

## DISCHARGE NOTICE

**Distribute a copy to:**

- Employee
- Employee Representative
- Department File
- Employees' Retirement System
- Dept. of Employee Relations -- send within 48 hours to [DERpersonnelforms@milwaukee.gov](mailto:DERpersonnelforms@milwaukee.gov)

Date: 2/19/2025

Rec#: 35300

Employee:	DATKA,JEFFERY D		Employee ID No.: 035550
Department:	DPW-OPS-SANITATION		Race: W
			Gender: Male
Division:			Div. No.: 5457
			Payroll Loc. No.: 545 41
Job Title:	EQUIPMENT OPERATOR 1	Immediate Supervisor:	Donald Laster

In accordance with City Service Commission Rules, you are hereby discharged effective at 08:30 (am) on 02/20/2025 (date) for violating Rule XIV, Section 12, Paragraph Q of the City Service Rules (additional departmental rules may be referenced as applicable). You have three days from the receipt of this notice to file an appeal. See Right of Appeal Information below.

**I. Description of Offense:**

Re: Violation of DPW Standard Work Rules 1.21, 1.28, 1.42 & City Service Rule XIV, Section 12, Paragraph Q:-- On March 22, 2024, you were tested under the City of Milwaukee Drug and Alcohol Testing Program for a Post-Accident Test. On March 25, 2024, the Department of Public Works -- Administrative Services Division -- Safety Section was notified that you tested positive for cocaine. You were required to serve a 10-day suspension and you successfully completed the Substance Abuse Program (SAP) and Return to Duty Test. Additionally, you were informed that a second violation of the Drug and Alcohol Policy will result in a discharge. Next, on January 31, 2025, you were tested for a Follow-up drug test under the City of Milwaukee Drug and Alcohol Testing Program. Then, you failed to provide the required 45ml of urine within the reserved time. Further, the Medical Review Office (MRO) referred you to complete a Shy Bladder Evaluation Assessment. On January 31, 2025, you were provided with the required documents to be shared with your Healthcare Provider (HCP) to be completed and returned by February 7, 2025. On February 7, 2025, you returned the Shy Bladder Assessment completed by your Health Care Provider (HCP). Then, on February 10, 2025, DPW Safety received notification from the Medical Review Office (MRO) that after review of your assessment, the final disposition is determined to be "Refusal to Test." This is a violation of the DPW Drug and Alcohol Testing Policy. Then, you attended a mandatory hearing on February 11, 2025, to discuss the MRO decisions regarding your Shy Bladder Assessment. During the hearing, you were advised that the MRO would provide notification to your Health Care Provider in order to retrieve and discuss information regarding your medical evaluation. Further, you were advised that if the MRO should maintain their determination to be "Refusal to Test," then DPW will proceed with a discharge action or offer you the option of Resigning in Lieu of Discharge. On February 17, 2025, Administrative Services Division -- Safety Section received notification that the MRO never received a response from your HCP or received any additional information as requested. Then, the MRO indicated that their determination will remain "Refusal to Test." This is considered a second violation of the DPW Standard Work Rules cited above. Therefore, you are hereby discharged. Your job requires a Commercial Driver's License. You have violated Federal Department of Transportation Regulation and DPW Standard Work Rules and Policies. Note: In accordance with Federal Department of Transportation guidelines related to Commercial Driver's License and Commercial Learner's Permit, you will be ineligible to perform safety sensitive functions until you have been evaluated by a Substance Abuse Professional (SAP) and have begun successful participation in a rehabilitation program (if one is recommended to you). The SAP may require you to pass a Return to Duty Test and have a documented follow-up testing schedule. You may be responsible for any cost associated with this process.

**II. Previous Disciplinary Actions Including Warning Letters:**

see attached

<b>DATES REQUIRED:</b> 1. Date of Investigatory meeting: <u>2/11/2025</u> 2. Date Discharge notice was provided to the employee or notice was mailed to employee: Date: <u>2/20/2025</u>	Reporting Authority Signature: <div>DocuSigned by: <u>Donald Laster</u> 812880164885480...</div>
	Please print name: Donald Laster
<b>RIGHT OF APPEAL:</b> Regularly appointed Civil Service employees (those who have completed their probationary period) may appeal in writing to the City Service Commission <u>within three days</u> 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.	Title: DPW safety. Sup.
	Date: 2/20/2025
	Appointing Authority Signature: <div>Signed by: <u>Dan Thomas</u> PATCETAF33ADACA...</div>
	Please print name: Dan Thomas
<b>NOTE:</b> If you have been issued an employee identification card, it must be turned in to your supervisor before your final paycheck will be released.	Title: Adm. Services Director
	Date: 2/20/2025







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](mailto: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 1<sup>st</sup> suspension: \_\_\_\_\_)  
☐ Suspension exceeding 15 days

I received written notification of the disciplinary action that I am appealing on: 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 28 day of FEBRUARY, 2025. *Certified mail picked up & post office on the 26th FEBRUARY*  
Signature of appellant: [Signature] *City never talked to my Doctor to explain what issue*

Name of appellant (please print):	JEFF DATKA
Appellant's Department/Division:	DPW
Appellant will be represented by:	legal action
Contact information (phone number): (email address):	[Redacted]
Primary phone number:	[Redacted]
Address:	[Redacted]
Email:	[Redacted]

25 FEB 28 10:09AM



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

I WAS told that the <sup>MRO</sup> ~~AR~~ talked to my  
DOCTOR ON FEB 11th BUT the City DIDN'T  
talk to DOCTOR so my FEB 11th meeting  
that we were in WAS canceled ON ALL  
the City talked to DOCTOR. I CALLED the  
DOCTOR and HE said HE would wait for  
CALL. City CALLED ME at FEB 17th and  
said my DOCTOR WAS never talked to  
so they are DISMISSING ME. my DOCTOR  
said HE talked to the City. BUT DOCTOR  
said the City said I WAS DISMISSED  
and the City DIDN'T HAVE talk to DOCTOR  
about City Blackler Syndrome

THANKS

JEFF DATKA