

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

IN THE MATTER OF
BRIAN DEAN
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 Brian Dean (hereinafter "Appellant") challenging his discharge from the position of Plan Examiner Specialist 2, Department of Neighborhood Services (hereinafter "DNS" or "Department") on September 26, 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, December 15, 2025 at 9:00 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:	Patrick McClain, Assistant City Attorney
Appellant Represented By:	Sean Daley, AFSCME Representative
Department Represented By:	Sha'Nese Bernell Jones, H.R. Administrator, DNS
Witnesses:	Burgess McMillian, Operations Manager, DNS Brian Dean, Appellant Jezamil Arroyo-Vega, Commissioner, DNS

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. The City of Milwaukee Workplace Violence Prevention Policy prohibits employees from engaging in intimidating acts (whether directed at a specific person or not) and aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another person to emotional distress.
2. Violations of the policy are punishable by suspension, termination, physical removal, fines and/or civil and criminal penalties as provided by law.
3. DNS Work Rule XIX, Sections (9) and (27) prohibit offensive conduct or language towards the public or other city employees, as well as conduct or behavior (whether during work hours or outside work hours) which may reflect unfavorably on the City or the Department or cause a lack of trust to exist by the department of the employee's ability to effectively carry out his/her duties.
4. In May 2025, Appellant was disciplined for exhibiting aggressive and threatening behavior while at work.
5. Specifically, Appellant approached a customer while punching his (Appellant's) fist and stating "I'm going to kill that motherfucker."
6. The incident was both witnessed by co-workers and captured by video surveillance.
7. On May 19, 2025, Appellant agreed to accept a 10-day suspension and sign a Last Chance Agreement in lieu of discharge.
8. The agreement permitted the Department to discharge Appellant for any further violation of the City's or Department's rules or policies.

9. Appellant was placed on a Performance Improvement Plan for purposes of improving both his behavior and communication with the public and co-workers.
10. On Monday, September 15, 2025, a co-worker approached Appellant to ask Appellant to re-open a permit request file.
11. Appellant was frustrated by the request because he wanted to leave work early that day and the request would delay his departure.
12. As the co-worker turned to leave Appellant's office, Appellant pounded his fist on his desk in frustration.
13. The co-worker heard Appellant's fist strike the desk, which caused the co-worker to feel intimidated by and fearful of Appellant.
14. Upon learning of the incident, other co-workers in Appellant's office became concerned about his behavior.
15. A pre-discharge hearing was held for violations of City Service Rule XIV, Section 12, Paragraphs J (offensive conduct or language towards the public or towards city officers or employees) and Q (refusal or failure to comply with departmental work rules, policies or procedures).
16. Appellant was discharged on September 26, 2025.
17. Appellant filed a timely appeal.
18. At the appeal hearing for this matter, testimony and evidence was adduced consistent with the foregoing.

CONCLUSIONS OF LAW

1. Appellant was an employee holding a classified position in DNS, the appointing authority within the meaning of Sec. 63.43, Wis. Stats., and the City Service Commission Rules.
2. The Department demonstrated by a preponderance of the evidence that Appellant violated City Service Rule XIV, Section 12, Paragraph J by slamming his fist on his desk in the

presence of a co-worker, which caused the co-worker to feel intimidation and fear; and City Service Rule XIV, Section 12, Paragraph Q by failing to comply with the City of Milwaukee's Violence Prevention Policy and DNS Work Rule XIX, Sections (9) and (27).

3. Based on the preponderance of the evidence, the Department did have just cause to discipline Appellant.
4. 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 September 26, 2025 is affirmed.

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

FRANCIS BOCK, PRESIDENT