

STIPULATED MATTERS

The parties have stipulated to the following:

1. The Appellant, Chad Vance, was first employed by the City as an Urban Forestry Specialist with the Department of Public Works on June 6, 2016.
2. Mr. Vance was discharged from City Service on June 30, 2023.
3. A timely appeal was filed by the Appellant on July 7, 2023.

ISSUE

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



DISCHARGE NOTICE

Distribute a copy to:

- Employee
- Employee Representative
- Department File
- Employee's Retirement System
- Dept. of Employee Relations – send within 48 hours to DERpersonnelforms@milwaukee.gov

Date: 7/3/2023
Rec#: 33560

| | | | |
|-------------|---------------------------|-----------------------|-----------------|
| Employee: | VANCE, CHAD J | Employee ID No.: | 027076 |
| Department: | DPW-OPS-FORESTRY | Race: | W |
| | | Gender: | Male |
| Division: | | Div. No.: | 5458 |
| | | Payroll Loc. No.: | 545 21 |
| Job Title: | URBAN FORESTRY SPECIALIST | Immediate Supervisor: | Jeffrey Kluslow |

In accordance with City Service Commission Rules, you are hereby discharged effective at 11:55 (am) on 06/30/2023 (date) for violating Rule XIV, Section 12, Paragraph E,K,L,Q of the City Service Rules (additional departmental rules may be referenced as applicable). You have three days from the receipt of this notice to file an appeal. See Right of Appeal information below.

I. Description of Offense:

Violation of Forestry Section Supplemental Work Rules 1.2, DPW Standard Work Rules 1.2, 1.4, 1.5, 1.7, 1.21, 1.27 and 1.44 & above cited City Service Rules --- On June 15, 2023, it was alleged you took an unauthorized, extended break period at full service sit-down restaurant outside of your assigned work area. The break was taken before two (2) hours of work was performed. A Pre-Discharge hearing was held on June 30, 2023. You were reminded that employees are expected to fully cooperate in any investigation either as a complainant or as party accused of misconduct. Truthfulness is demanded. It should also be noted that the Hearing was recorded as you wanted a record of the Hearing and the recording will be provided to you at your request. The statement you provided on June 16, 2023 was read. You were asked if you were interested in amending your statement in any way. You indicated your statement was truthful and that you had no changes. When asked if you went into a sit-down restaurant, you stated you did not. It is noted that on June 16, 2023, when management spoke to the crew shortly after the incident you told the manager that the crew was going for a walk. In your statement, dated June 16, 2023, you stated you took a break at the normal time and that you went to a convenience store that was "not what one would call a "high-end" establishment." For the record, you served a 15-day suspension starting on February 1, 2021 for taking an unauthorized, extended break at a sit-down restaurant. At that time, you were notified that future misconduct may result in further disciplinary action up to and including discharge. The Department of Employee Relations- Labor Negotiator denied your grievance and upheld the suspension. During the hearing, you were informed management had evidence that you did go into the full-service restaurant. The Department has a long-standing work rule related to personnel investigations. The hearing notification letter related to this matter highlighted this work rule and you were again notified during the Pre-Discharge Hearing that making a false/misleading statement may result in discharge, even for a first offense. Therefore, based on your multiple false statements related to this personnel investigation, associated misconduct and rule violations, as well as the Departments discipline policy, management has elected to take a discharge action. As a result, you are hereby discharged from City of Milwaukee employment. You were informed of this at the end of your Hearing. Finally, the recording shows you coughing and uttering the words "dirty cop" and management who was in the conference room, observed and heard you utter those words.

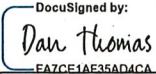
II. Previous Disciplinary Actions including Warning Letters:

DATES REQUIRED:

1. Date of investigatory meeting: 6/30/2023
2. Date Discharge notice was provided to the

Reporting Authority
Signature:



| | |
|---|---|
| employee or notice was mailed to employee: Date: <u>07/03/2023</u> | Please print name: Jeffrey T Kluslow |
| RIGHT OF APPEAL: Regularly appointed Civil Service employees (those who have completed their probationary period) may appeal in writing to the City Service Commission within three days of receipt of this notice. Employees of a department under the supervision of a board or commission of three or more members must appeal to that board or commission. | Title: Urban Forestry District Manager |
| NOTE: If you have been issued an employee identification card, it must be turned in to your supervisor before your final paycheck will be released. | Date: 7/3/2023 |
| | Appointing Authority Signature:  |
| | Please print name: Dan Thomas |
| | Title: Adm. Services Director |
| | Date: 7/3/2023 |





City Service Commission
APPEAL OF DISCIPLINARY ACTION FORM

Pursuant to Rule XIV (Discharge, Appeal, Hearing), Section 2 of the Rules of the Board of City Service Commissioners (the Commission), a regularly appointed employee who has passed his/her probationary period may appeal a discharge, reduction (involuntary demotion), a second suspension within six months of a former one or any suspension exceeding fifteen working days in length.

Appellants are encouraged to review the Guidelines for Disciplinary Appeals to the City Service Commission located at: http://city.milwaukee.gov/der/csc/FormsDocs

Please complete the form below to appeal a qualifying disciplinary action.

I appeal the following disciplinary action, pursuant to Rule XIV, Section 2 of the Rules of the Board of City Service Commissioners (check one):

- Discharge
Reduction in classification (involuntary demotion)
Second suspension within six months of a former one (Date of 1st suspension:)
Suspension exceeding 15 days

I received written notification of the disciplinary action that I am appealing on: . Please attach the disciplinary notice for the action that you are appealing. Please attach a brief statement indicating the basis of your appeal.

This appeal is dated this 7th day of July, 2023.

Signature of appellant: [Handwritten Signature]

Form with fields: Name of appellant (please print): Chad J. Vance; Appellant's Department/Division: DPW/Forestry; Appellant will be represented by: Brad Ames; Contact information (phone number): Phone [Redacted]; (email address): Email [Redacted]; Appellant's Contact Information: Primary phone number: [Redacted]; Address: [Redacted]; Email: [Redacted]

23 JUL 7 2:10 PM

Please write a brief statement indicating the basis of your appeal (attach to Form):

- The system and personnel charged with meting out discipline have failed to provide legitimate due process for employees.