

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

IN THE MATTER OF
JEANETTE MCKNIGHT
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 Jeanette McKnight (hereinafter the "Appellant") challenging her demotion to the position of Office Assistant II, Milwaukee Health Department (hereinafter the "Department") on February 19, 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 XI, Section 2, on Wednesday, April 17, 2024 at 9:00 a.m. Commissioner Steve Smith was excused from the hearing. 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 Kobena-Marcus Collins, Commissioner Harper Donahue IV, Executive Secretary Elizabeth Moore, Administrative Support Specialist
Commission Represented By:	Patrick McClain, Assistant City Attorney
Appellant Represented By:	Attorney William Wetzel
Department Represented By:	Katherine Headley, Assistant City Attorney
Witnesses:	Lindsey Page, Infectious Disease Program Manager, MHD Andrew Kuhnmuensch, Human Resources Rep., MHD Mike Totoraitis, Commissioner of Health, MHD Lindsey O'Connor, Human Resources Administrator, MHD Jeanette McKnight, Appellant

ISSUE

The issue is whether there was just cause for the action taken by the Department in accordance with Wis. Stat. § 63.43.

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

FINDINGS OF FACT

1. Appellant was first employed by the City as an Office Assistant I with the Milwaukee Health Department on September 11, 2006.
2. Appellant was promoted to an Office Assistant II on March 11, 2007.
3. Appellant transferred to the Department of Public Works-Water Distribution on May 8, 2016 and worked in the Communications Assistant V position.
4. Appellant transferred to the Milwaukee Health Department on August 28, 2016 and worked in the Office Assistant III position.
5. On August 12, 2018, Appellant was promoted to the Program Assistant II position.
6. Appellant was approved for a telework alternative work arrangement beginning in 2022.
7. Appellant was required to accurately account for her telework hours by recording the time she spent on work tasks in a telework log.
8. On numerous occasions Appellant submitted telework logs containing entries that either significantly inflated the time Appellant actually spent on work tasks or reflected work tasks that Appellant did not actually perform (as described in the disciplinary reduction notice dated February 8, 2024).
9. Appellant was served with a pre-discharge notice dated December 5, 2023.
10. A pre-discharge meeting was held on January 8, 2024.
11. During the pre-discharge meeting, Appellant denied having any employment outside the Milwaukee Health Department.

12. Despite this statement, Appellant had been both advertising and providing notary services under the business name Prestige 24Seven Services LLC.
13. After considering Appellant's tenure with the City and the seriousness of her misconduct, the Department elected to demote rather than discharge Appellant.
14. Appellant was demoted to the position of Office Assistant II effective February 19, 2024 and was notified of the demotion on February 8, 2024.
15. A timely appeal was filed by the Appellant on February 12, 2024.
16. During the appeal hearing, the Department submitted documentary evidence showing numerous discrepancies between the work hours Appellant reported in her telework log, and Appellant's actual work hours as shown by telephone and data entry records.
17. Appellant admitted to performing notary services under the business name Prestige 24Seven Services LLC.

CONCLUSIONS OF LAW

1. The Appellant was an employee holding a classified position in the Milwaukee Health Department, the appointing authority within the meaning of Sec. 63.43, Wis. Stats., and City Service Commission Rules I and XI.
2. The Department demonstrated by a preponderance of the evidence that Appellant failed to comply with the City Time Entry and Approval Policy in violation of City Service Rule XIV, Section 12, Paragraph Q.
3. The Department demonstrated by a preponderance of the evidence that Appellant violated City Service Rule XIV, Section 12, Paragraph S, by submitting inaccurate telework logs.
4. Based on the evidence in the record, the Department demonstrated by a preponderance of the evidence that there was just cause to discipline the Appellant.
5. Based on the evidence in the record, the Department demonstrated by a preponderance of the evidence that there was just cause to demote the Appellant.

ORDER

By unanimous vote of the Board, the demotion of Appellant on February 19, 2024 is affirmed.

Dated and signed at Milwaukee, Wisconsin, this 21st day of May, 2024.

FRANCIS BOCK, PRESIDENT