

DISCHARGE NOTICE

Distribute a copy to:

- Employee
- Employee Representative
- Department File
- Employees' Retirement System
- Dept. of Employee Relations – Pay Services Section

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| Employee: | Omar Barberena | Employee ID No.: <u>020689</u> |
| Department: | Dept of Equity and Inclusion / Dept of Administration | Race: Hispanic/Latino |
| | | Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female |
| Division: | | Div. No.: 1530 |
| | | Payroll Loc. No.: 15301 |
| Job Title: | Equal Rights Specialist | Immediate Supervisor: Mary Reed |
| <p>In accordance with City Service Commission Rules, you are hereby discharged effective at <u>4:45</u> (<input type="checkbox"/> am / <input checked="" type="checkbox"/> pm) on <u>1/21/2026</u> (date) for violating Rule XIV, Section 12, Paragraph <u>l, q</u> of the City Service Rules (additional departmental rules may be referenced as applicable). You have <u>three days</u> from the receipt of this notice to file an appeal. See Right of Appeal information below.</p> <p><u>I. Description of Offense:</u></p> <p>Prolonged and sustained misappropriation of City work time, property, and resources, as well as persistent abuse of internet access on a City-issued work device during scheduled work hours.</p> <p>28,000+ non-work-related internet browsing activity links with date and timestamps between 12/08/2025 and 01/02/2026. A sample shows 35+ hours of internet browsing during the week of 12/08/2025.</p> <p><u>II. Previous Disciplinary Actions including Warning Letters:</u></p> <p>12/02/2025 - Recorded meeting regarding performance improvement needed for ERC and ERC complaints. 11/25/2025 - Failure to perform assigned work duties: failed to prepare and post ERC meeting agendas and meeting minutes. 10/23/2025 - Failure to respond to ERC complaints in a timely manner, or at all. 10/17/2025 - Email warning regarding not adhering to the City's Alternative Work Arrangement. Mr. Barberena did not report to work during his scheduled shift.</p> | | |
| <p>DATES REQUIRED:</p> <p>1. Date of investigatory meeting: <u>01/20/2026</u> 2. Date Discharge notice was provided to the employee or notice was mailed to employee: Date: <u>01/22/2026</u></p> | <p>Reporting Authority Signature: <i>Mary Reed</i></p> <p>Please print name: Mary Reed</p> <p>Title: Director</p> <p>Date: 01/21/2026</p> | |
| | <p>Appointing Authority Signature: <i>[Signature]</i></p> <p>Please print name: Steven C Mahan</p> <p>Title: <i>Deputy Director - DOTA</i></p> <p>Date: <i>1/21/2026</i></p> | |
| <p>RIGHT OF APPEAL:</p> <p>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.</p> | | |
| <p>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.</p> | | |



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. The time limit to file an appeal ends at 4:45 p.m. on the third business day following receipt of written notification of the disciplinary action. An appeal is filed when it is received and time-stamped by the Department of Employee Relations on behalf of the Commission. The Department of Employee Relations is located at City Hall, 200 East Wells Street, Room 706, Milwaukee, WI 53202-3515. An appeal may also be filed by electronic transmission to the following email address: elmoor@milwaukee.gov by FAX to the following number: (414) 286-0203, Attention: Elizabeth Moore.

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

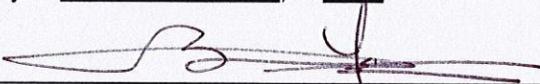
Please complete the form below to appeal a qualifying disciplinary action.

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: 1/21/26 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 01 day of 21, 2026

Signature of appellant: 

| | |
|---|----------------------------------|
| Name of appellant (please print): | Omar Barberena |
| Appellant's Department/Division: | Equity and Inclusion - OEI |
| Appellant will be represented by: | ? |
| Contact information (phone number): (email address): | Appellant's Contact Information: |
| Primary phone number: | |
| Address: | |
| Email: | |

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

I believe I did not receive proper protocol & follow ups prior to dismissal.

For over 2+ years I have never received any reprimand or warning to fix any issues that would impede me w/ my ability to do & perform my job satisfactorily.

I have been praised by my ~~coll~~ coworkers, Commissioners, & community members, including past supervisors & my collaboration w/ other depts. have been super.

By having no warnings, no prior issues and no mentioning of current issues w/ new supervisor during 1:1 meetings prior to dismissal, I believe no proper steps to fix issue took place.

- For the past 2 years + I have been building a strong team of Commissioners' volunteers from almost scratch, to the point that even as we speak today 2 new volunteer Commissioners have been appointed & will be taking the Oath. This is just a small example of the hard work that I have been putting in for the past 2 years under the umbrella of past supervisor.

* Proper protocol prior of dismissal did not take place as it went from pre-disciplinary / discharge meeting to being discharged w/out any warning to rectify & give the opportunity for fix the issue.

726 JAN 21 10:03AM

From: [OB](#)
To: [Moore, Elizabeth](#)
Subject: Re: 30-Day Waiver
Date: Monday, January 26, 2026 12:25:48 PM

Formal Appeal Dismissal

Dear Appeal Officer, Civil Service Commission,

I am writing to formally appeal my dismissal from my position as Equal Rights Specialist with DEI (Department of Equity and Inclusion), (Newly assigned as own department. Previously as part of DOA), effective 1/20/2026.

I respectfully submit this appeal on the basis that my termination did not comply with the City of Milwaukee Civil Service Rules governing just cause, progressive discipline, and due process, and that it failed to consider mitigating circumstances.

At the time of my dismissal, I had not received any written warnings, suspensions, or other forms of progressive discipline in the past two years under my former supervisor. Under my new supervisor, I likewise did not receive any written notice, documented counseling, or corrective action related to the alleged issue. I was not provided an opportunity to correct or address the concern, nor was I placed on probation or a performance improvement plan prior to my dismissal.

City of Milwaukee Civil Service Rules emphasize the principles of just cause and progressive discipline, which are intended to provide employees with notice of deficiencies and a reasonable opportunity to improve prior to termination, except in cases of egregious misconduct. In this instance, these steps were not followed.

During the period under my new supervisor, we held weekly one-on-one meetings, and at no time were the alleged issues raised or documented. The absence of notice or corrective guidance deprived me of the opportunity to respond, improve, or understand that my employment was in jeopardy, contrary to the intent of due process protections under the Civil Service Rules.

Although weekly one-on-one meetings were scheduled, my last three meetings were cancelled without prior notice. Despite this, I proactively provided written weekly updates on my work and progress. At no point were concerns or deficiencies communicated to me.

Throughout my tenure as an Equal Rights Specialist, I consistently demonstrated a strong commitment to the mission of the department and the City. Over the past two years, I built and supported a dedicated team of volunteer Commissioners, resulting in an almost fully seated body, with only one remaining vacancy. This work required sustained coordination, outreach, and relationship-building. I have been highly praised by every single Commissioner on every task that I have accomplished.

In addition, I expanded community-based involvement by actively engaging with community organizations and collaborating with multiple departments within City Hall. I also led initiatives within my core responsibilities, including the coordination and celebration of the annual International Human Rights Day, the facilitation of Know Your Rights sessions and other events for the community. These efforts reflect my dedication to public service,

education, and equity and are relevant to the Civil Service consideration of an employee's overall work record.

One week prior to my dismissal, my supervisor approved my request to enroll in a Certified Human Rights Consultant program online, reflecting confidence in my performance and professional development. I was also verbally assigned additional duties as Complaint Liaison Specialist, a role previously held by two individuals, further demonstrating reliance on my skills and growth capacity.

The termination process itself reflects procedural irregularities. The decision to terminate was made within one day of the pre-disciplinary meeting. Additionally, my termination time was amended on the same day and later communicated to me, from 9:00 a.m. to 4:45 p.m., indicating inconsistency and lack of deliberation.

Additionally, immediately prior to my dismissal, I informed my supervisor that my father had just passed away. City policy and Civil Service principles require consideration of mitigating circumstances when determining disciplinary action. Despite this disclosure, I was not afforded the opportunity to request bereavement leave or time to grieve as provided under policy. The timing and circumstances of my dismissal prevented me from exercising this right.

I take my responsibilities seriously and remain committed to addressing any concerns regarding my performance or conduct. Consistent with the City of Milwaukee Civil Service Rules, I respectfully request review of this dismissal and consideration of reinstatement or, in the alternative, a corrective action proportionate with policy, progressive discipline, and due process.

Thank you for your time and consideration of this appeal. I am prepared to provide any additional information or documentation as needed and respectfully request the opportunity to be heard.

Sincerely,
Omar Barberena
Equal Rights Specialist