.

- c. This position requires at least five (5) years full-time firefighting experience supplemented by an Associate degree in fire science, supervisory management, or related field or a combination of experience and training which provides the knowledge, skills and abilities to perform the job. The individual must demonstrate ability to communicate effectively, orally and in writing.
2. Fire Marshal:
 - a. This position requires a bachelor degree or higher from a regionally accredited college or university with at least four years of fire inspection, building construction, and fire cause and origin investigation experience is required.
 3. Emergency Medical Services (EMS) Division Chief:
 - a. This position requires an Associate's degree from a regionally accredited institution in emergency medical services or related field with at least four years of progressively responsible experience that provides the knowledge to perform emergency medical operations successfully, or any combination of education, training, and experience that provides the equivalent knowledge, skills, and abilities to perform the position.
 4. Training Division Chief:
 - a. This position requires a minimum of five years of full-time firefighting experience supplemented by an associate's degree in Fire Science, Public Administration, Business Administration, or related field. Consideration will be given to persons with a combination of education and experience which demonstrates an equal level of competency.
 5. Battalion Chief:
 - a. This position requires an Associate degree or higher from a regionally accredited college or university as well as supervisory experience as a first line supervisor with at least four years of progressive fire operations experience.
 6. Deputy Chief:
 - a. This position requires a Bachelor's degree or higher from a regionally accredited college or university or any combination of education, training and experience that provides the equivalent knowledge, skills and abilities to perform the position is required. Also required is a minimum of eight (8) years of increasingly responsible experience in governmental fire suppression and prevention with a minimum of three (3) years in an administrative or management capacity.

- E. Special Circumstances: The Chief may, with the consent of the Police and Fire Commission and in consultation with the Human Resources Director, waive or modify the eligibility requirements for promotion.

Section 9.02 Promotional Process

- A. The Chief, or his/her designee, in consultation with the Director of Human Resources, will develop the schedule and announcement for the promotional process.
- B. Once the schedule and evaluation tools have been developed, the Chief, or his/her designee, shall develop a recruitment plan for the position. Positions may be recruited internally or externally, or both, at the discretion of the Chief. A document announcing the promotional process will be created and released according to the recruitment plan. The document will include the following information:
 - 1. Eligibility requirements for the position.
 - 2. The minimum and midpoint salary range.
 - 3. Information on how to apply and the deadline for application.
 - 4. The timeline and deadlines of the promotional process and the established selection process.
 - 5. Description of the promotional process components.
 - 6. The weighted scoring system used to rank the candidates.
 - 7. The Command Staff personnel who will serve as evaluators during the promotional process.
 - 8. A copy of the job description.
- C. For positions recruited externally, advertisements will be prepared and placed by Human Resources staff. Internally recruited positions shall be announced to all Fire Department staff, usually via a department-wide email communication.

Section 9.03 Components of the Promotional Selection Process

Candidates who are eligible and wish to apply for the promotional process may be subjected to any combination of the following components depending on the position.

- 1. Cover letter and resume should include:
 - a. The candidate's skills and experience specific to the position.
 - b. Reasons the candidate is most qualified and desirable for the position.

- c. A statement of preparation.
 - d. An overview of the candidate's qualifications including education and experience.
 - e. Additional information the candidate would like to include regarding his/her experience, training, education or fire department involvement.
2. Writing Sample:
- a. This selection step is intended to identify the candidate's ability to read and analyze a written source. The Department shall identify a writing source, usually a book, pertaining to leadership in the fire service and prepare a written position paper highlighting some of the insights or behaviors within the book that could strengthen the candidate's leadership ability.
 - b. The formal promotional process announcement shall contain the guidelines for the position paper (i.e. format, length, topic, deadline and submission requirements.)
 - c. The formal promotional process announcement shall contain the percentage weighting of the position paper as a percentage of the total score of the promotional process.
3. Written Assessment:
- a. A written assessment focusing on current trends in the fire service, basic firefighter and fire officer material, employee handbook, standard operating guidelines, protocols, collective bargaining agreement and city policies.
 - b. The materials needed to study for the written assessment are indicated within the promotional process announcement and are made available to each candidate.
4. Peer Review:
- a. The purpose of the peer review is to solicit feedback from peers of the candidates.
 - b. Candidates shall be awarded points by using a paired comparison or forced choice matrix.
 - c. Peers who chose to participate will score the candidates in the following categories:
 - 1. Emergency performance
 - 2. Leadership
 - 3. Teamwork
 - 4. Ethic and values
 - 5. Assessment Center:

- a. Candidates will participate in tasks designed to simulate important job duties and actual job demands of the position sought. The promotional candidate will be given instructions on how to complete these tasks upon arrival at the evaluation site. A panel of Wausau Fire Department Officers, members of the Human Resources Department and other subject matter experts will conduct and evaluate the Assessment Center.
 - b. The formal promotional process announcement shall contain the percentage weighting of the Assessment Center as a percentage of the total score of the promotional process.
 - c. The Fire Department may choose from the following Assessment Centers, or develop other Assessment Centers as needed:
 1. Fire Simulator: Candidates role play their response to simulated emergency incident situations. The promotional candidate must demonstrate how s/he would behave in this situation if s/he were in charge. Fire simulator problems are designed to measure each candidate's technical knowledge and command ability during simulated emergency incidents.
 2. Employee Feedback Session: This exercise provides an opportunity for the candidate to demonstrate how s/he would handle personnel issues. Whether it's coaching, performance feedback or disciplining subordinates, this is a critical skill for fire management staff. Candidates will demonstrate their communication skills, interpersonal skills, judgment, decision-making, situational analysis ability, and organizational sensitivity.
 3. In-Basket Exercise: This assessment is designed to evaluate the candidate's ability to prioritize work tasks and provide the panel with the reasoning involved. Candidates will demonstrate their ability to perform the administrative functions, time management, writing and priority setting abilities.
 4. Presentation Exercise: Candidates will prepare and deliver an oral presentation to a panel on an assigned topic relevant to the work of the position being sought. The topic and directions for this presentation exercise will be sent to all the candidates two weeks prior to the scheduled Assessment Center.
5. Panel Interview and/or Command Interview:
- a. The purpose of the interview is to determine the candidate's knowledge, skills and abilities in the following areas:
 1. Personal integrity and ethical conduct
 2. Leadership
 3. Emotional stability and maturity
 4. Stress tolerance

5. Policy and procedure
 6. Oral communication skills
 7. Interpersonal skills
 8. Self-confidence
 9. Core values
 10. Sound judgment and decision-making
- b. Each candidate shall be asked identical initial questions but the follow-up questions may vary depending on the response.
 - c. The formal promotional process announcement shall contain the percentage weighting of the interview as a percentage of the total score of the promotional process.
 - d. At the conclusion of the promotional process, the Chief shall recommend a candidate to the Police and Fire Commission for approval. The Police and Fire commission shall interview the candidate prior to final approval of the promotion.

Section 9.04 Eligibility List

The Chief may maintain an eligibility list for 12 months from the conclusion of the promotional process. During the life of the eligibility list, the Chief may recommend another candidate for appointment, subject to interview by and approval of the Police and Fire Commission.

Section 9.05 Police and Fire Commission Interview

- A. The Commission shall interview the candidate(s) presented for promotion at the conclusion of the Chief's selection process and make the final recommendation for promotion.
- B. Oral interviews shall be scheduled at the convenience of the Commission and may be scheduled for a regular meeting or a special meeting.