



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2005 ASSEMBLY BILL 1032**

March 9, 2006 – Offered by Representative BIES.

1 **AN ACT to renumber and amend 62.50 (18); to amend 62.50 (14); and to create**
2 **62.50 (18) (b) of the statutes; relating to: repayment of a 1st class city police**
3 **officer's pay and benefits after suspension or discharge.**

Analysis by the Legislative Reference Bureau

Under current law, no member of the police force of a first class city (presently only Milwaukee) may be suspended or discharged without pay or benefits until the matter that is the subject of the suspension or discharge is disposed of by the Board of Fire and Police Commissioners (board) or the time for an appeal passes without an appeal being made. Currently, no member of a police force of a second, third, or fourth class city may be deprived of compensation while suspended, pending disposition of the charges.

Also under current law, if the board's decision upholding the discharge or suspension is reversed, the member must be reinstated to his or her former position in the department and is entitled to pay as if he or she was not suspended or discharged. Similar provisions apply to a second, third, or fourth class city police officer whose suspension or removal is reversed.

Under this substitute amendment, if a member of the police department appeals his or her discharge and the discharge is sustained, or if the appeal is not conducted due to the police officer's resignation or because the member's position has been vacated, the officer is required to reimburse the city for any salary, pay, wages,

or benefits he or she received, as a police officer, from the time that he or she was given notice of the discharge until the dismissal is disposed of by the board if the discharge results from conduct by, or an incident involving, an officer that resulted in felony charges being filed against the officer. The substitute amendment, however, provides that the officer may not be required to reimburse the city for all pay and benefits received if the officer and the city enter into an agreement specifying a lesser amount of reimbursement, including no reimbursement.

Currently, if the board receives a notice of appeal, it must schedule a trial within five and 15 days after service of the notice and copy of the complaint. This substitute amendment changes the time frame for scheduling a trial to between 30 and 60 days.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 62.50 (14) of the statutes is amended to read:

2 62.50 (14) COMPLAINT. The board, after receiving the notice of appeal shall,
3 within 5 days, serve the appellant with a copy of the complaint and a notice fixing
4 the time and place of trial, which time of trial may not be less than 5 30 days nor more
5 than ~~15~~ 60 days after service of the notice and a copy of the complaint.

6 **SECTION 2.** 62.50 (18) of the statutes is renumbered 62.50 (18) (a) and amended
7 to read:

8 62.50 (18) (a) No chief officer of either department or member of the fire
9 department may be deprived of any salary ~~or, pay, wages, or benefits~~ for the period
10 of time suspended preceding an investigation or trial, unless the charge is sustained.
11 No member of the police force may be suspended or discharged under sub. (11) or (13)
12 without salary, pay, wages, or benefits until the matter that is the subject of the
13 suspension or discharge is disposed of by the board or the time for appeal under sub.
14 (13) passes without an appeal being made. If a member of the police force appeals
15 and if the discharge of the member is sustained by the board, or if the appeal is not
16 conducted due to the member's resignation or because the member's position has
17 been vacated, the member shall reimburse the city for all salary, pay, wages, or

1 benefits he or she received as a member of the police force from the time that he or
2 or she was given notice of the discharge until the date that his or her discharge is
3 disposed of by the board if the discharge results from conduct of or an incident
4 involving that member which resulted in felony charges being filed against that
5 member.

6 **SECTION 3.** 62.50 (18) (b) of the statutes is created to read:

7 62.50 (18) (b) Notwithstanding the requirement that a member of the police
8 force reimburse the city for all salary, pay, wages, or benefits he or she received, as
9 provided in par. (a), the member may reimburse the city a lesser amount, or no
10 amount, if the member and the city enter into a written agreement that specifies the
11 amount that the member must reimburse the city.

12 **SECTION 4. Initial applicability.**

13 (1) This act first applies to any member of the police force or fire department
14 who is covered by a collective bargaining agreement that contains provisions
15 inconsistent with this act on the day on which the collective bargaining agreement
16 expires or is extended, modified, or renewed, whichever occurs first.

17 (2) If SECTION 4 (1) does not apply, this act first applies to any salary, pay, wages,
18 or benefits accrued by the member on the effective date of this subsection.

19 (END)