

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

IN THE MATTER OF
LOUIS JONES
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 Louis Jones (hereinafter the "Appellant") challenging his discharge from the position of Operations Driver Worker, Department of Public Works (hereinafter the "Department") on August 3, 2021.

An administrative appeal hearing was held pursuant to Sec. 63.43, Wis. Stats. and City Civil Service Rule XIV, Section 2, both virtually and in-person at City Hall in the City of Milwaukee on Tuesday, September 28, 2021 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 Marilyn Miller, Vice 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:	Mr. Julius Richards
Department Represented By:	Andrew Simons
Witnesses:	Louis Jones, Appellant, DPW, Operations Driver Worker Dan Thomas, DPW Administrative Services Director Allyson Weiss, DPW Safety Supervisor

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. The Appellant was first employed by the City as an Operations Driver Worker with the Department of Public Works on March 23, 2009.
2. Appellant was discharged on August 3, 2021 for violating City Service Rule XIV, Section 12, Paragraph Q, for a second violation of the City of Milwaukee Department of Public Works Drug and Alcohol Policy, specifically a positive test result for Marijuana in connection with a City of Milwaukee Drug and Alcohol Program random drug test on July 21, 2021.
3. Appellant is entitled to an appeal based on his discharge.
4. On April 14, 2016, Appellant was suspended for 10 working days under then CSC Rule XIII, Section 12, Paragraph Q, for violating the City of Milwaukee Drug and Alcohol Policy by testing positive for cocaine in connection with a post-accident drug test.
5. On July 21, 2021, Appellant was given a random drug test pursuant to the City of Milwaukee Drug and Alcohol Program.
6. On July 27, 2021, the Department of Public Works was notified that Appellant's test showed positive results for Marijuana, which constituted a second violation of the City of Milwaukee Department of Public Works Drug and Alcohol Policy.

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 discharge the Appellant for violations of Rules XIV, Section 12, Paragraph Q of the City Service Rules.

ORDER

The discharge of the Appellant on August 3, 2021 is sustained.

Dated and signed at Milwaukee, Wisconsin, this 12th day of October, 2021.

FRANCIS BOCK, PRESIDENT