

**BOARD OF CITY SERVICE COMMISSIONERS
CITY OF MILWAUKEE**

IN THE MATTER OF
JESSE A. TATUM, JR.
V.
CITY OF MILWAUKEE

FINDINGS AND DECISION

This is the written determination of the Board of City Service Commissioners on the administrative appeal hearing in this case. A timely appeal was received from Jesse A. Tatum, Jr. (hereinafter "Appellant") challenging his discharge from the position of Equipment Operator 2, Operations Division, Sanitation Section, Department of Public Works (hereinafter "DPW" or the "Department") on December 10, 2024.

An administrative appeal hearing was held in hybrid format (both in-person and by video conference) pursuant to Sec. 63.43, Wis. Stats. and City Service Commission Rule XIV, Section 7, on Monday, April 28, 2025 at 9:00 a.m. The witnesses were sworn and all testimony was taken by a Court Reporter.

Appearances:

City Service Commission:	Francis Bock, President Marilyn Miller, Vice President Janet Cleary, Commissioner Steve Smith, Commissioner Harper Donahue IV, Executive Secretary Elizabeth Moore, Administrative Support Specialist
Commission Represented By:	Patrick McClain, Assistant City Attorney
Appellant Represented By:	Attorney Aaron Dekosky
Department Represented By:	Shannon Goodwin, Human Resources Manager, DPW
Witnesses:	Adam Lopez, Fleet Operations Supervisor, DPW Dan Thomas, Administrative Services Director, DPW Lisa Beilke, Central Sanitation Program Assistant, DPW Eric Humphrey, Driver, DPW Damann Young, Driver, DPW Jesse Tatum, Appellant

ISSUE

The issue is whether or not there was just cause for the action taken by the Department in accordance with sec. 63.43, Stats.

Based upon the evidence in the record, the Commission finds as follows:

FINDINGS OF FACT

1. Appellant was first employed by the City of Milwaukee as an Operations Fleet Sanitation Driver on September 25, 2017.
2. DPW Standard Work Rule 1.3 requires employees to be at their work locations and ready to perform work at their scheduled work time.
3. DPW Standard Work Rule 1.21 sets forth the DPW Rules of Conduct.
4. Rule 1.21 prohibits misconduct, which is defined as the violation of the policies or procedures contained in the DPW Standard Work Rules or any other policy or procedure of the City of Milwaukee.
5. Rule 1.21 additionally prohibits excessive absenteeism, which is defined as being away from work without leave more than 3 times in a 120-day period.
6. Employees who are excessively absent are subject to disciplinary action consistent with the DPW Sick Leave Policy, which is set forth in DPW Standard Work Rule 1.8.
7. DPW Standard Work Rule 1.8 states that employees who violate the Sick Leave Policy are subject to progressive discipline.
8. On July 2, 2019, Appellant was given a written warning for a 51-minute tardiness in violation of DPW Standard Work Rule 1.3.
9. On January 9, 2020, Appellant received a "Memo G" for being late to work on numerous occasions (December 4, 2019, January 2, 2020, January 3, 2020, and January 7, 2020) in violation of DPW Standard Work Rule 1.3.

10. On September 29, 2022, Appellant received another “Memo G” for failing to report an anticipated absence at least 1 hour before the start of his shift, as required by DPW Standard Work Rule 1.6.
11. On June 1, 2023, Appellant was suspended for 1 working day after he left a work site for 50 minutes without notice to, or permission from his supervisor on April 14, 2023.
12. On November 1, 2023, Appellant was suspended for 3 working days for arriving 40 minutes late to work, leaving 1 hour early without permission, and failing to scan out on August 14, 2023, in violation of DPW Standard Work Rules 1.1, 1.7, and 1.21.
13. The November 1, 2023 suspension notice advised Appellant that “[f]uture misconduct may result in further disciplinary action up to and including discharge.” (Exh. D-21).
14. On August 9, 2024, Appellant was 30 minutes late to work; Appellant additionally submitted a time sheet for 9 hours, but only worked 7.5 hours.
15. On August 14, 2024, Appellant was 7 minutes late to work and left 8 minutes early; Appellant additionally submitted a timesheet for 8 hours, but only worked 7.7 hours.
16. On September 5, 2024, Appellant was 34 minutes late to work and left 29 minutes early; Appellant additionally submitted a timesheet for 8 hours, but only worked 7 hours.
17. On September 25, 2024, Appellant was 7 minutes late to work. He additionally submitted a timesheet for 8 hours, but only worked 7.8 hours.
18. Additional instances of Appellant arriving late to work, leaving early from work, or failing to scan in or out are summarized in Exhibit D-23.
19. A pre-discharge meeting was held on December 10, 2024.
20. After the meeting, Appellant was discharged from city service for violating three City Service Commission Rules: (1) Rule XIV, Section 12, Paragraph Q (failure to comply with departmental work rules, policies or procedures), based on Appellant’s failure to comply with DPW Standard Work Rules 1.3 (Punctuality and Attendance), 1.8 (Sick Leave), and 1.21 (Rules of Conduct - Misconduct); (2) Rule XIV, Section 12, Paragraph R (absent

without excuse or authorization, or excessive absence and/or tardiness); and (3) Rule XIV, Section 12, Paragraph S (falsifying, or making unauthorized modification or alteration of a city record or report).

21. Notice of the discharge was sent to Appellant on December 12, 2024.
22. Appellant submitted a timely appeal and an administrative appeal hearing was held on April 28, 2025.
23. At the hearing, DPW Fleet Operations Supervisor Adam Lopez testified that Appellant's position required Appellant to scan in at the fleet operations facility at the start of his shift, then retrieve his assigned vehicle and travel to his assigned work site.
24. Mr. Lopez testified that there were numerous discrepancies between the times Appellant scanned in for work and the timesheets Appellant submitted for the day.
25. Specifically, on numerous occasions, Appellant's timesheets showed a full day of work when Appellant had actually arrived late or left early according to his scan records.
26. DPW driver Eric Humphrey testified that he worked a full day with Appellant on one of the days Appellant was accused of missing work, but could not recall the specific date.
27. DPW driver Damann Young testified that he submitted a written statement to "Mr. Johnny" (presumably a DPW employee) which stated that Appellant had worked a full day on September 9, 2024.
28. No witnesses testified that Appellant timely reported to, or departed from work on any other date listed in the discharge notice.
29. Appellant testified that some of his late scans occurred because he had arrived at work on time, but proceeded to prepare his assigned vehicle rather than immediately scanning in for the day.
30. Appellant stated that he did not have any documentation to support this claim.
31. DPW Administrative Services Director Dan Thomas testified that DPW employees are not authorized to perform work before scanning in at the start of their shift.

32. As such, even if Appellant had performed work prior to scanning in at the start of his shift, this would have violated the DPW Standard Work Rules.
33. The City does not dispute that Appellant was in compliance with DPW attendance policies during the period of October 1, 2024 through December 10, 2024.

CONCLUSIONS OF LAW

1. Appellant was an employee holding a classified position in DPW, the appointing authority within the meaning of Sec. 63.43, Wis. Stats., and the City Service Commission Rules.
2. The Department demonstrated by a preponderance of the evidence that Appellant violated City Service Commission Rule XIV, Section 12, Paragraph Q by failing to comply with DPW Standard Work Rules 1.3, 1.8, and 1.21; City Service Commission Rule XIV, Section 12, Paragraph R by being excessively absent and tardy without excuse; and City Service Commission Rule XIV, Section 12, Paragraph S by submitting timesheets for full work days when Appellant had either arrived late to work or left early from work.
3. Based on the preponderance of the evidence, the Department did have just cause to discipline Appellant.
4. Based on the preponderance of the evidence, there was just cause to discharge the Appellant.

ORDER

By unanimous vote of the Board, the discharge of Appellant on December 10, 2024 is affirmed.

Dated and signed at Milwaukee, Wisconsin, this June 3, 2025.

FRANCIS BOCK, PRESIDENT