

COUNTY OF MILWAUKEE
Department of Human Resources
INTER-OFFICE COMMUNICATION

AMENDED

DATE : February 10, 2021

To : County Executive David Crowley
Marcelia Nicholson, Chairwoman, County Board of Supervisors
Department Heads

FROM : Genaro Baez, Secretary to the Civil Service Commission

SUBJECT : **Civil Service Rule Change**

Pursuant to Civil Service Rules (Rule XI, Section 4), the Department of Human Resources is providing notification that the Civil Service Commission adopted a rule change at its meeting on January 28, 2021.

By a vote of 5-0, the Commission approved a change to Civil Service Rule VII, Section 4 pertaining to the use of chokehold and asphyxia by County employees. The amended Rule is attached.

RC:at

ATTCH

Cc: Mary Jo Meyers, Chief of Staff, County Executive's Office
Kelly Bablitch, Chief of Staff, County Board
County Board of Supervisors
George Christenson, County Clerk
Corporation Counsel
HR Business Partners

1 From the Chief Human Resources Officer presenting a recommended rule change from
2 the Milwaukee County Board of Supervisors to the Civil Service Rule VII, Section 4 by
3 recommending adoption of the following:
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6 **RULE VII. - SEPARATIONS; SUSPENSIONS**

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8 **Section 4. - Causes for discharge, suspension or demotion and/or reevaluation.**

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10 (1) The following are declared to be cause for discharge, suspension or demotion
11 and/or the approval of or the imposition of an employee reevaluation period as
12 provided in rule VI, section 8, of the rules of the Milwaukee County personnel review
13 board, of any officer or employee from the classified service of the County of
14 Milwaukee, though charges may be based upon causes and complaints other than
15 those here enumerated, namely:

- 16 (a) Theft of private or county property.
- 17 (b) Unauthorized use, misuse, destruction of or damage to any property
18 including vehicles, said damage occurring because of neglect while on
19 county business.
- 20 (c) Unauthorized use of county premises.
- 21 (d) Violation of rules or practices relating to security of county property or
22 county premises.
- 23 (e) Unauthorized use, duplication or possession of county keys, or
24 electronically controlled access cards.
- 25 (f) Distributing or posting handbills, pamphlets or other written or printed
26 material in any work area without authorization.
- 27 (g) Posting, removing or tampering with county bulletin board material without
28 authorization.
- 29 (h) Failure to observe parking or traffic regulations as established by
30 ordinance, statutes or departmental rules while on county business.
- 31 (i) Violation of rules or practices relating to safety.
- 32 (j) Littering, creating or contributing to unsanitary or unsafe conditions on
33 county premises.
- 34 (k) Refusing or failing to obey orders of supervisor whether written or oral.
- 35 (l) Refusing or failing to comply with departmental work rules, policies or
36 procedures.
- 37 (m) Threatening, intimidating, coercing or harassing employees or supervision at
38 any time.

- 39 (n) Making false or malicious statements, either oral or written, concerning any
40 employe, the county or its policies.
- 41 (o) Unexcused, unauthorized, or excessive absence.
- 42 (p) Unexcused, unauthorized, or excessive tardiness.
- 43 (q) Leaving early and/or failure to be at assigned work area at the start or end
44 of shifts, breaks and/or meal periods.
- 45 (r) Leaving place of work during working hours without authorization, wasting
46 time or loitering.
- 47 (s) Stopping work before designated quitting time.
- 48 (t) Failure or inability to perform the duties of assigned position.
- 49 (u) Substandard or careless job performance.
- 50 (v) Restricting output or engaging in any intentional slowdown, work stoppage
51 or strike.
- 52 (w) Engaging in any unauthorized activity which distracts or disrupts employes
53 in the performance of their duties.
- 54 (x) Interference with normal work flow or departmental procedures.
- 55 (y) Falsification, modification or unauthorized alteration of any county record or
56 report.
- 57 (z) Knowingly punching or marking another employe's time card, having one's
58 time card punched or marked by another, altering time card for any
59 unauthorized reason or inaccurately recording time worked.
- 60 (aa) Unauthorized obtaining or disclosure of confidential or privileged
61 information.
- 62 (bb) Commission of a criminal act which meets the nondiscriminatory practices
63 in conformance with state statutes.
- 64 (cc) Reporting to work or working while under the influence of intoxicating
65 beverages and/or narcotics or other drugs or having unauthorized
66 possession of same on county premises during working hours.
- 67 (dd) Indecent, criminal or inappropriate conduct on county premises or during
68 working hours.
- 69 (ee) Abusive or improper treatment toward an inmate or patient of any county
70 facility or to a person in custody; provided the act committed was not
71 necessarily or lawfully done in self-defense or to protect the lives of others
72 or to prevent the escape of a person lawfully in custody.
- 73 (ff) Offensive conduct or language toward the public or toward county officers
74 or employes.

- 75 (gg) Sleeping, dozing or lack of attentiveness during working hours.
- 76 (hh) Possession of unauthorized weapons on county premises or during
77 working hours.
- 78 (ii) Provoking or instigating a fight or fighting during working hours or on county
79 premises.
- 80 (jj) Engaging in horseplay or scuffling on county premises during working
81 hours.
- 82 (kk) Engaging in personal activities during working hours.
- 83 (ll) Gambling on county premises or during working hours.
- 84 (mm) Vending, soliciting or collecting contributions for any purpose without
85 authorization on county premises.
- 86 (nn) Inducing or attempting to induce any officer or employee in the county
87 service to commit an illegal act or to act in violation of any departmental or
88 official regulation or order, or the rules of the commission.
- 89 (oo) Soliciting or receiving from any person or participating in any fee, gift or
90 other thing of value in the course of one's work, when such fee, gift or other
91 thing of value is given in the hope or expectation of receiving a favor or
92 better treatment than that accorded other persons.
- 93 (pp) Threatening or attempting to use or using political influence, or giving or
94 being in any way involved in giving any money or any other thing of value
95 in return for appointment, promotion, transfer, leave of absence or change
96 in appropriation or pay.
- 97 (qq) Engaging in pernicious political activity by making use of one's position to
98 further the candidacy of any person or engaging in political work during
99 regular working hours. Nothing in this section shall be construed to
100 interfere with the right of any employee in the classified service to become a
101 member of a political club, to attend political meetings, to express his/her
102 opinion on all political subjects, and to enjoy freedom from all interference
103 in casting his/her vote.
- 104 (rr) Removal of permanent residence to some place outside of Milwaukee
105 County, except as specifically authorized by the commission or failure to
106 establish permanent residence in Milwaukee County within the time limited
107 by the commission.
- 108 (ss) Willful violation of any of the provisions of the county Civil Service Act or of
109 the rules of the commission or ordinances of Milwaukee County.
- 110 (tt) Knowingly discriminating against anyone for employment or delivery of
111 services, because of such individual's age, race, color, handicap, sex,
112 creed, national origin or ancestry.

(uu) When any officer or employee engages with a disorderly person or attempts to issue a lawful arrest, the officer or employee will first attempt to deescalate the situation and gain voluntary compliance from the person if at all possible.

(vv) Officers, subject to Wisconsin Law Enforcement Standards Board (LESB) certification, shall not perform chokeholds or cause any form of asphyxia ~~unless done to prevent imminent bodily harm or to protect the lives of others~~ unless the officer reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or others.

(ww) Employees shall not perform chokeholds or cause any form of asphyxia ~~unless done in self-defense or to protect the lives of others~~ unless the employee reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or others.

(xx) Officers, subject to Wisconsin Law Enforcement Standards Board (LESB) certification, shall not perform carotid holds, carotid restraints, or otherwise apply vascular pressure to cut off blood flow to the brain ~~unless done to prevent imminent bodily harm or to protect the lives of others~~ unless the officer reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or others.

(yy) Employees shall not perform carotid holds, carotid restraints, or otherwise apply vascular pressure to cut off blood flow to the brain ~~unless done in self-defense or to protect the lives of others~~ unless the employee reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or others.

(2) When used in this section, these words or terms shall have the following meaning and import:

(a) *Property*: Anything of value.

(b) *County property*: Any property owned or leased by or in the custody or control of the county.

(c) *County premises*: Any building or structure or part thereof or any lands owned, leased or in the custody or control of the county or devoted to use by the county.

(d) *County*: Milwaukee County, a municipal body corporate, and all of its agencies, boards, commissions, institutions, departments and divisions.

(e) *Chokehold or choke hold*: The application of any pressure to the throat or windpipe which may prevent or hinder breathing or reduce intake of air

(f) *Asphyxia*: A lack of oxygen or excess of carbon dioxide in the body which may cause unconsciousness or death

(g) Carotid hold or carotid restraint: The application of any pressure to the throat which may prevent or hinder blood flow to the brain.

156 (3) A copy of this section, with any amendments thereto, shall be submitted to the
157 head of every department to be posted by him or her in such manner as to bring it
158 to the attention of all employees of such department.
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