

Czarnyszka, Thomas

From: Gscheidmeier, John
Sent: Thursday, March 17, 2011 4:49 PM
To: Czarnyszka, Thomas
Cc: benbarth@lawinc-wi.org; Bruno, Michael; Gscheidmeier, John
Subject: Suspension

Chief:

For a multitude of reasons I have decided to withdraw my appeal of the pending suspension and charges against me.

Awhile ago I requested copies of all relative information relating to the charges, and as of now I have not received those. I would still like a copy of that information for my records.

Respectfully,

John Gscheidmeier

John,

The discipline that I initially imposed was done so upon serious consideration of the information that was presented to me. While I never allow myself to negotiate discipline recommendations, when Officer Burch offered some insight I did agree to further consideration and based on that, I modified my decision. When I informed you of this in the presence of Officer Bruno, we entered into a conversation that was not pertinent to this matter but rather an attempt to further negotiate the discipline. While I initially agreed to something lesser, I quickly reconsidered and when we last spoke on February 15, 2011 we discussed some alternatives that involved bringing all the affected parties together with the intention of resolving this matter. I now feel that this would serve no useful purpose.

Since that meeting I have had many days to think about this. I believe that the violations are serious and have an adverse effect on department operations. I believe that the original discipline imposed was appropriate and I am disappointed at the methods used to try to influence my decision. I do not think it was proper to take this matter to the city administrator for any reason. There are rules, laws and procedure for appealing decisions such as this.

While I did again consider your request for reconsideration on the discipline I will stay with my original order. Your appeal to the Police Commission was placed on hold pending your return to work. Now that you are back to work I will direct Attorney Vliet to proceed with the charge specification unless I receive written notification that you are withdrawing your appeal. Please let me know, either way.

Chief Thomas E. Czarnyszka
Glendale Police Department
5909 N. Milwaukee River Parkway
Glendale, Wisconsin 53209
(414) 228-1753
(414) 228-1707 Fax
t.czarnyszka@glendale-wi.gov
<http://pd.glendale-wi.org>

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Memo

To: J. Gscheidmeier

From: T. Czarnyszka 

Date: February 15, 2011

Re: Discipline Appeal

Per our conversation of February 15, 2011 I will withhold filing of charges with the police commission until after your return to work following surgery at which point we will discuss this matter further.



FILE

CITY OF GLENDALE
POLICE DEPARTMENT

5909 North Milwaukee River Parkway
Glendale, Wisconsin 53209-3815
(414) 228-1753
Fax (414) 228-1707
Email: police@glendale-wi.org

January 28, 2011

Officer John Gscheidmeier
Glendale Police Department
5909 N. Milwaukee River Parkway
Glendale, WI 53209

RE: 1) Misuse of Sick Time
2) Responsiveness to Orders

Dear Officer Gscheidmeier;

On Sunday January 16, 2011 at 03:13 you called the desk and requested a sick day for this date, which was your last day of work in your regular Day shift rotation.

Lt. Hinman had information that you were in Atlanta for the Packers game and suspected that you may try to call in sick. Lt. Hinman left directions with Desk Clerk Jones that if anyone called in sick she was to tell the officer that upon his order they were to either call back on a landline within 10 minutes or leave a landline number where they could be reached. When you called in sick you were advised of Lt. Hinman's order by Clerk Jones. You told Clerk Jones that you weren't going to do that. Lt. Hinman then tried unsuccessfully to contact you.

On January 25th Captain Ferguson met with you to discuss these issues, you were accompanied by Ben Barth from LAW. You were provided with, and signed, the Advisement to Members for Administrative Questioning form.

You told Captain Ferguson that you were in Atlanta for the Packers game and that you were scheduled to fly back to Milwaukee on Sunday (16th) evening. Your intended return time indicates that you had no intention of reporting to duty for your shift that day. You stated that you called in sick on the 16th because you needed a "mental health" day.

When questioned about lack of response to orders, you denied that you were insubordinate, but that you followed the specific orders relayed to you by Clerk Jones. You stated that you were told to call back on a landline within 10 minutes or leave a landline number where you could be reached. You stated that because you did not have a landline available you told Clerk Jones, "that's not going to happen." You stated that since the specific order was to call back on a landline, and since you didn't have a landline available, that you were obeying the order and not insubordinate.

Based upon my review I believe that your sick day request for January 16th was a blatant misuse of sick leave and in violation of Rule 5.4 and Section 12.01 of the Collective Bargaining Agreement.

- 5.4 Absence from duty without leave by any department member shall be followed by forfeiture of pay for time absent. Charges may be brought by the department member's commanding officer with the approval of the Police Chief or his designee. An unexplained absence without leave by any department member shall be

You were aware that there were no offs allowed for January 15th and 16th and had plans to attend the Packers game in Atlanta that weekend. You made arrangements for shift coverage on the 15th but not for the 16th. The fact that you did not plan to fly back to Milwaukee until later in the evening on the 16th indicates that you had no intention of working your regular shift on that date.

Based upon my review I believe that your claim that you followed orders is not valid and that you did not follow orders as required in Rule 4.10.

- 4.10 Department members shall promptly obey any lawful orders of a ranking officer. This will include orders relayed from a ranking officer by a member of the same or lesser rank. If a department member receives inconsistent or conflicting orders they shall bring it to the attention of the person issuing the order. If the issue is not resolved the matter shall be brought to the attention of a higher authority for clarification. In the absence of a higher-ranking officer or in circumstances that require immediate action, the member shall obey the order, and the member issuing the order shall bear full responsibility.

Your claim that since a landline was not available that no further action was required on his part. A reasonable officer would understand that the order was to make personal contact with the supervisor to discuss the sick leave request. A reasonable officer would also not assume that just because a landline was not readily available that it relieved them of any further duty to make contact with the supervisor. I believe that you had no intention of making contact with Lt. Hinman because you were aware that your sick day request was not a legitimate use of sick leave.

DISCIPLINE

After carefully considering the rules and policies that are applicable to this circumstance and the statements of the involved parties, I find that there is sufficient evidence to support a finding of violation of the above rules. Because of the seriousness of these offenses and the effect of your actions on the department, the following discipline will be imposed:

As to Item 1, a two (2) day suspension is ordered.

As to Item 2, a one (1) day suspension is ordered.

The suspensions will be without pay and the dates will be as determined by Captain Ferguson so as to not disrupt shift operations. You may appeal this finding pursuant to Section 62.13(5) of the Wisconsin statutes.

By Order of:



Thomas E. Czarnyszka
Chief of Police

cc: Vassie Rhinehart, Payroll
Glendale Police Commission
Capt. Mark Ferguson

Memo

To: Chief Czarnyszka
From: Captain Ferguson
Date: January 26, 2011
Re: PO Gscheidmeier - Disciplinary Referral

On Sunday January 16, 2011 at 03:13 PO Gscheidmeier called the desk and requested a sick day for this date, which was his last day of work in his regular Day shift rotation.

Lt. Hinman had information that PO Gscheidmeier was in Atlanta for the Packer game and suspected that PO Gscheidmeier may try to call in sick. Lt. Hinman left directions with Desk Clerk Jones that if anyone called in sick she was to tell the officer that upon his order they were to either call back on a landline within 10 minutes or leave a landline number where they could be reached. When PO Gscheidmeier called in sick he was advised of Lt. Hinman's order by Clerk Jones. PO Gscheidmeier told Clerk Jones that he wasn't going to do that and hung up. Clerk Jones advised Lt. Hinman of the sick day request and response. Lt. Hinman then called PO Gscheidmeier's home phone number and received a voice mail message. He then called and sent a text message to PO Gscheidmeier's cell phone but did not receive a response. After attempting phone contact Lt. Hinman sent an email to PO Gscheidmeier regarding denial of his sick day, both the phone messages and email were all made by 03:37 that day. Lt. Hinman documented this incident in a memo and forwarded it to me for consideration of rule violations, primarily abuse of sick leave and insubordination.

The Department was hiring additional officers on overtime for Bayshore curfew patrol on the weekends of January 7th – 9th and January 14th – 17th. As part of this program Department personnel received an email notice that there would be no offs allowed on these weekends. For the week in question PO Gscheidmeier's regular work rotation was January 13th – 16th. He worked his regular shift on the 13th and 14th, had PO Parish and PO Guse work for him on January 15th then called in sick for January 16th.

This matter was referred to Lt. Haffner for an initial investigation. On January 18th Lt. Haffner spoke with PO Guse regarding working for PO Gscheidmeier on January 15th. PO Guse stated that on January 8th he received a text message from PO Gscheidmeier that he had just booked airfare to Atlanta and if PO Guse could work for him on the 15th. PO Gscheidmeier confirmed that he had tickets to the Packers vs. Falcons game and PO Guse stated that he could work for him on the 15th but not on the 16th. PO Guse stated that later in the week he was chastised by PO Gscheidmeier for telling people that he was working for PO Gscheidmeier because he had tickets to the Atlanta game.

Lt. Haffner spoke with PO Gscheidmeier on January 20th and informed him to write a matter-of addressing the alleged sick abuse and insubordination. PO Gscheidmeier was not questioned but did volunteer that he was out of town but was sick and incapable of coming to work. When Lt. Haffner referenced that PO Gscheidmeier was in Atlanta for the football game, PO Gscheidmeier corrected him by stating he was simply "out of town." PO Gscheidmeier also stated that he did not refuse to call Lt. Hinman back by landline, but told Clerk Jones that he couldn't do that because he wasn't near a landline. PO Gscheidmeier told Lt. Haffner that he didn't call Lt. Hinman back because that was not Clerk Jones' request. PO Gscheidmeier made comments that it is common for officers to call in sick when they are not indeed sick and felt that he was being targeted. Lt. Haffner documented his conversation and forwarded it to me for further investigation.

On January 21st I spoke with PO Parish regarding him working for PO Gscheidmeier on the 15th. PO Parish stated that PO Gscheidmeier spoke with him on the night of the Packers vs. Eagles game (January 8th) and stated that he had tickets for the Atlanta game. PO Parish told PO Gscheidmeier that he would work for him on the 15th. PO Parish stated that he sent a text to PO Gscheidmeier stating he could also work for him on the 16th but never heard back from him.

On January 21st I spoke with Desk Clerk Jones regarding PO Gscheidmeier's sick call on January 16th. Clerk Jones stated that, per Lt. Hinman's directions, she advised PO Gscheidmeier that he needed to call back in 10 minutes on a landline or leave a landline number where Lt. Hinman could call him back. Clerk Jones stated that PO Gscheidmeier stated, "No, I'm not doing that. Just let your Lieutenant know that I'm very sick and won't be in today" and hung up. Clerk Jones said that she then advised Lt. Hinman of the phone call and what was said. I had Clerk Jones document her conversation with PO Gscheidmeier in a memo.

On January 21st I received PO Gscheidmeier's matter-of addressing the sick leave issue. The matter-of was vague and did not contain any specific information addressing the sick leave abuse. PO Gscheidmeier stated that he requested sick leave on January 16th in compliance with City rules and regulations and the collective bargaining agreement. He did not include any information regarding him being out of town or his scheduled return date to Milwaukee, which he told Lt. Haffner he would address in his matter-of. He did address the insubordination issue by stating that he

did not refuse to call back as indicated by Lt. Hinman's email. He stated that he was never told he had to speak directly with the Lieutenant, only that he was told to call back from a landline which he stated was not available to him at that time. He further stated that he was not put on hold or his call transferred and would have followed the directions if he was asked to talk to Lt. Hinman personally. PO Gscheidmeier concluded his matter-of by stating that he felt he was being treated differently and that his sick leave did not create a manpower shortage or cause overtime.

On January 21st I issued PO Gscheidmeier a written Notice of Internal Investigation regarding abuse of sick leave and insubordination. On January 25th I met with PO Gscheidmeier to discuss these issues, he was accompanied by Ben Barth from LAW. He was provided, and signed, the Advisement to Members for Administrative Questioning form.

PO Gscheidmeier admitted that he was in Atlanta for the Packer game and that he was scheduled to fly back to Milwaukee on Sunday (16th) evening. His intended return time indicates that PO Gscheidmeier had no intention of reporting to duty for his shift that day. PO Gscheidmeier stated that he got tickets to the game at the last minute and was able to get someone to work for him on the 15th. He stated that he called in sick on the 16th because he needed a "mental health" day. PO Gscheidmeier stated that due to the stress of recent work-related issues that he was in no shape to work and that he was "taking" that day because he needed to get away from work and did not think it was fair that he was being "targeted" for a violation of sick leave. I advised him that while he may have felt that he needed that day off he was not entitled to it and it was not a legitimate use of sick leave.

When questioned about the insubordination, PO Gscheidmeier denied that he was insubordinate, but that he followed the specific orders relayed to him by Clerk Jones. PO Gscheidmeier stated that he was told to call back on a landline within 10 minutes or leave a landline number where he could be reached. PO Gscheidmeier stated that he did not have a landline available and told Clerk Jones, "that's not going to happen." PO Gscheidmeier stated that he made that response because he didn't have access to a landline. PO Gscheidmeier stated that since the specific order was to call back on a landline, and he didn't have a landline available, that he was obeying the order and not insubordinate. He further stated that if he would have been placed on hold and/or his call transferred to the Lieutenant, or if he was told to specifically call Lt. Hinman that he would have done so. He stated that he never received a phone call on his cell but did receive Lt. Hinman's text message around 11:30 that morning after he woke up but did not respond to it. He also stated that he does not receive work emails on his cell phone. I advised PO Gscheidmeier that since we don't normally require officers to call back on a sick request that this should have been a strong indication that he needed to talk with Lt. Hinman and that a reasonable person would understand that the order was to make contact with the supervisor. PO Gscheidmeier again stated that the specific order was to call back on a landline and since one was not readily available he felt that he had followed the order and did not need to do anything else or speak with Lt. Hinman.

Based upon my investigation I believe PO Gscheidmeier's sick day request for January 16th was a blatant abuse of sick leave and in violation of Rule 5.4 and Section 12.01 of the Collective Bargaining Agreement.

- 5.4** Absence from duty without leave by any department member shall be followed by forfeiture of pay for time absent. Charges may be brought by the department member's commanding officer with the approval of the Police Chief or his designee. An unexplained absence without leave by any department member shall be considered grounds for discharge.

PO Gscheidmeier was aware that there were no offs allowed for January 15th and 16th and had plans to attend the Packer game in Atlanta that weekend. He made arrangements for shift coverage on the 15th but not for the 16th. The fact that he did not plan to fly back to Milwaukee until later in the evening on the 16th indicates that he had no intention of working his regular shift on that date. PO Gscheidmeier's statement that he was "taking" that day because he needed a "mental health" day strongly suggests that he was planning on calling in sick prior to leaving for Atlanta.

Based upon my investigation I believe that PO Gscheidmeier's claim that he followed orders is invalid and that he was insubordinate in violation of rule 4.10.

- 4.10** Department members shall promptly obey any lawful orders of a ranking officer. This will include orders relayed from a ranking officer by a member of the same or lesser rank. If a department member receives inconsistent or conflicting orders they shall bring it to the attention of the person issuing the order. If the issue is not resolved the matter shall be brought to the attention of a higher authority for clarification. In the absence of a higher-ranking officer or in circumstances that require immediate action, the member shall obey the order, and the member issuing the order shall bear full responsibility.

PO Gscheidmeier claims that he was not insubordinate because the specific order was to call back on a landline and since a landline was not available that no further action was required on his part. A reasonable officer would understand that the order was to make personal contact with the supervisor to discuss the sick leave request. A reasonable officer would also not assume that just because a landline was not readily available that it relieved them of any further duty to make contact with the supervisor. I believe that PO Gscheidmeier had no intention of making contact with Lt. Hinman because he was aware that his sick day request was not a legitimate use of sick leave and is using the landline excuse to justify why he didn't call back.

Based upon the nature and severity of these violations I would recommend a 2-3 day suspension for abuse of sick leave and a 1-2 day suspension for insubordination.



Memo

To: Officer John Gscheidmeier
From: Captain Ferguson *[Signature]*
Date: January 21, 2011
Re: Notice of Internal Investigation

This memo serves as notice that the Department is conducting an internal investigation regarding the following incidents and that discipline may be imposed if any violations are substantiated.

1. Abuse of sick leave
2. Insubordination

You are directed to make yourself available on January 25, 2011 at 10:00 am to answer questions related to this issue. You are entitled to have a union representative with you during questioning. Your rights and obligations regarding this investigation are covered in Department Policy 215, Internal Investigations, Section VI, Employee Rights and Obligations.

VI. Employee Rights and Obligations

- A. Employees who are the subject of an internal investigation are entitled to all the legal rights and privileges guaranteed by the laws and constitution of this state and the Constitution of the United States, including the right not to be compelled to give incriminating statements except as provided under section B of this section.
- B. Employees refusing to testify or answer questions specifically directed and narrowly related to the performance of official duties or fitness for duty will be subject to Departmental charges of insubordination, which could result in dismissal from the police department. If the employee does answer questions under threat of disciplinary action, neither the statements nor any information or evidence that is gained by reason of such statements can be used against the employee in any subsequent criminal proceeding. However, these statements may be used against the employee in relation to subsequent departmental charges. Refer to Advisement to Members for Administrative Questioning form.
- C. An employee who has been relieved of duty pending the outcome of an internal investigation will report to the Department when requested to do so, and will make him/her self available upon reasonable notice to the Internal Investigations Authority at all reasonable times.
- D. Interviews will be conducted at reasonable times and for reasonable duration. Employees may consult with legal counsel or union representative prior to making a verbal or written statement, but all statements required under this investigation must be made by the employee.
- E. An employee who has been the subject of an internal investigation will be advised of the outcome and any recommendations concerning the allegations upon completion of the investigation.

VII. Review of Other Investigations

In some instances, the nature of allegations against a member of the Department will be of a sufficiently minor nature to permit an investigation by the member's immediate supervisor. These investigations shall not be considered internal investigations but are subject to review by the Internal Investigations Authority. This review shall be for the purpose of determining the need for further investigation under the provisions of this order.

Ferguson, Mark

From: Ferguson, Mark
Sent: Friday, January 21, 2011 1:57 PM
To: Gscheidmeier, John
Cc: Ferguson, Mark
Subject: Notice of Internal Investigation
Attachments: Gscheidmeier Notice of Internal Inv 1-21-11.doc

John,

Please be advised that the Department is conducting an internal investigation regarding the following incidents and that discipline may be imposed if any violations are substantiated.

1. Abuse of sick leave
2. Insubordination

You are directed to make yourself available on January 25, 2011 at 10:00 am to answer questions related to this issue. You are entitled to have a union representative with you during questioning. Your rights and obligations regarding this investigation are covered in Department Policy 215, Internal Investigations, Section VI, Employee Rights and Obligations.

A copy of the Notice of Internal Investigation memo is attached to this email and the original was placed in your mailbox.

*Captain Mark Ferguson
Glendale Police Department
5909 N. Milwaukee River Pky.
Glendale, WI 53209
(414) 228-1753
m.ferguson@glendale-wi.org*

GLENDAL POLICE DEPARTMENT

Advisement to Members for Administrative Questioning

I wish to advise you that you are being questioned as part of an official investigation of this Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for the position which you hold. You are entitled to all the rights and privileges guaranteed by the laws and constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges involving violation of Department Rule No. 4.10 which could result in your dismissal from the police department. If you do answer, neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent Departmental charges.

Certification

I certify that I have read the above advisement to

JOHN GSCHIEDMEIER on 1-25-11
Member Date

at 10:15 (AM/PM) at GLPD - CAPT'S OFFICE
Time Location

Signed Mark Ferguson
Investigating Officer

Acknowledgment

I have been given the above advisement by

Capt. Mark Ferguson on 1/25/11
Investigating Officer Date

1013hrs at GLPD
Time Location

Signed [Signature]
Member

Witness (if applicable)

I/we have witnessed the above advisement

Signed [Signature] CAW Signed _____
Witness Witness

Matter Of

To: Lt. Haffner
From: PO John Gscheidmeier
CC:
Date: 1/21/2011
Re: Sick Leave 1/16/11

Lt. Haffner:

I was ordered by you on 1/20/11 to submit this "Matter Of" regarding my use of sick leave on 1/16/11, and in response to an email that was sent that same date by Lt. Hinman.

In compliance with city rules and regulations, as well as the sick leave procedure in the collective bargaining agreement, I requested sick leave on Sunday, 1/16/11. I called in to the department's desk sometime after 3:00am, leaving enough time before the beginning of my shift at 7:30am. This same procedure has been used every other time by me, as well as all other employees who have requested sick leave. My sick day request was legitimate due to multiple ailments, one of which has resulted in my scheduling of surgery in February.

Lt. Hinman's email to me (as well as other supervisors) alleged that I was insubordinate because I did not call back in 10 minutes from a landline. I did not have the capability to call from a landline at the time as I was not at home when I notified the department. I never refused to call back as indicated in Lt. Hinman's email, as I was never told by anyone to speak directly to the Lieutenant. I was never asked to hold or was there an attempt to transfer my call to him. I was only told to call back from a landline. I would have followed this direction, even from a desk clerk, if I was asked to talk to him personally. There was no attempt on my part to bypass or disregard the direction of a supervisor.

To the best of my knowledge no one has ever been asked to call in sick from a landline, and I am not sure why I am being treated differently. There is no such restriction in our procedures that has ever been brought to my attention. My sick leave did not create a manpower shortage, nor was overtime paid to cover my shift.

I hope this "Matter Of" addresses the issues in response to our conversation on 1/20/11 and the issues addressed in Lt. Hinman's email.

Matter-of

To: Captain Ferguson

From: Tanisha Jones

Date: 01/20/2011

Re: Sunday, January 16, 2011 (Late Shift)

I writing in regards of my shift on the above day. At the beginning of my shift I was told by the CO of that day, Lieutenant Hinman, that "any employer calling in sick would need to call back in 10 minutes on a landline phone or leave a landline number where the CO can call back." At 3:13 am, Officer Gscheidmeier called and advised that he was sick and would not be in. I advised him that per Lieutenant Hinman orders that he would need to call back in 10 minutes on a landline phone or give me a landline number where the Lieutenant can call him back at. Officer Gscheidmeier response was, "No, I'm not doing that. Just let your Lieutenant know that I'm very sick and I won't be in today." After Gscheidmeier hung up, I advised Lieutenant Hinman of the phone call and what was said.

Tanisha Jones #783

Desk Clerk

**Glendale Police
Department**

Memo

To: Chief Tom Czarnyszka
From: Lt. Don Haffner
CC: Capt Mark Ferguson
Date: January 20, 2011
Re: PO Gscheidmeier – Sick Call 1/16/11

On January 20, 2011, I met with Officer Gscheidmeier regarding calling in sick on 1/16/11. I confirmed that he received Lt Hinman's email regarding his alleged sick abuse and asked him to write a Matter Of addressing the issues stated in the email. He stated he would and agreed that he would submit it by 12:00pm on 1/21/11. I did not interview Gscheidmeier any further, but he did volunteer the following information.

Gscheidmeier stated he was out of town, but was sick and incapable of coming to work. He stated he had a cold and had back pain "among other things" that prevented him coming to work. I referenced him being in Atlanta for the football game and he corrected me stating he was simply, "Out of town"

Gscheidmeier stated that he did not refuse to call Lt Hinman back by landline, but told Clerk Jones that he wasn't near a landline and could not do that. When asked why he didn't ask to talk to Lt Hinman directly to explain this, he stated because that was not Jones' request.

I asked Gscheidmeier when his plane was scheduled to return to Milwaukee and he stated he would address that in the Matter Of. During the conversation Gscheidmeier stated he was just going to bed, or going back to sleep, after he called in sick at 3:13am on 1/16/11. (If he was still in his hotel room sleeping at 3:13am and was indeed in Atlanta, GA, it would be very unlikely he could have reported for duty at 7:30am.)

Gscheidmeier stated that it is the known culture within the police department that officers call in sick when they are not indeed sick. (i.e when they can't get the day off, don't want to waste a sick day, etc.). He also stated, "Never in the history of the police department" do supervisors verify the sick call, nor require anybody to call in from a landline and felt that he is being "targeted".

On 1/18/11, I spoke with PO Eric Guse who worked for Gscheidmeier on 1/15/11 from 12pm-3:30pm. I asked Guse if he knew why Gscheidmeier wanted him to work that day. Guse stated he was sent a text message by Gscheidmeier on 1/8/11 stating he had just booked airfare to Atlanta and asked if Guse could work for him Saturday 1/15/11 or Sunday 1/16/11. Guse texted him back asking if he had tickets to the Falcons vs. Packers football game. Gscheidmeier texted that he did at which time Guse agreed to work for him on the afternoon of 1/15/11, but wrote that he couldn't on 1/16/11. Guse stated that the entire conversation transpired via text messaging, but he had erased all the text messages since that time.

Guse stated later in the week he was asked by another officer to work on Saturday 1/15/11. Guse told that officer he couldn't since Gscheidmeier had tickets to the Atlanta vs. Packers game and already agreed to work for Gscheidmeier. Guse stated several days later Gscheidmeier approached him and "chastised" him for telling other people that he had tickets to the Atlanta vs. Packers football game. Gscheidmeier, in a somewhat apologizing tone, stated to Guse that Guse really wouldn't have know that he wasn't supposed to say anything to anybody about the tickets.

Respectfully Submitted,

Lt. Donald J. Haffner

Matter-of

To: Capt. Mark Ferguson
From: Lt. Dave Hinman
CC: Lt. Don Haffner
Date: 01-16-11
Re: PO J. Gscheidmeier

On 01-16-11 at 3:13 am PO John Gscheidmeier called the GPD front desk and requested a sick day for this date. Knowing that PO Gscheidmeier was in Atlanta, GA on 01-15-11, and suspecting that he would attempt to call in sick in violation of the Sick Time Leave, I left directions with Desk Clerk Tanisha Jones that if anyone called in for a sick day during her shift that she was to tell the officer that it was my order that the officer either call back from a landline in ten minutes or to leave a landline # at which he/she could be called within ten minutes.

When PO Gscheidmeier called the desk he was advised of my order by Desk Clerk Jones. PO Gscheidmeier stated, "No, I'm not going to do that," and hung up. I was advised of this by Clerk Jones. At about 3:25 am I called PO Gscheidmeier's residence but only received a voicemail message. I left a message indicating that his sick request was denied and that he needed to call the station or would be considered absent without leave. I then called his cell phone but did not get an answer. I then sent him a text message indicating that his sick request was denied and that he needed to contact me at the station or he would be considered absent without leave. I also sent him a department email indicating the same. PO Gscheidmeier did not return my calls/text/email.

It is clear that PO Gscheidmeier has violated the sick call policy, in that he did not provide adequate reason for his sick call request, and that he was most likely out of town and not sick. He was also insubordinate by disobeying my order left with Desk Clerk Jones. PO Gscheidmeier violated the following City of Glendale Rules and Regulations:

- 4.9 Department members shall be truthful at all times.
- 4.10 Obey orders of a ranking officer.
- 4.44 Abide by the rules, regulations, policies, procedures and directives.
- 5.4 Absent without leave

I am requesting that you review this Matter-of to determine if discipline is necessary.

End of memo

Ferguson, Mark

From: Hinman, Dave
Sent: Sunday, January 16, 2011 3:37 AM
To: Gscheidmeier, John
Cc: Haffner, Donald; Butler, William; Slamann, Larry; Hinman, Dave; Ferguson, Mark
Subject: Absent w/o Leave

John,

On 01-16-11 at 3:13 am you called the Glendale PD desk to request sick leave for that date. You were advised by the desk officer, Tanisha Jones, that per my order you were to either call back from a landline in ten minutes or provide a landline number at which to be called back. You stated that you refused to do this and hung up.

At about 3:25 am I called your residence and left a message on your voicemail. At about 3:30 am I called your cell phone and received no answer. I sent a text message to your cell phone indicating that your sick call was denied and that you would be absent without leave unless you called to resolve the situation. I did not receive a call back from you.

I will be filing notice with Capt. Ferguson that you were insubordinate in that you failed to obey an order. Your absence without leave will also be addressed.

Lt. Dave Hinman
Glendale Police Department
d.hinman@glendale-wi.org
414-228-1734 (desk)
414-228-1753 (main)

**Glendale Police
Department**

Matter-of

To: Capt. Mark Ferguson
From: Lt. Dave Hinman
CC: Lt. Don Haffner
Date: 01-16-11
Re: PO J. Gscheidmeier

On 01-16-11 at 3:13 am PO John Gscheidmeier called the GPD front desk and requested a sick day for this date. Knowing that PO Gscheidmeier was in Atlanta, GA on 01-15-11, and suspecting that he would attempt to call in sick in violation of the Sick Time Leave, I left directions with Desk Clerk Tanisha Jones that if anyone called in for a sick day during her shift that she was to tell the officer that it was my order that the officer either call back from a landline in ten minutes or to leave a landline # at which he/she could be called within ten minutes.

When PO Gscheidmeier called the desk he was advised of my order by Desk Clerk Jones. PO Gscheidmeier stated, "No, I'm not going to do that," and hung up. I was advised of this by Clerk Jones. At about 3:25 am I called PO Gscheidmeier's residence but only received a voicemail message. I left a message indicating that his sick request was denied and that he needed to call the station or would be considered absent without leave. I then called his cell phone but did not get an answer. I then sent him a text message indicating that his sick request was denied and that he needed to contact me at the station or he would be considered absent without leave. I also sent him a department email indicating the same. PO Gscheidmeier did not return my calls/text/email.

It is clear that PO Gscheidmeier has violated the sick call policy, in that he did not provide adequate reason for his sick call request, and that he was most likely out of town and not sick. He was also insubordinate by disobeying my order left with Desk Clerk Jones. PO Gscheidmeier violated the following City of Glendale Rules and Regulations:

- 4.9 Department members shall be truthful at all times.
- 4.10 Obey orders of a ranking officer.
- 4.44 Abide by the rules, regulations, policies, procedures and directives.
- 5.4 Absent without leave

I am requesting that you review this Matter-of to determine if discipline is necessary.

End of memo

The Labor Association of Wisconsin, Inc.

Serving Public Employees Throughout Wisconsin

February 3, 2011



www.lawinc-wi.org

Bob Whitaker
Chairman, Police Commission
5909 Milwaukee River Parkway
Glendale, WI 53209

RE: RECOMMENDED DISCIPLINE OF OFFICER JOHN
GSCHIEDMEIER

Dear Chairman Whitaker:

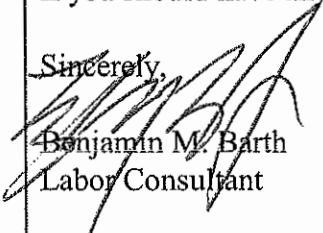
Please be advised that pursuant to Officer John Gscheidmeier's rights under Wis. Stats. 62.13(5), the above reference discipline is being appealed. I have enclosed a copy of the letter Police Chief Czarnyszka gave to Officer Gscheidmeier.

In addition, Officer Gscheidmeier has requested all information and correspondence relevant and reasonably necessary related to this discipline. This request was made under a recent Wisconsin Employment Relation Commission decision (State of Wisconsin, Dec. No. 32239-B (WERC, 08/09). As of today's date, this information has yet to be provided. The information we have requested is as follows:

- All emails related to Officer Gscheidmeier's discipline;
- All memos related to Officer Gscheidmeier's discipline;
- All recordings related to Officer Gscheidmeier's discipline;
- A copy of the City of Glendale's sick leave use policy;
- A copy of all sick leave requests from the Police Department for the month of January and reasons for such request;
- A list of sick leave requests that have been denied since 2005;
- A list of employees who were told to call back after the initial sick leave call from a landline;
- A list of employees who have been questioned about their use of sick leave since 2005.

Please consider this letter as another request to be provided with this information. If you should have any questions, please feel free to contact the undersigned.

Sincerely,


Benjamin M. Barth
Labor Consultant

Cc: John Gscheidmeier
Richard Maslowski

Labor Consultants:

Patrick J. Coraggio
Benjamin M. Barth
Jason E. Ganiere
Jerri L. Behnke
Daniel A. Kraschewski
Gary W. Krueger
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Germantown:

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Germantown, WI 53022
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E-mail: law@lawinc-wi.org

Hiles:

P.O. Box 296
Argonne, WI 54511
Phone: (715) 649-3335
Fax: (715) 649-3330
E-mail: coraggio@newnorth.net

You were aware that there were no offs allowed for January 15th and 16th and had plans to attend the Packers game in Atlanta that weekend. You made arrangements for shift coverage on the 15th but not for the 16th. The fact that you did not plan to fly back to Milwaukee until later in the evening on the 16th indicates that you had no intention of working your regular shift on that date.

Based upon my review I believe that your claim that you followed orders is not valid and that you did not follow orders as required in Rule 4.10.

4.10 Department members shall promptly obey any lawful orders of a ranking officer. This will include orders relayed from a ranking officer by a member of the same or lesser rank. If a department member receives inconsistent or conflicting orders they shall bring it to the attention of the person issuing the order. If the issue is not resolved the matter shall be brought to the attention of a higher authority for clarification. In the absence of a higher-ranking officer or in circumstances that require immediate action, the member shall obey the order, and the member issuing the order shall bear full responsibility.

Your claim that since a landline was not available that no further action was required on his part. A reasonable officer would understand that the order was to make personal contact with the supervisor to discuss the sick leave request. A reasonable officer would also not assume that just because a landline was not readily available that it relieved them of any further duty to make contact with the supervisor. I believe that you had no intention of making contact with Lt. Hinman because you were aware that your sick day request was not a legitimate use of sick leave.

DISCIPLINE

After carefully considering the rules and policies that are applicable to this circumstance and the statements of the involved parties, I find that there is sufficient evidence to support a finding of violation of the above rules. Because of the seriousness of these offenses and the effect of your actions on the department, the following discipline will be imposed:

As to Item 1, a two (2) day suspension is ordered.

As to Item 2, a one (1) day suspension is ordered.

The suspensions will be without pay and the dates will be as determined by Captain Ferguson so as to not disrupt shift operations. You may appeal this finding pursuant to Section 62.13(5) of the Wisconsin statutes.

By Order of:


Thomas E. Czarnyszka
Chief of Police

cc: Vassie Rhinehart, Payroll
Glendale Police Commission
Capt. Mark Ferguson