

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

IN THE MATTER OF
LAKIESHA BOWIE
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 Lakiesha Bowie (hereinafter the "Appellant") challenging her discharge from the position of Equipment Operator 2 with the Operations Division, Sanitation Section, Department of Public Works (hereinafter "DPW" or the "Department") on April 4, 2025.

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, June 30, 2025 at 9:00 a.m. The witnesses were sworn and all testimony was taken by a Court Reporter.

Appearances:

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| City Service Commission: | Francis Bock, President Marilyn Miller, Vice President Janet Cleary, Commissioner Steve Smith, Commissioner Heidi Wick Spoerl, Commissioner Harper Donahue IV, Executive Secretary Elizabeth Moore, Administrative Support Specialist |
| Commission Represented By: | Patrick McClain, Assistant City Attorney |
| Appellant Represented By: | Herself |
| Department Represented By: | Chuck Schumacher, Operations Admin. Manager, DPW |
| Witnesses: | Dan Thomas, Administrative Services Director, DPW Adam Lopez, Fleet Operations Supervisor, DPW Cameo Coleman, Sanitation Supervisor, DPW Makeisha Porter, Operations H.R. Administrator, DPW Lakiesha Bowie, 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 as an Operations-Driver/Worker on October 22, 2018.
2. On April 11, 2024, Appellant signed a Last Chance Agreement and accepted a 15-day suspension in lieu of discharge for violations of City Service Rule XIV, Section 12, Paragraph Q; and DPW Standard Work Rules 1.21 (Misconduct: Personal Conduct, Insubordination), 1.45 (Personnel Matters), and 1.50 (Negligent Operation/Loss of City Property/Loss or Damage to City Property). (Exh. D-1).
3. As part of the Last Chance Agreement, Appellant Acknowledged that “any violation by her of any rules or policies of the City, including those of the City’s Department of Public Works, or any division(s) of DPW to which Ms. Bowie may be assigned or a violation of any of the elements set forth in City Service Rule XIV, Section 12 authorizing discipline of any City employee, shall permit the City to immediately discharge Ms. Bowie from her employment with the City...” (*Id.*).
4. On November 17, 2024, Appellant reported to Lincoln Yard for her assigned overnight leaf duty shift.
5. Due to a scheduling issue, Appellant and another equipment operator were erroneously assigned to the same leaf duty route.
6. After becoming aware of the problem, Appellant’s supervisor, Cameo Coleman, told Appellant that there was an issue with Appellant’s assignment and Appellant may be required to go home.

7. Appellant argued with Mr. Coleman in a loud, aggressive tone; at one point saying: "I don't give a fuck about a title, or the person with it," or words to that effect.
8. DPW Standard Work Rule 1.21 prohibits insubordination, which includes "[l]oud or unprofessional language/behavior toward a supervisor, manager or crew leader..." (Exh. J-1 at 8).
9. DPW Standard Work Rule 1.21 also prohibits misconduct, which includes "actions or conduct found in deliberate violation or disregard of standards of behavior which an employer has a right to expect of his or her employees...[or the] violation of any of the policies or procedures contained within the [DPW Standard Work Rules], City of Milwaukee policy or procedure, or the failure to conform to the standard of conduct that is required to maintain a professional, efficient and effective workplace. Harassment, offensive conduct and symbols will not be tolerated." (*Id.* at 8-9).
10. Despite Appellant's behavior, Mr. Coleman accommodated Appellant and the other equipment operator by splitting the one available leaf duty route.
11. During Appellant's overnight shift, at approximately 12:58 a.m., Mr. Coleman accessed a computer system that displays the locations of DPW vehicles.
12. Mr. Coleman observed that Appellant's vehicle was not on its assigned route, but was instead parked at Lincoln Yard.
13. At approximately 1:26 am, Mr. Coleman checked Lincoln Yard and found Appellant sleeping in her assigned vehicle.
14. DPW Standard Work Rule 1.20 prohibits sleeping while at work, including during breaks or lunch periods.
15. Appellant had not asked Mr. Coleman for a rest break at any point during her shift.
16. When Appellant's vehicle had not moved by 2:00 a.m., Mr. Coleman contacted Appellant by phone to ask if there was a problem with the truck.
17. Appellant responded by saying: "I'm tired and my safety is first," or words to that effect.

18. Mr. Coleman reported the incident to management.
19. During Appellant's overnight shift the following evening (November 18 to November 19, 2024), Mr. Coleman observed that Appellant's assigned work vehicle was parked at Ruby Yard at 1:09 a.m.
20. Ruby Yard was outside Appellant's assigned work area.
21. DPW Standard Work Rule 1.5 prohibits employees from leaving their assigned work area without obtaining permission from an immediate supervisor.
22. As he did the night before, Mr. Coleman contacted Appellant to ask if there was a problem with the truck.
23. Appellant responded by saying: "I'm on a break, I can't have a break?" or words to that effect.
24. Appellant had not requested permission to take a break outside of her assigned work area.
25. After consulting with a more experienced supervisor, Mr. Coleman determined that Appellant was underperforming and taking unauthorized breaks; and decided to send Appellant home.
26. When told to go home, Appellant spoke to Mr. Coleman in a loud aggressive tone—arguing that the breaks she had taken were necessary for her safety.
27. Over the following months (between December 9, 2024 and March 14, 2024), Appellant scanned in late to work on numerous occasions.
28. Specifically, Appellant was between 7 minutes and 96 minutes late on 22 separate occasions during that period.
29. DPW employees are required to scan in at the beginning of their shift and are not permitted to complete any work before scanning in.
30. In addition to scanning in late, Appellant took sick leave on four separate occasions (totaling 48 hours) within the 120-day period beginning October 1, 2024 and ending January 31, 2025.

31. DPW Standard Work Rule 1.8 specifies that “Excessive use of sick leave is generally three (3) occurrences of sick leave in any 120-day period or a pattern/incident of abuse.” (Exh. J-1 at 6).
32. Based on Appellant’s cumulative conduct, the Department notified Appellant of a pre-discharge meeting on Friday, April 4, 2025 for violations of City Service Commission Rule XIV, Section 12, Paragraph Q, and DPW Standard Work Rules 1.20 (Sleeping on the Job), 1.21 (Insubordination and Misconduct), 1.5 (Leaving the Work Area), and 1.8 (Sick Leave).
33. After the pre-discharge meeting, the Department determined that Appellant had violated the above-cited rules, and—because Appellant’s misconduct violated the terms of her Last Chance Agreement—discharged Appellant effective April 4, 2025.
34. Appellant filed a timely appeal.
35. An appeal hearing was held on June 30, 2025.
36. During the hearing, Appellant testified that leaf duty is normally a volunteer overtime assignment.
37. Appellant did not volunteer for the leaf duty shift on November 17, 2024, but was apparently scheduled for the shift by accident.
38. Appellant admitted that she returned to the yard during this shift, but only because she was tired and did not feel that it was safe to keep driving.
39. Appellant admitted that she had not asked for permission to return to the yard.
40. Appellant asked to be removed from leaf duty on November 17, 2024, but was asked to complete her shift the following day (on November 18, 2024) in order to give the Department time to find a replacement equipment operator.
41. Appellant argued that she was not late to work on the days noted in her discharge notice, but had instead conducted pre-trip inspections of her assigned work vehicle before scanning in to work.

42. Appellant additionally testified that all of her sick leave absences between October 1, 2024 and January 31, 2025 were excused by a doctor.

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 City Service Commission Rules I and XI.
2. The Department demonstrated by a preponderance of the evidence that Appellant violated City Service Commission Rule XIV, Section 12, Paragraph Q, and DPW Standard Work Rules 1.20 (Sleeping on the Job), 1.21 (Insubordination and Misconduct), and 1.5 (Leaving the Work Area).
3. The Department failed to demonstrate by a preponderance of the evidence that Appellant violated DPW Standard Work Rule 1.8 (Sick Leave).
4. Based on the preponderance of the evidence, the Department did have just cause to discipline Appellant.
5. The Department failed to demonstrate by a preponderance of the evidence that discharge was appropriate.

ORDER

By a majority vote of 4 Commissioners, the discharge of Appellant on April 4, 2025 is overturned; Appellant shall be reinstated without back pay effective June 30, 2025.

Dated and signed at Milwaukee, Wisconsin, this 9th day of September, 2025.

FRANCIS BOCK, PRESIDENT