

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

IN THE MATTER OF
MARWAN MUNA
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 Marwan Muna (hereinafter the "Appellant") challenging his discharge from the position of Self-Help Yard Attendant, Department of Public Works (hereinafter the "Department") on July 13, 2022.

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, September 27, 2022 at 1:30 p.m. and Wednesday, September 28 at 1:00 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 Kristin Urban, Interim Executive Secretary Karen Biernat, Administrative Assistant Coordinator
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Commission Represented By:	Patrick McClain, Assistant City Attorney
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Appellant Represented By:	Himself
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Department Represented By:	Andrew Simons, Human Resources Representative
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Witnesses:	Dan Thomas, DPW Administrative Services Director Karen Burris, Customer Rick Meyers, Sanitation Services Manager, DPW Mike Lewand, Self Help Supervisor, DPW
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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 employed by the City as a Self-Help Yard Attendant.
2. In a letter dated July 8, 2022, Mr. Muna was notified of a pre-discharge hearing scheduled for July 12, 2022.
3. The Department accused Mr. Muna of violating DPW Standard Work Rule 1.21 and CSC Rule XIV, Section 12, Paragraphs J, K, and Q for repeated offensive and inappropriate comments and interactions with both co-workers and customers of the self-help yard. Specifically, Mr. Muna exhibited conduct on fifteen separate occasions within the prior six months that led to tense or inappropriate interactions with the public and co-workers. In one specific incident occurring on June 25, 2022, Mr. Muna exhibited inappropriate behavior by both yelling at, and calling a member of the public a “liar.”
4. On July 13, 2022, Mr. Muna was discharged from the department under CSC Rule XIV, Section 12, Paragraphs J, K, and Q. The discharge notice also stated as cause for discharge violations of additional departmental rules referenced in the narrative description. The discharge notice described offenses consistent with those stated in the pre-discharge notice.
5. Mr. Muna filed a timely appeal via letter dated July 15, 2022.
6. At the hearing, Karen Burris, a Milwaukee resident and customer of the self-help yard, testified that she encountered Appellant in the course of his duties. During that encounter, Appellant was extremely rude to Ms. Burris and appeared personally angry

with her. Mr. Muna, without authority, ordered Ms. Burris to leave the yard and prohibited her from ever returning.

7. During the hearing, Mr. Muna was repeatedly disruptive of the proceedings, was aggressive and disrespectful to both witnesses and the Board, and routinely failed to abide by the Board's rules and orders.
8. Primarily as a result of Mr. Muna's disruptive behavior, at the end of the second day, on September 28, 2022, the Board had been able to hear testimony from just three of the 20 potential witnesses.
9. As President Bock was discussing resumption of the hearing at the Board's next regularly-scheduled meeting, Mr. Muna interrupted President Bock and stated: "Well then I'll make it really easy for you guys. You can all go [*expletive deleted*] burn in [*expletive deleted*]." Mr. Muna then disconnected from the virtual hearing and did not return.
10. Because Mr. Muna had left the hearing, the Board elected to discontinue taking evidence, and to proceed to deliberations based on the existing record.

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. Mr. Muna voluntarily abandoned his appeal hearing.
3. Based on the evidence in the record, the Department demonstrated by the preponderance of the evidence that there was just cause to discipline the Appellant.
4. Based on the evidence in the record, the Department demonstrated by the preponderance of the evidence that there was just cause to discharge the Appellant.

ORDER

The discharge of Appellant on July 13, 2022 is sustained.

Dated and signed at Milwaukee, Wisconsin, this 15th day of November, 2022.

FRANCIS BOCK, PRESIDENT