

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

IN THE MATTER OF
MARGARET DAVIS
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 Margaret Davis (hereinafter the "Appellant") challenging her suspension from the position of Lead Parking Enforcement Officer, Department of Public Works (hereinafter the "Department") on November 10, 2021.

An administrative appeal hearing was held pursuant to Sec. 63.43, Wis. Stats. and City Civil Service Rule XIV, Section 2, by video conference on Tuesday, January 11, 2022 at 1:30 p.m. The witnesses were sworn and all testimony was taken by a Court Reporter.

Appearances:

City Service Commission:	Francis Bock, President Janet Cleary, Commissioner Steve Smith, Commissioner Makda Fessahaye, Secretary Karen Biernat, Administrative Assistant Coordinator
Commission Represented By:	Patrick McClain, Assistant City Attorney
Appellant Represented By:	Herself
Department Represented By:	Andrew Simons, Human Resources Representative
Witnesses:	Dan Thomas, DPW Administrative Services Director

ISSUE

The issue is whether there was just cause for the action taken by the Department in accordance with Section 63.43, Wisconsin Statutes.

Based upon the evidence in the record, the Commission finds as follows:

FINDINGS OF FACT

1. Appellant was first employed by the City as a Parking Checker with the Milwaukee Police Department on January 16, 1995. On March 4, 2001, Appellant was promoted to Lead Parking Checker in the Department of Public Works. Appellant was promoted after a reclassification to the title of Lead Parking Enforcement Officer on September 23, 2018.
2. On November 10, 2021, Mrs. Davis was suspended from the department for 30 days under CSC Rule XIV, Section 12, Paragraph Q for failing to comply with the COVID-19 Vaccination Policy for City of Milwaukee Employees (hereinafter "COVID-19 Policy"), specifically for failing to provide proof of COVID-19 vaccination or having an approved accommodation by October 29, 2021.
3. It is undisputed that Appellant did not provide proof of COVID-19 vaccination and did not have an approved accommodation by October 29, 2021.
4. During her suspension, Appellant resubmitted a request for accommodation under the COVID-19 Policy that was ultimately approved.
5. Pursuant to the COVID-19 Policy, Appellant was returned to work on November 22, 2021 and the remainder of her suspension (22 working days) was held in abeyance.
6. Appellant is entitled to an appeal because her suspension exceeds 15 days.
7. The appeal was filed in a timely manner via her letter dated November 15, 2021.

CONCLUSIONS OF LAW

1. The Appellant was an employee holding a classified position in the Department of Public Works, the appointing authority within the meaning of Sec. 63.43, Wis. Stats., and City Civil Service Rules I and XIV.
2. The Department demonstrated by the preponderance of the evidence that there is just cause to discipline the Appellant for violations of City Service Rule XIV, Section 12, Paragraph Q.

3. The Department demonstrated by the preponderance of the evidence that there is just cause to suspend the Appellant for 30 working days for violations of Rules XIV, Section 12, Paragraph Q of the City Service Rules.
4. Appellant's suspension is properly held in abeyance beginning November 22, 2021.

ORDER

The suspension of Appellant on November 10, 2021 for 30 days is sustained. Pursuant to the COVID-19 Policy, 22 days of Appellant's suspension is held in abeyance.

Dated and signed at Milwaukee, Wisconsin, this 25th day of January, 2022.

FRANCIS BOCK, PRESIDENT