

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

IN THE MATTER OF
OMAR BARBERENA
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 Omar Barberena ("Appellant") challenging his discharge from the position of Equal Rights Specialist, Department of Equity and Inclusion ("Department") on January 21, 2026.

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 Friday, March 13, 2026 at 9:30 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 Heidi Wick Spoerl, Commissioner Jackie Q. Carter, Executive Secretary Kristin Urban, Staffing Services Manager Elizabeth Moore, Administrative Support Specialist
Commission Represented By:	Lauri Rollings, Assistant City Attorney
Appellant Represented By:	Himself
Department Represented By: Witnesses:	Mary Reed, Interim Director, Department of Equity and Inclusion Roberto Surita, Information Services Manager, Department of Administration, Information Technology Management Division Ramona Ramos Operations Policy and Grant Manager, Department of Equity and Inclusion Mary Reed, Interim Director, Department of Equity and Inclusion Omar Barberena, 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 Equal Rights Specialist, Department of Administration (later within the Department of Equity and Inclusion ("Department")) on March 25, 2024.
2. On October 17, 2025, Appellant received an e-mail warning regarding not adhering to the City's Alternative Work arrangement because he did not report to work during his scheduled shift.
3. On October 23, 2025, Appellant received an e-mail warning regarding his failure to respond to Equal Rights Commission ("ERC") complaints in a timely manner, or at all.
4. On November 25, 2025, Appellant received an e-mail warning regarding his failure to perform assigned work duties, specifically his failure to prepare and post ERC meeting agendas and meeting minutes.
5. On December 2, 2025, Appellant attended a recorded meeting regarding performance improvement needed for ERC and ERC complaints.
6. On January 2, 2026, Appellant's supervisor requested information from the Department of Administration, Information Technology Management Division ("ITMD") regarding Appellant's Internet browsing activity on his City-issued laptop.
7. The information provided by ITMD revealed Appellant used his City-issued laptop to visit more than 28,000 non-work-related Internet links with date and time stamps between December 8, 2025 and January 2, 2026.
8. A sample of the information provided by ITMD showed Appellant spent more than 35

hours on non-work-related Internet browsing during work hours during the week of December 8, 2025.

9. On January 21, 2026, a pre-discipline/discharge meeting was held for Appellant's violation of City Service Commission Rule XIV, Section 12, Paragraphs L and Q.
10. City Service Rule XIV, Section 12, Paragraph L authorizes discipline if an employee "[i]s careless or negligent or makes unauthorized use or permits the unauthorized use of the property of the city."
11. City Service Rule XIV, Section 12, Paragraph Q authorizes discipline if an employee "[h]as refused or failed to comply with departmental work rules, policies or procedures."
12. The City of Milwaukee Internet Use Guidelines provide, "3. OFFICIAL USE: The City of Milwaukee encourages its employees to use the Internet for work-related research, to provide services to citizens, and for any other activity that supports the City's mission. City departments may also choose to authorize limited incidental use of the city's Internet resources for personal purposes as deemed appropriate. However, departments must ensure that such use does not impair the employee's ability to fulfill his or her job responsibilities and does not impose any additional costs or liabilities on the city."
13. Appellant maintained he had not received clear guidance that his conduct could lead to discharge.
14. Appellant was discharged.
15. Appellant filed a timely appeal.
16. At the appeal hearing for this matter, multiple witnesses testified to Appellant's failure to complete work tasks in a timely manner or at all and to his frequent use of his City-issued laptop to visit non-work-related Internet links during work hours.

CONCLUSIONS OF LAW

1. Appellant was an employee holding a classified position in Department, the appointing authority within the meaning of Sec. 63.43, Wis. Stats., and the City Service Commission Rules. The Department demonstrated by a preponderance of the evidence that Appellant violated City Service Commission Rule XIV, Section 12, Paragraphs L and Q, based on Appellant's failure to complete work tasks in a timely manner or at all and his frequent use of his City-issued laptop to visit non-work-related Internet links during work hours.
2. Based on the preponderance of the evidence, the Department did have just cause to discipline Appellant.
3. 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 January 21, 2026, is affirmed.

Dated and signed at Milwaukee, Wisconsin, this _____ 2026.

FRANCIS BOCK, PRESIDENT