

STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION
MILWAUKEE COUNTY

=====)
MARILYN FIGUEROA,)
)

Complainant,)

-vs-)

CITY OF MILWAUKEE,)
)

Respondent.)
=====)

) ERD Case No.
) CR200003454

Deposition of:

JEFFREY S. HANSEN

Milwaukee, Wisconsin
March 15, 2002

Reporter: Taunia Northouse, RDR, CRR

DEPOSITION of JEFFREY S. HANSEN, called as a

witness, taken at the instance of the Complainant,
under the provisions of Chapter 804 of the Wisconsin
Statutes, pursuant to notice and subpoena
duces tecum, before Taunia Northouse, a Registered
Diplomate Reporter and Notary Public in and for the
State of Wisconsin, at the offices of
Murphy, Gillick, Wicht & Prachthauser, Attorneys at
Law, 330 East Kilbourn Avenue, City of Milwaukee,
County of Milwaukee, and State of Wisconsin, on the
15th day of March 2002, commencing at 9:15 in the
forenoon.

A P P E A R A N C E S

VICTOR M. ARELLANO, Attorney,
for LAWTON & CATES, S.C., Attorneys at Law,
10 East Doty Street, Madison, Wisconsin,
appearing on behalf of the Complainant.

BRUCE D. SCHRIMPF and LEONARD A. TOKUS, Assistant
City Attorneys, for CITY OF MILWAUKEE, OFFICE OF
THE CITY ATTORNEY, 200 East Wells Street,
Milwaukee, Wisconsin, appearing on behalf
of the Respondent.

Also present: Marilyn Figueroa and Cheri Garcia

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I N D E X

WITNESS

JEFFREY S. HANSEN

Examination by Mr. Arellano

Page(s)

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E X H I B I T S

No. Description

Identified

1 Letter 1/5/00 to Ms. Figueroa from
Florence Dukes with Employee Complaint
Form

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(Attached to the original transcript
and copies provided to counsel)

(Original transcript filed with Attorney Arellano)

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JEFFREY S. HANSEN

called as a witness, being first duly sworn,
testified on oath as follows:

EXAMINATION

By Mr. Arellano:

Q Good morning, sir. My name is Victor Arellano.

A Good morning.

Q I represent Marilyn Figueroa in these proceedings.
To my left is Ms. Cheri Garcia. She is my firm's
paralegal. Would you please state your full name
and current address for the record.

A My full name is Jeffrey Scott Hansen. And my
address is 3023 South 53rd Street, Milwaukee,
Wisconsin 53219.

Q How old are you, Mr. Hansen?

A I'm 54.

Q And, sir, can you tell me just briefly, give me a
little bit of your academic accomplishments. What's
your education?

A I received a bachelor's degree from the University
of Wisconsin at Oshkosh in January of 1970, and I
received a master's degree in management from
Cardinal Stritch College in 1986.

Q 1986?

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1 A Correct.
 2 Q All right. Anything else?
 3 A No, management.
 4 Q As far as academic studies, is that all you have
 5 down, which I think is plenty?
 6 A Right.
 7 Q Is that -- you got a B.A. in 1970, a master's in
 8 1986?
 9 A Correct.
 10 Q Any other academic status that you may have
 11 undertaken other than those two?
 12 A Not academics, no.
 13 Q All right. What about training? Any special
 14 training?
 15 A Well, during the course of my career I've attended
 16 many different training programs, basically dealing
 17 with either personnel or human resource management,
 18 labor relations.
 19 Q Your bachelor's, what was your specialty?
 20 A That was in political science.
 21 Q All right. Was that just a major?
 22 A Yes.
 23 Q Did you have a minor?
 24 A No, I did not.
 25 Q And your master's? What was --

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1 A In management.
 2 Q Was this a one-year, two-year course?
 3 A It was about a year and a half.
 4 Q Did you complete that?
 5 A Yes, I did.
 6 Q And then you testified that you have received
 7 training in the areas of management, human
 8 resources?
 9 A Right.
 10 Q Is that correct?
 11 A Yeah. Of various aspects.
 12 Q Has human resources been your primary area of
 13 interest?
 14 A Yes.
 15 Q Has human resources been your primary area of
 16 professional work?
 17 A Yes, it has.
 18 Q And can you give me a ballpark figure as far as the
 19 years in human resources?
 20 A Well, yes. I'm about a week short of 30 years
 21 working in this area.
 22 Q One week?
 23 A Right.
 24 Q Do you want to delay this deposition for a week?
 25 Okay. All right. So my understanding, based on

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1 your sworn testimony, is that you have invested
 2 about 29 plus, 29 years plus in the areas of human
 3 resources?
 4 A That's correct.
 5 Q Is that correct?
 6 A Yes.
 7 Q And right now what is your occupation, sir?
 8 A I work for the City of Milwaukee, and I am the
 9 employee relations director.
 10 Q And let me see if I understand the definition of
 11 employment relations. Is it fair and accurate to
 12 say that employee relations is a synonym for human
 13 resources?
 14 A They're used interchangeably.
 15 Q Is that correct? So when I use human resources,
 16 human relations, we're talking pretty much about the
 17 same parameters --
 18 A Yes.
 19 Q -- as far as duties and responsibilities?
 20 A That's correct.
 21 Q Is that correct? Okay. How long have you been the
 22 director of employment relations?
 23 A I was appointed to that position in October of 1996.
 24 Q And before that where did you work?
 25 A Before that I was the deputy director of employee

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1 relations.
 2 Q For the City of Milwaukee?
 3 A That is correct.
 4 Q And who was your supervisor at the time?
 5 A I had two during that period of time. The first one
 6 was John Tries, T-R-I-E-S, I believe. And the other
 7 person was Danae Davis Gordon.
 8 Q Is Danae a female or --
 9 A Yes, she is.
 10 Q A male? Okay, very good. How long were you under
 11 the direct supervision, if you were, of
 12 Mr. John Tries? Give me the period of time.
 13 A Okay. I think it was probably about a year and a
 14 half if I recall correctly that he was there.
 15 Q Did you report to Mr. Tries before Ms. Davis
 16 became --
 17 A Yes.
 18 Q -- the director?
 19 A Yes, I did.
 20 Q I suspect both Mr. Tries and Ms. Davis were
 21 directors at one point or another?
 22 A That's correct.
 23 Q For the City of Milwaukee employment relations
 24 department; is that correct?
 25 A Yes.

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<p>1. Q And I was going to go into that so the two of us are 2 safe from admonishments. 3 MR. TOKUS: Point of information, 4 did you say that your superior was 5 Danae Davis Gordon? 6 THE WITNESS: Yes. 7 MR. TOKUS: Just so we keep the 8 record straight so that there's not two 9 people. That's one person. 10 MR. ARELLANO: I know this much. 11 Danae was a woman and John was a man. 12 MR. TOKUS: No. 13 Q Is that right? 14 A Yes. 15 MR. TOKUS: At one point you said 16 Danae Davis and it's hyphenated as I 17 understand; is that correct? 18 THE WITNESS: No, she didn't 19 hyphenate it, but she went by those three. 20 MR. TOKUS: Okay. 21 Q Then I suspect after Mr. Tries left, if that is the 22 proper pronunciation of his last name, 23 Ms. Davis Gordon came on board? 24 A Correct. 25 Q Is that correct? Do you recall approximately the 9</p>	<p>1 A And I'm also in my role secretary to the board of 2 City Service Commissioners for the City of 3 Milwaukee. 4 Q Anyone else? 5 A I guess as far as a direct reporting relationship, 6 that basically covers it. 7 Q As a cabinet member of John Norquist's 8 administration, are there regular meetings with the 9 Mayor, cabinet members and the Mayor? 10 A Periodically. There's no regular schedule that they 11 will convene the cabinet meeting. 12 Q In 1999 do you have any records that would 13 illustrate how many cabinet meetings were held with 14 Mayor Norquist? 15 A Records? No. I don't think I might have records. 16 Q Would your calendar help us to determine how many 17 cabinet meetings you had with Mayor Norquist or 18 meetings of any kind? 19 A Yeah, perhaps, yeah. They're probably on there. 20 Q For the year 2000 do you know how many cabinet 21 meetings were held with Mayor Norquist in which you 22 were present? 23 A I don't know the exact number. There were probably 24 three or four would probably be about right. 25 Q Based on your calculations, in 1999 do you recall 11</p>
<p>1 year when you reported to Mr. John Tries? 2 A That would have been beginning in I believe 1989. 3 Q And what about Ms. Davis Gordon? For what period of 4 time did you report to her? 5 A Let's see. I believe she became director probably 6 1992 perhaps, about that time. 7 Q And for how long did she remain the director of 8 employment relations? 9 A I believe she left in September of 1996. 10 Q And who took over the directorship position in 1996? 11 A I did. 12 Q Is that right? Were you appointed to that position 13 by Mayor Norquist? 14 A Yes, I was. 15 Q Who was the chief of staff at that time? 16 A I'm not sure I rightly recall. It would have been 17 David Webster or David Reimer. 18 Q Who did you report to after you became the director 19 of employee relations? 20 A Well, I was a member of the Mayor's cabinet. I had 21 responsibilities to report to him. And I also have 22 a major reporting relationship to the committee on 23 finance and personnel. It's a committee of the 24 Common Council. 25 Q Anyone else? 10</p>	<p>1 how many cabinet meetings were held? 2 A Probably about the same number. They're fairly 3 infrequent. 4 Q When cabinet meetings take place, are they as a 5 group or not necessarily always that would be the 6 case? 7 A The cabinet meetings themselves are always a group 8 of all the cabinet members. 9 Q In the year 2000, other than these three and four 10 cabinet meetings, did you have any meetings with 11 Mayor Norquist? 12 A I'm sure I did. 13 Q Do you recall how many approximately? 14 A No, I don't. 15 Q Do you recall if you had more than five meetings in 16 the year 2000? 17 A Certainly not more than that, I don't believe. 18 Q Do you recall in the year 2000 when was the first 19 meeting you held with Mayor Norquist? 20 A In 2000? No, I don't. It was probably early in the 21 year. I believe probably February. 22 Q What about, when would have been the next meeting in 23 the year 2000? 24 A March, April perhaps. 25 Q And what would have been the next time you met with 12</p>

1 Mayor Norquist in the year 2000?
 2 A Probably -- this is a wild guess, probably summer
 3 sometime.
 4 Q Mid 2000?
 5 A Right.
 6 Q Would you say?
 7 A Uh-huh.
 8 Q The last meeting you had with Mayor Norquist in the
 9 year 2000?
 10 A That may have been it, but there may have been one
 11 later in the fall.
 12 Q How many of these meetings that you just mentioned,
 13 February, March, April, mid 2000, fall included more
 14 than you and the Mayor?
 15 A All of them.
 16 Q All of them? How many people were present?
 17 A In most cases probably four, maybe five.
 18 Q Do you recall any of these meetings -- strike that.
 19 Do you recall any meetings with the Mayor alone?
 20 A No.
 21 Q Do you recall any meetings with the Mayor which did
 22 not involve other cabinet members?
 23 A No.
 24 Q In these cabinet meetings does your deputy person
 25 attend those as well?

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1 A The cabinet meetings?
 2 Q Correct.
 3 A The first group of meetings that we were talking
 4 about?
 5 Q Yes.
 6 A Yes, she usually is there.
 7 Q And what's her name?
 8 A Florence Dukes.
 9 Q Did anyone during any of these meetings that you
 10 have outlined for me, did anyone ever discuss,
 11 including the Mayor, the Marilyn Figueroa matter?
 12 A The only cabinet meeting that I recall where that
 13 issue came up was the meeting when he -- well, he
 14 wasn't there. His chief of staff, Mr. Soika, was
 15 there. And he passed out a letter to all members of
 16 the cabinet. And that was the letter where he
 17 disclosed to the cabinet his relationship with
 18 Ms. Figueroa.
 19 Q And this was a meeting chaired by Mr. Soika?
 20 A Yes.
 21 Q Which cabinet members were present?
 22 A I know there were a number who were absent, but if
 23 memory serves me correct, I believe Julie Penman,
 24 Seth Foldy, S-E-T-H, F-O-L-D-Y, is his last name,
 25 Martin Collins, Larry Gardner the fire chief may

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1 have been there, I'm not certain. I think he was.
 2 I can't remember more. I'm trying to remember.
 3 Q Was Chief Arthur Jones at that meeting?
 4 A I don't recall the chief being there, no.
 5 Q Does the chief usually attend these cabinet
 6 meetings?
 7 A Infrequently.
 8 Q Infrequently? When was the last time you recall he
 9 was invited or attended any cabinet meeting?
 10 A I believe I only remember the chief himself being at
 11 one particular meeting. That was several years,
 12 several years ago.
 13 Q Is he considered, based on your knowledge, is he
 14 considered a cabinet member of John Norquist's
 15 administration?
 16 A He's invited to the cabinet meetings. I believe
 17 he's invited to the cabinet meetings. There have
 18 been some occasions when there has been a
 19 representative from his office there.
 20 Q This cabinet meeting that you're referencing here
 21 today where Mr. Soika handed out a statement I
 22 believe you said?
 23 A Statement, a letter.
 24 Q When did that occur? Just to assist you, you began
 25 by telling me that in the year 2000 there was a

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1 meeting in February, one in March or April, one in
 2 mid 2000, one in the fall. How early was that
 3 meeting in the year 2000?
 4 A I remember it was snowing, a light snow, so it may
 5 have been around -- I believe it was before
 6 Christmas. It was the same day that he had his
 7 press conference --
 8 Q Okay.
 9 A -- or his press announcement or whatever you want to
 10 call that. It was the same day.
 11 Q Tell me what was said at that meeting by Mr. Soika.
 12 A It began with him passing out the letter. He asked
 13 that everybody read it. And then he indicated that
 14 at the same moment that this meeting was occurring
 15 that he was holding a press conference basically
 16 stating what was in the letter.
 17 Q Anything else?
 18 A No.
 19 Q How long did this meeting last?
 20 A Probably, I don't know, 15 minutes perhaps.
 21 Q Where did the meeting take place?
 22 A This was in the Department of Public Works
 23 conference room.
 24 Q Did Mr. Soika at any point during that meeting
 25 provide Marilyn Figueroa's version of the alleged

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1 relationship?
 2 A No, he did not.
 3 Q Did anyone including you question what was
 4 Marilyn Figueroa's version of the alleged
 5 relationship?
 6 A No.
 7 Q Any other meetings where the Marilyn Figueroa matter
 8 was discussed in any manner, any fashion, any form,
 9 in any remote way?
 10 A With the cabinet and the Mayor?
 11 Q Correct, correct.
 12 A No.
 13 Q Do you have any knowledge, sir, as to when
 14 Marilyn Figueroa left her office with the City of
 15 Milwaukee?
 16 A When her employment was ended?
 17 Q No.
 18 A Is that your question?
 19 Q When she left.
 20 A When she left.
 21 Q And did not come back.
 22 A No, I don't.
 23 Q Do you have any rough idea as to how long Marilyn
 24 was out of the office before she was terminated?
 25 And let me switch from rough to specific.

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1 A No, I don't have a specific knowledge of when.
 2 Q Do you have any knowledge as to when she was
 3 terminated?
 4 A It was I believe, if I recall correctly, at the end
 5 of January 2000.
 6 Q And before her termination do you know for how long
 7 she had been absent?
 8 A Not specifically.
 9 Q Do you have any rough idea as to how long she had
 10 been absent? We're talking about the end of
 11 January 2000 when she was terminated according to
 12 you.
 13 A Right.
 14 Q Do you have a rough idea as to how long she had been
 15 absent?
 16 A My impression is it was probably somewhere four,
 17 probably about four weeks.
 18 Q During those four weeks prior to January 31st, 2000,
 19 did you have any communication directly with the
 20 Mayor about the Marilyn Figueroa matter? And I mean
 21 anything related to Marilyn Figueroa.
 22 A No, I did not.
 23 Q Did you have any communication with anyone
 24 representing the Mayor's office during those four
 25 weeks that Marilyn Figueroa was absent prior to

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1 January 31st, 2000?
 2 A Yes, I did.
 3 Q And who did you discuss Marilyn Figueroa with?
 4 A Mike Soika.
 5 Q Anyone else?
 6 A I believe I may have had a phone contact from the
 7 payroll clerk.
 8 Q What's the name?
 9 A Pat Stawicki.
 10 Q Anyone else?
 11 A No.
 12 Q So is it your sworn testimony, sir, that during the
 13 four weeks that Marilyn was absent before she was
 14 terminated on or about the end of January 2000, the
 15 only two individuals with whom you discussed
 16 anything related to Marilyn Figueroa would have been
 17 Mr. Mike Soika and the payroll clerk, Pat Stawicki?
 18 A From the Mayor's office, that is correct.
 19 Q During those four weeks before Marilyn was
 20 terminated at the end of January 2000 as you put it,
 21 did you discuss anything related to Ms. Figueroa
 22 with anyone else?
 23 A Florence Dukes.
 24 Q Anyone else?
 25 A No.

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1 Q After Marilyn Figueroa was terminated did you
 2 discuss anything related to Marilyn Figueroa with
 3 anyone? And I'm talking after late January after
 4 she was given the notice of termination to the
 5 present.
 6 A If you're referring to anything at all regarding the
 7 situation, yes, I had a conversation with
 8 Mr. Langley, the City Attorney.
 9 Q Anyone else?
 10 A More recently these two gentlemen here, Mr. Schrimpf
 11 and Mr. Tokus.
 12 Q Anyone else?
 13 A No.
 14 Q Just to help you refresh your recollection, after
 15 Marilyn Figueroa was terminated, did you have any
 16 discussions related to Marilyn Figueroa with
 17 Mr. Soika?
 18 A After she was terminated?
 19 Q Correct.
 20 A I don't recall -- I don't recall any discussions.
 21 Q With anyone from the Mayor's office including the
 22 Mayor?
 23 A No, I don't recall any.
 24 Q Did you receive any type of communication from
 25 anyone, including Mr. Soika or the Mayor, regarding

20

1 Marilyn Figueroa after she was terminated?	1 Q Any other individuals with whom you may have had any
2 A There were a number of requests from the press for	2 type of contact regarding Marilyn Figueroa before
3 some information.	3 she was terminated?
4 Q And what, if anything, did you do in response to	4 A Are you talking about the incident at question here
5 those requests?	5 or any other --
6 A That's when I went up to see Mr. Langley.	6 Q Anything related to Ms. Marilyn Figueroa, her status
7 Q And then what happened?	7 with the City, relationship with anyone including
8 A To the extent that information was a matter of	8 the Mayor.
9 public record, that information was provided.	9 A I did have several short conversations with a staff
10 Q Anyone else did you receive any communication of any	10 member, Mr. Allan Weber, who was doing a
11 kind in any manner after Marilyn Figueroa was	11 reclassification study.
12 terminated regarding Marilyn Figueroa?	12 Q When did you speak to Mr. Weber with respect to the
13 A No, I don't recall receiving any.	13 reclassification study?
14 Q Before Marilyn Figueroa was terminated, how many	14 A The first time probably was sometime in the first
15 discussions did you have with Mr. Soika regarding	15 quarter of 1999, it's about as close as I can pin
16 Marilyn Figueroa? And when I say regarding Marilyn,	16 it, as a result of a request, phone request I had
17 I'm referring and including anything and anyone that	17 received from I believe it was Jim Rowen who was the
18 was involved in the Marilyn Figueroa matter, the	18 chief of staff, and he asked that we perform a
19 Mayor, Christofferson, any of those folks.	19 classification study of Ms. Figueroa's.
20 MR. ARELLANO: I want to ask the	20 Q When was the last time that you spoke to Mr. Weber
21 court reporter to read my question back to	21 about anything relating to Marilyn Figueroa?
22 you.	22 A Let's see, it may have been approximately August or
23 (First part of question read)	23 September of that same year.
24 MR. TOKUS: Did you understand that	24 Q About the same matter?
25 question?	25 A Yes.
21	23
1 THE WITNESS: I believe I did. I	1 Q To your knowledge, was the reclassification of
2 believe I did.	2 Marilyn Figueroa completed?
3 MR. ARELLANO: This is one	3 A No, it was not.
4 intelligent witness here, Mr. Tokus.	4 Q Do you know why it was not completed?
5 MR. TOKUS: You got my vote on	5 A At the request of the Mayor's office.
6 that.	6 Q Who from the Mayor directed you not --
7 MR. ARELLANO: You don't need too	7 A I believe that was Mike Soika.
8 many interruptions.	8 Q When did you get this information from Mr. Soika?
9 Q Go ahead, sir.	9 A That would have been about, probably the same time I
10 A I know I had one meeting, and there may have been at	10 had the last conversation with Mr. Weber about --
11 least one, probably not more than two phone	11 Q About August of 1999?
12 conversations with Mr. Soika.	12 A August, September roughly perhaps.
13 Q How many discussions did you have with	13 Q What specifically did Mr. Soika tell you?
14 Ms. Pat Stawicki regarding Marilyn Figueroa or	14 A He said that the Mayor's office did not want to
15 anything relating to Marilyn Figueroa?	15 complete that study and wanted a vacant position
16 A I recall I believe one phone contact.	16 that they had in that office reclassified.
17 Q How many discussions, contacts, exchange of	17 Q And then what did you do in response to Mr. Soika's
18 communication did you have with Ms. Florence Dukes?	18 directive?
19 A Again, are we talking prior to?	19 A The same as I did with Mr. Rowen's. Mr. Weber was
20 Q Prior to the termination of Marilyn Figueroa.	20 our classification expert, and he basically was in
21 A Okay. Including the meeting with Mike Soika, I	21 charge of that particular function, and I told him
22 talked to her prior to the meeting with Mike Soika,	22 of that request and to make any further contacts
23 and probably perhaps one or two -- I don't know if	23 that he needed to make with the Mayor's office.
24 I'd call them discussions, short conversations with	24 Q And I want you to tell me this, if I misstate
25 her.	25 anything. Your last answer was somewhat confusing
22	24

1 to me. Did you direct Mr. Weber to stop the
 2 reclassification of Marilyn Figueroa pursuant to
 3 Mr. Soika's directive?
 4 A Correct.
 5 Q And was it stopped?
 6 A Yes.
 7 Q Was that the last time you had any type of contact
 8 with Mr. Weber regarding Marilyn Figueroa?
 9 A Yes.
 10 Q Was that the first time that you had any contact
 11 with Mr. Soika regarding Marilyn Figueroa?
 12 A Yes.
 13 Q Do you recall how long Mr. Soika had been in contact
 14 with your -- strike that. Do you recall any other
 15 occasion when Mr. Soika had any contact with you for
 16 any other purpose?
 17 A Mr. Soika was -- I'm sorry, I'm confused. Did I
 18 have any contact with Mr. Soika before that or after
 19 that?
 20 Q I just want to know what other contacts you had with
 21 Mr. Soika in late 1999, other than the one related
 22 to the reclassification of Marilyn Figueroa.
 23 A To the best of my knowledge, if there had been a
 24 meeting in the Mayor's office regarding negotiations
 25 with labor unions, he may have been there, and I'm

25

1 not sure that we necessarily had one at that point
 2 in time.
 3 Q Nothing comes clear in your mind as to whether or
 4 not you discussed anything with Mr. Soika at that
 5 time during the labor negotiation meetings, anything
 6 specific?
 7 A Correct. That would have been the only reason we
 8 would have been in a meeting.
 9 Q Any other time when you had any type of contact with
 10 Mr. Soika for any other purpose?
 11 A No, just those types of meetings.
 12 Q And let me see if I understand this, Mr. Hansen.
 13 It's Hansen?
 14 A Hansen.
 15 Q Hansen with S-O-N on the end?
 16 A E-N.
 17 Q E-N, Hansen. You spoke to Mr. Weber sometime in
 18 August of 1999 about Marilyn Figueroa's
 19 reclassification pursuant to a request that
 20 Mr. Jim Rowen brought to your attention; is that
 21 correct?
 22 A I believe I indicated it was earlier in that year.
 23 Q Was Mr. Jim Rowen the chief of staff at that time?
 24 A Of the --
 25 Q Mayor's office?

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1 A Of the Mayor's office, when the request to study
 2 Marilyn's job was made, yes.
 3 Q And when Mr. Soika called you, was Mr. Soika the new
 4 chief of staff for Mayor Norquist's office?
 5 A Yes.
 6 Q And as I understand, the only time Mr. Soika had any
 7 contact with you in 1999 would have been for the
 8 purpose, as you stated on the record, of stopping
 9 the reclassification of Marilyn Figueroa?
 10 A To the best of my knowledge, yes. To the best of my
 11 recollection, yes.
 12 Q And again, this would have been in late 1999?
 13 A Late 1999.
 14 Q Roughly what month, do you remember?
 15 A October perhaps. It's --
 16 Q Any other contacts with Mr. Soika in 1999?
 17 A No. I had no official working relationship with him
 18 then.
 19 Q What about in 1999 other than speaking to Mr. Weber,
 20 Mr. Rowen, Mr. Soika about Marilyn Figueroa; do you
 21 recall having any communication in any way, manner
 22 or form regarding Marilyn Figueroa in 1999?
 23 A I don't recall any.
 24 Q Ms. Florence Dukes, lovely lady, knowledgeable, did
 25 she ever discuss anything with you about

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1 Marilyn Figueroa in 1999 from January through
 2 December?
 3 A I don't recall Florence coming in to discuss Marilyn
 4 with me.
 5 Q In the year 2000 did Ms. Florence Dukes provide any
 6 information to you about any previous contacts that
 7 she may have had with Marilyn in 1999? Now take
 8 your time and I want to ask the court reporter to
 9 read that question again because I know it was long.
 10 (Question read)
 11 MR. TOKUS: Did you understand the
 12 question?
 13 THE WITNESS: I believe.
 14 Q It's not about tricking you. It's about
 15 understanding what you know. I just want to know
 16 whether or not Ms. Florence Dukes ever related to
 17 you previous communication with Marilyn Figueroa?
 18 A That she had had with --
 19 Q That she may have had. I don't know if she did. In
 20 1999.
 21 A I don't recall her --
 22 Q Mentioning?
 23 A -- mentioning.
 24 Q In 1999 did anyone from any source other than
 25 Mr. Weber, Mr. Rowen and Mr. Soika, ever discuss

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1 with you problems involving Marilyn Figueroa and the
2 Mayor's office, any kind of problem?
3 A No, none of those individuals -- I can't --
4 Q I'm talking about beyond those individuals. Anybody
5 else?
6 A About specific problems in the Mayor's office, no, I
7 don't --
8 Q Or anything related to Marilyn Figueroa in 1999.
9 A I recall a couple of short conversations about
10 taking a cigarette break, myself and Florence as we
11 do. Unfortunately we have that habit. And I recall
12 on two occasions that I remember that Marilyn was
13 out also having a cigarette. One was at City Hall
14 in the front of City Hall and one was at the
15 campaign headquarters on South 2nd Street.
16 Q In 1999?
17 A I believe it was 1999.
18 Q What month approximately? What time of year if you
19 can't tell me the month? I'd like the month or the
20 date if possible.
21 A I don't know that I can pin down exactly. I recall
22 the first of those encounters was, it was warm,
23 probably summer.
24 Q Which discussion is this one? The one at the
25 headquarters?

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1 A City Hall.
2 Q City Hall, okay. And what about the other
3 discussion? Do you recall approximate time when
4 that second, let me use the word second discussion
5 occurred?
6 A It was later in that year.
7 Q 1999?
8 A Yes, I believe that is true.
9 Q Later meaning October, November?
10 A Probably in that general time frame.
11 Q The first one, you believe it would have been like
12 sometime in the summer months?
13 A Yes.
14 Q The one at City Hall?
15 A Yes.
16 Q And this was a conversation you had with
17 Ms. Florence Dukes?
18 A Well, Florence and I were outside having a cigarette
19 and Marilyn was, she was either there before we came
20 out or came out afterwards.
21 Q Tell me what was said.
22 A It was just a general conversation to the best of my
23 knowledge.
24 Q Now we're talking about the one at City Hall.
25 A Yes.

30

1 Q Okay.
2 A I recall not being particularly engaged in the
3 conversation, but I do recall Marilyn expressing her
4 displeasure with the chief of staff, who would have
5 been Rowen at that time.
6 Q Do you recall exactly what she said?
7 A About Mr. Rowen? No, I don't recall exactly what
8 she said.
9 Q Do you recall the words that she used or the message
10 she sent specifically?
11 A Other than displeasure, that's probably about as
12 close as I can get to it.
13 Q The most you got out of that discussion, at least
14 coming from Marilyn Figueroa, is that she wasn't
15 happy necessarily with the chief of staff?
16 A Correct.
17 Q Anything else that you recall during that
18 conversation?
19 A I believe she was probably mentioning something
20 about her children and her house. It seemed to me
21 to be general discussion that people have.
22 Q When she was talking about her children or the
23 house, was she complaining or was she just sharing
24 family life?
25 A I believe she was sharing family. I don't recall

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1 anything real specific about it.
2 Q You didn't take it as that she was complaining about
3 work and family life, none of that? She was just
4 talking about her children?
5 A Yes, I believe that's true.
6 Q When she expressed displeasure with the chief of
7 staff, what, if any, comments did you make?
8 A I don't know that I made any comments. As I said, I
9 don't recall being necessarily engaged in the
10 conversation.
11 Q What about Ms. Dukes? Did she make any comments of
12 any kind?
13 A If she did, I don't recall them.
14 Q But at least in spite of your disengaged stand on
15 that occasion, one thing that became clear to you is
16 that she wasn't happy with her supervisor at the
17 time?
18 A Correct.
19 Q Let's go now to the -- have you told me everything
20 you recall with respect to the incident?
21 A Yes, I have.
22 Q Let's go to the second incident, Mr. Hansen, and
23 tell me what is your recollection as far as
24 discussing anything related to Ms. Figueroa?
25 A That again would have been at the campaign

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1 headquarters. And we were doing evening phone bank.
 2 Florence and I were there. And we took a break and
 3 we were standing outside the entrance. And
 4 Marilyn -- I don't recall if Marilyn also came out
 5 of the building or came up to the building, she was
 6 arriving. I don't recall that. And as I indicated,
 7 Florence and I were smoking. I don't recall if
 8 Marilyn joined us for a smoke or whatever, but it
 9 was the usual hi, how are you doing, you know, kind
 10 of --
 11 Q Greetings?
 12 A -- greetings, conversation. And I recall that
 13 Marilyn indicated that she was very pleased that
 14 Mr. Soika had been appointed as chief of staff, and
 15 I think -- I don't know the exact wording she used,
 16 so this -- I don't mean to characterize what she
 17 said, but it was more along the lines of -- and
 18 again I apologize, but for lack of a better way of
 19 expressing it, Mike wasn't such a hard ass; he was a
 20 calmer and kinder individual. I think she
 21 characterized him as, I don't know, either religious
 22 or pious and indicated that he was referred to -- I
 23 don't know if it was her, the way she felt about it
 24 or other staff members, I think she used the phrase
 25 reverend Mike or something along those lines.

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1 And that she indicated that change in
 2 leadership there made her feel much more satisfied
 3 with her position, and that she did not care about
 4 the reclassification matter.
 5 Q Anything else?
 6 A That about covers it.
 7 Q What, if anything, did you say with respect to her
 8 comments? This deposition is so that we have a
 9 clear record. So when I ask you a question, I want
 10 you to tell me what you remember --
 11 A Right.
 12 Q -- instead of assuming, what you think.
 13 A I understand. I remember expressing that I was
 14 happy that things were going well.
 15 Q Anything else?
 16 A No, that's about it.
 17 Q How about Florence; did she make any comments?
 18 A Of a similar nature I recall.
 19 Q Anything else that may have been discussed or
 20 exchanged amongst the three of you on that occasion?
 21 A That's all I recall.
 22 Q Other than these two incidents that you just
 23 described for the record, the one in mid 1999 and
 24 the one in October of 1999, any other encounters or
 25 incidents or situations where Marilyn Figueroa was

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1 discussed in any manner?
 2 A I don't recall any.
 3 Q With respect to the first incident that occurred at
 4 City Hall, after she expressed her displeasure with
 5 the chief of staff, did you and Florence discuss
 6 that issue further later on?
 7 A I don't believe we had discussion. I believe
 8 Florence may have made a comment she doesn't appear
 9 to be very happy down there in that particular
 10 office.
 11 Q Was this incident, and I'm speaking about the first
 12 incident around City Hall, was that incident --
 13 strike that. Did that incident occur before
 14 Mr. Rowen recommended the reclassification of
 15 Ms. Marilyn Figueroa?
 16 A I believe it was afterwards.
 17 Q To your knowledge, around the time when this
 18 incident occurred at City Hall did Marilyn Figueroa
 19 know that Mr. Rowen had recommended her
 20 reclassification?
 21 A I don't know. I don't know.
 22 Q Did you ever notify Ms. Marilyn Figueroa at any
 23 time, including during these incidents that you
 24 described at City Hall and later on at the campaign
 25 headquarters, did you ever notify Marilyn Figueroa

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1 that Mr. Rowen had requested her reclassification?
 2 A Personally? No, I did not.
 3 Q Do you know if anyone within your office did?
 4 A I believe that Mr. Weber did.
 5 Q Do you know when that would have happened?
 6 A Probably shortly after, probably shortly after I
 7 told Al of Mr. Rowen's request because he needed to
 8 have contact with her.
 9 Q So this would have been after that initial incident
 10 at City Hall?
 11 A That contact by Mr. Weber I believe would have been
 12 before that. Because I believe that that request
 13 came in earlier in the year. Again, I believe
 14 somewhere around March perhaps.
 15 Q So is it fair and accurate to say that when
 16 Marilyn Figueroa made her displeasure known, and I'm
 17 talking about her displeasure with Mr. Rowen, you
 18 already knew that Mr. Rowen had recommended her
 19 reclassification?
 20 A I believe that's true.
 21 Q Did you tell Marilyn Figueroa, oh, by the way, he's
 22 recommending your reclassification?
 23 A I don't believe I -- I don't recall that coming up,
 24 if I would have had a reason to do so.
 25 Q In your experience in all the years that you have in

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1 human resources, you've been in situations where the
 2 employee disliked the supervisor because he or she
 3 doesn't know that the supervisor is actually
 4 recommending something positive for the employee?
 5 A In my experience it's not unusual for employees to
 6 be dissatisfied with their supervisors for whatever
 7 reasons, and it's pretty much the norm. I felt that
 8 same way myself.
 9 Q What was the objective of the reclassification that
 10 Mr. Rowen recommended on behalf of Ms. Figueroa?
 11 A To what he expressed to me was that he wanted us to
 12 study the position to see if it merited an increase
 13 in level. And beyond that, that is what I passed on
 14 to Mr. Weber.
 15 Q So based on City policies and your understanding of
 16 those policies, the reclassification main objective
 17 would have been to reclassify her at a higher level
 18 if all other requirements were met; correct?
 19 A Right. If at the -- if the job had been
 20 significantly changed, yes.
 21 Q And that would have been a promotion both in class
 22 and also a promotion in pay?
 23 A It would have -- had the reclassification proven to
 24 merit the, a higher level, then it would have
 25 resulted in an increase in compensation, yes, for

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1 the incumbent.
 2 Q Do you know what the increase would have been?
 3 A No, I don't. The study, as -- the status of
 4 Mr. Weber's study of Marilyn's position he did not
 5 discuss in detail with me. He did tell me after
 6 working on it a period of time that he did not see
 7 any evidence that it merited a reclassification.
 8 Q Who said that to you?
 9 A Mr. Weber.
 10 Q Did Mr. -- did he tell you that before Mr. Soika
 11 stopped the reclassification or after?
 12 A Before.
 13 Q Did you communicate that to Mr. Rowen?
 14 A No, I did not.
 15 Q Do you know if Mr. Weber notified Mr. Rowen of that
 16 finding?
 17 A He may have, but I don't have any direct knowledge
 18 that he did.
 19 Q In 1999 did your office reclassify any position
 20 within the Mayor's office?
 21 A Yes.
 22 Q Which position was reclassified?
 23 A There was a vacant position reclassified. The
 24 position was, I believe it's staff assistant to the
 25 Mayor. And it was reclassified to, if I recall

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1 correctly, staff assistant senior or Mayor may be in
 2 that title someplace, I'm not sure, but basically
 3 staff assistant to senior.
 4 Q When was that position reclassified?
 5 A It was late in the year October, November.
 6 Q And let me understand the chronology, Mr. Hansen.
 7 Who made the request for reclassification of this
 8 vacant position from staff assistant to the Mayor to
 9 a staff assistant senior to the Mayor?
 10 A I believe it was Mike Soika.
 11 Q When did he make this request in relation with his
 12 directive to stop the reclassification of
 13 Marilyn Figueroa?
 14 A I think it was at the same time.
 15 Q When you say at the same time, are you talking
 16 during the same phone conference?
 17 A I believe so. It may not have been, but that's I
 18 believe my recollection.
 19 Q Tell me exactly how he connected his directive to
 20 stop the reclassification of Marilyn Figueroa and to
 21 begin the reclassification of a vacant position
 22 instead.
 23 A I believe it was as simple as indicating we don't
 24 want to proceed with the reclassification of
 25 Marilyn's position. We want to reclassify the

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1 vacant position.
 2 Q Did he give you any reasons for stopping
 3 Marilyn Figueroa's reclassification?
 4 A I believe he was aware that we had not, or Mr. Weber
 5 had not found a basis for reclassifying it, and that
 6 they were trying to fill this other position and
 7 they wanted it reclassified.
 8 Q When Mr. Soika directed you to begin a
 9 reclassification study, as I understand you did, of
 10 the vacant staff assistant to the Mayor position to
 11 turn it into staff assistant senior to the Mayor,
 12 did he have anyone in mind?
 13 A He did not say so at that point in time that I
 14 recall.
 15 Q Going back to Mr. Weber, did Mr. Weber issue a
 16 written report declining or rejecting
 17 reclassification of Marilyn Figueroa?
 18 A I don't believe so.
 19 Q So your testimony here today is that he told you
 20 verbally that he didn't find a basis for the
 21 reclassification of Marilyn Figueroa's position?
 22 A Correct.
 23 Q What basis did he give you?
 24 A To the best of my recollection, it was that there
 25 was nothing new or really different in her job than

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<p>1 what the existing job description provided.</p> <p>2 Q Did you review his study --</p> <p>3 A No.</p> <p>4 Q -- to confirm his findings?</p> <p>5 A No, I did not.</p> <p>6 Q Did you request that he issue official findings with</p> <p>7 respect to that reclassification?</p> <p>8 A I told him to inform the Mayor's office.</p> <p>9 Q To your knowledge, did he do that?</p> <p>10 A I believe he did. I wasn't present when he did so.</p> <p>11 Q But as far as you are concerned, you have never seen</p> <p>12 any written findings from Mr. Weber regarding his</p> <p>13 denial of reclassification of Marilyn Figueroa's</p> <p>14 position?</p> <p>15 A No, I have not.</p> <p>16 Q Tell me what's the policy of your department with</p> <p>17 respect to rejection and/or acceptance of</p> <p>18 reclassification.</p> <p>19 A The easy part is a reclassification study results in</p> <p>20 a recommendation in our department for a change.</p> <p>21 Q Is that in writing?</p> <p>22 A Yes.</p> <p>23 Q What about when it's not recommended for</p> <p>24 reclassification? Is there some record?</p> <p>25 A Not necessarily in all cases.</p> <p style="text-align: center;">41</p>	<p>1 Q It's a question to you. Do you want the question</p> <p>2 read back?</p> <p>3 A No, I understand the question.</p> <p>4 Q You understand what I'm saying?</p> <p>5 A Yeah. The fact that there was a study and that it</p> <p>6 was not completed would be, to the extent that</p> <p>7 there's any kind of record, if you will -- well, it</p> <p>8 was requested that we not complete the study. I</p> <p>9 mean it was a mutual understanding, as I understand,</p> <p>10 with Mr. Weber and the Mayor's office as a result of</p> <p>11 it not yielding.</p> <p>12 Q Now I beg you to answer my question.</p> <p>13 A I thought I did. I'm sorry.</p> <p>14 Q There is no record of rejection which outlines the</p> <p>15 basis for the rejection of the reclassification of</p> <p>16 Marilyn Figueroa's position in 1999?</p> <p>17 A Anything documented, that would be correct.</p> <p>18 Q Can you name any other employee whose</p> <p>19 reclassification was not accepted --</p> <p>20 MR. TOKUS: Objection, that's not</p> <p>21 the state of the record in terms of the nature</p> <p>22 of a reclassification.</p> <p>23 MR. ARELLANO: Whatever. Now can I</p> <p>24 finish my question?</p> <p>25 MR. TOKUS: I'm sorry. I thought</p> <p style="text-align: center;">43</p>
<p>1 Q So how does an employee who has the right</p> <p>2 expectation of reclassification understand the</p> <p>3 basis?</p> <p>4 MR. TOKUS: Objection, that's not</p> <p>5 the state of the record at this time.</p> <p>6 MR. ARELLANO: That means watch it</p> <p>7 or careful, but it's impossible and unfair to</p> <p>8 you because I didn't even get to finish my</p> <p>9 question. Let me go back.</p> <p>10 (Question read)</p> <p>11 Q For denial of reclassification, sir, if there is no</p> <p>12 record keeping, if that's what you're telling me?</p> <p>13 A The individual whose position is being studied would</p> <p>14 be informed by their supervisor the result of</p> <p>15 discussion with our office.</p> <p>16 Q Do you ever give the supervisor some type of a</p> <p>17 record so that your office is properly organized</p> <p>18 with records about findings of no reclassification?</p> <p>19 A Often we do. We do not in all cases.</p> <p>20 Q Well, if I understand your sworn testimony, this was</p> <p>21 one case where there is no record of a denial of</p> <p>22 reclassification of Marilyn Figueroa; is that</p> <p>23 correct?</p> <p>24 MR. TOKUS: Objection. That's not</p> <p>25 the state of the record.</p> <p style="text-align: center;">42</p>	<p>1 you did.</p> <p>2 MR. ARELLANO: I'm sorry,</p> <p>3 Mr. Tokus, I sometimes have trouble</p> <p>4 understanding your objections other than</p> <p>5 giving this man hints.</p> <p>6 MR. TOKUS: He doesn't need any</p> <p>7 hints. This man's a pro.</p> <p>8 MR. ARELLANO: All right. I'll</p> <p>9 hold him to that.</p> <p>10 Q Can you name one other employee whose</p> <p>11 reclassification was rejected where there is</p> <p>12 absolutely no record of such rejection?</p> <p>13 MR. TOKUS: Objection. It's not</p> <p>14 the state of the record in terms of the nature</p> <p>15 of the reclassification process.</p> <p>16 MR. ARELLANO: Now you're trying to</p> <p>17 coach him. But subject to his objection --</p> <p>18 MR. TOKUS: He needs no coaching, I</p> <p>19 assure you.</p> <p>20 Q Subject to his objection, could you provide me an</p> <p>21 answer to a simple question?</p> <p>22 A And my simple answer would be I could not provide</p> <p>23 you with the name of any specific individual at this</p> <p>24 point.</p> <p>25 Q All right. Then I can leave that issue alone with</p> <p style="text-align: center;">44</p>

1 the last question. To your knowledge, did your
2 office report to Marilyn Figueroa the basis, first
3 of all, that her reclassification was stopped by
4 Mr. Soika?
5 A I have no direct knowledge that that was the case.
6 The normal communication link would have been
7 through Mr. Soika.
8 Q Going back to the second incident where Marilyn felt
9 comfortable with Mr. Soika --
10 A Outside the campaign headquarters?
11 Q -- outside the campaign headquarters, did that
12 happen before Mr. Soika stopped the reclassification
13 process or after?
14 A I believe it was after.
15 Q Did you notify Ms. Figueroa at that time that
16 Mr. Soika had stopped her reclassification?
17 A No. She expressed that she had knowledge that it
18 was stopped.
19 Q It was stopped. That wasn't what I understood, but
20 tell me how did she express that knowledge? What
21 specifically did she say?
22 A She indicated that she was all right with her
23 position not being reclassified.
24 Q Those were the words that she used?
25 A Basically, yes.

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1 Q Anything else that she said?
2 A Other than what I previously related, no.
3 Q Now, did you and Ms. Dukes discuss anything about
4 the reclassification of Marilyn Figueroa in any
5 manner?
6 A Discussion, no. It may have been -- the study
7 didn't yield anything and she appears to be happy,
8 and that's a good outcome.
9 Q Now, I had the pleasure to meet Ms. Dukes. As I
10 understand, she's an Afro-American woman?
11 A Yes.
12 Q Is that correct? And she's your deputy?
13 A Yes, she is.
14 Q And do you keep her involved in all substantive
15 decisions within your office?
16 A Yes.
17 Q When Mr. Soika called you to direct you not to
18 proceed with Marilyn Figueroa's reclassification,
19 did you notify Ms. Dukes of that fact?
20 A I may have mentioned it to her at some point in
21 time. That would not normally be something that I
22 would communicate to her in all cases.
23 Q But you believe you mentioned it to her in some
24 manner?
25 A I believe I did.

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1 Q Do you recall what her reaction was?
2 A I don't have a recollection of any strong reaction
3 one way or the other.
4 Q Obviously she was aware that the reclassification
5 had been stopped; correct?
6 A Yes, she was eventually.
7 Q And do you know how she became aware of that fact?
8 A I may have mentioned it to her in passing or
9 Mr. Weber may have mentioned it to her in passing.
10 Q Now, let's talk about the reclassification request
11 that Mr. Soika made with respect to the staff
12 assistant to the Mayor senior position. Okay?
13 A Yes.
14 Q This position that he was asking you to reclassify
15 was a similar position as that of Marilyn Figueroa;
16 correct?
17 A They are the same job title.
18 Q It was similar in pay; is that correct?
19 A Same pay range, yes.
20 Q And similar in reporting procedures?
21 A I believe so.
22 Q Is that correct? And that position was eventually
23 approved pursuant to the Mayor's office request;
24 correct?
25 A Yes, it was.

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1 Q And as I understand, that position was reclassified
2 both in title and in salary; correct?
3 A Yes.
4 Q Do you know how much salary was increased to that
5 position?
6 A A dollar figure off the top of my head I couldn't
7 give you, but the position prior to reclassification
8 was salary grade seven, and I believe it was
9 reclassified to salary grade nine.
10 Q So that would have been about a little over \$10,000
11 increase in pay; correct?
12 A It could be. Each salary range has 12 discrete
13 steps in them so --
14 Q But it would take the differential between the top
15 pay of the staff assistant and the top pay of the
16 staff assistant to the Mayor senior, it would be
17 over \$10,000, wouldn't it?
18 A It might be. Again, I would need to look at the
19 exact salary schedule.
20 Q We'll look at it. Nevertheless, there was an
21 increase in pay?
22 A Absolutely.
23 Q And increase in reclassification, all right. What
24 were the specific -- strike that. Did you review
25 the reclassification study of this particular

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<p>1 position, the staff assistant senior?</p> <p>2 A I reviewed it to the extent of I read it in order to</p> <p>3 be prepared for its presentation to the finance and</p> <p>4 personnel committee.</p> <p>5 Q Tell me, Mr. Hansen, what is the procedure of a</p> <p>6 reclassification? Tell me the chain that is</p> <p>7 followed based on the policies and practices of your</p> <p>8 office.</p> <p>9 A The request for studies in most cases come directly</p> <p>10 from departments. They -- it varies on the amount</p> <p>11 of information they give us ahead of time. They may</p> <p>12 ask for something very specific, in other words --</p> <p>13 Q I'm going to kind of shortcut it because I</p> <p>14 understand you have time constraints; right? Do</p> <p>15 you?</p> <p>16 A Yes.</p> <p>17 Q When do you have to leave?</p> <p>18 A I was anticipating approximately noon.</p> <p>19 Q We've got lots of work to do with you.</p> <p>20 A Oh, okay.</p> <p>21 Q But I want to see if we can back it up. Once the</p> <p>22 reclassification study is completed I suspect it</p> <p>23 goes to certain approval channels; is that correct?</p> <p>24 A That's correct.</p> <p>25 Q Is Ms. Florence Dukes involved in the chain of</p> <p style="text-align: center;">49</p>	<p>1 it. Mine may be on it. I'm not quite sure.</p> <p>2 Q Did you review the final reclassification</p> <p>3 recommendation?</p> <p>4 A Only in preparing myself for its presentation to the</p> <p>5 finance and personnel committee.</p> <p>6 Q Very good. You are the one who makes the</p> <p>7 presentation of the recommendation?</p> <p>8 A Correct.</p> <p>9 Q Okay, very good. So you were fully aware of the</p> <p>10 extent of the reclassification, the reason for the</p> <p>11 reclassification and so on and so forth?</p> <p>12 A I was aware of what was contained in the report.</p> <p>13 Q Now, this position when Mr. Soika asked you to</p> <p>14 reclassify the staff assistant position vacant into</p> <p>15 staff assistant senior, what bases were there for</p> <p>16 the reclassification that you didn't find in</p> <p>17 Marilyn Figueroa's reclassification?</p> <p>18 A I didn't find anything because I didn't perform</p> <p>19 either study.</p> <p>20 Q To your knowledge, what bases were given by</p> <p>21 Mr. Weber as a reason to approve or recommend the</p> <p>22 reclassification of that staff assistant position?</p> <p>23 A I don't recall the exact specifics.</p> <p>24 Q To your knowledge, did Mr. Rowen ever request that</p> <p>25 Marilyn's position be reclassified as a staff</p> <p style="text-align: center;">51</p>
<p>1 travel here for this reclassifications?</p> <p>2 A She and I and a number of other people currently</p> <p>3 since Mr. Weber's retirement are involved in a</p> <p>4 review of those.</p> <p>5 Q Let's go back to the reclassification of the staff</p> <p>6 assistant senior to the Mayor. Was</p> <p>7 Ms. Florence Dukes involved in that review?</p> <p>8 A No.</p> <p>9 Q You were involved?</p> <p>10 A No.</p> <p>11 Q Are you required to approve the reclassification at</p> <p>12 least as to form?</p> <p>13 A As to form? There is an established form that's</p> <p>14 existed for, prior to my tenure with the City.</p> <p>15 Q Inversely, what input, if any, did you have with</p> <p>16 respect to approving the reclassification other than</p> <p>17 directing Mr. Weber to switch gears and focus on the</p> <p>18 staff assistant senior reclassification?</p> <p>19 A Asking him is this your recommendation, do you feel</p> <p>20 sound that it's a sound recommendation basically.</p> <p>21 Q Does your signature go with the final approval of</p> <p>22 the reclassification?</p> <p>23 A It does now.</p> <p>24 Q Back in 1999 for that position.</p> <p>25 A For that position? Mr. Weber's signature may be on</p> <p style="text-align: center;">50</p>	<p>1 assistant senior to the Mayor?</p> <p>2 A I believe one of the conversations I had with</p> <p>3 Mr. Weber may have related that request.</p> <p>4 Q Did you direct Mr. Weber to reclassify Marilyn's or</p> <p>5 at least study Marilyn's position so as to move it</p> <p>6 from staff assistant to the staff assistant senior</p> <p>7 to the Mayor?</p> <p>8 A I told Mr. Weber to study the position and make the</p> <p>9 appropriate recommendation and decision based on the</p> <p>10 facts.</p> <p>11 Q That wasn't my question. Did you direct Mr. Weber</p> <p>12 to do exactly what Mr. Rowen was directing you to do</p> <p>13 with respect to Marilyn Figueroa's reclassification?</p> <p>14 Mr. Jim Rowen according to your previous sworn</p> <p>15 testimony directed you to conduct a study of</p> <p>16 Marilyn Figueroa's position.</p> <p>17 A Correct.</p> <p>18 Q In order to move it into staff assistant senior</p> <p>19 position; correct?</p> <p>20 A I wouldn't characterize it that way. Mr. Rowen</p> <p>21 requested that the position be studied, and I don't</p> <p>22 recall if he mentioned a specific level, but as to</p> <p>23 whether or not it should be increased in level.</p> <p>24 Q Let me ask you to assume for just one second the</p> <p>25 following facts. Assuming that Mr. Rowen did ask</p> <p style="text-align: center;">52</p>

1 you specifically to reclassify Marilyn's position
 2 from staff assistant to staff assistant senior, is
 3 there any reason why you believe that that could not
 4 have been done?
 5 A Yes.
 6 Q What reasons?
 7 A The function, duties and functions of the position
 8 would have to relate to an increased level if there
 9 had been a change in the function's overall
 10 responsibility within the position to merit such a
 11 change.
 12 Q Did you notify Mr. Rowen of that fact?
 13 A Yes.
 14 Q When did you do this?
 15 A I told him that we would study it and see what would
 16 be the result of the study as to whether or not
 17 there would be reason for an increase.
 18 Q Did you ever tell Mr. Rowen that his request to turn
 19 this staff assistant position of Marilyn Figueroa
 20 into staff assistant senior was not warranted?
 21 That's what I want to know.
 22 A I don't believe I did directly, but I believe
 23 Mr. Weber had such a conversation.
 24 Q Then can you explain to me, Mr. Hansen, why if
 25 Marilyn Figueroa's staff position, staff assistant

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1 position, which was similar to the staff assistant
 2 vacant position, if her position did not qualify for
 3 a staff assistant senior, why the staff assistant
 4 vacant did qualify for a reclassification?
 5 A To my knowledge, the functions and duties that the
 6 Mayor's office wanted to be performed by that
 7 position were changed from what they previously had
 8 been.
 9 Q Tell me what specific changes were recommended.
 10 A I would have to review the report. I don't recall
 11 them off the top of my head.
 12 Q Do you have any knowledge as to whether or not
 13 Marilyn Figueroa met the requirements of these new
 14 changes?
 15 A No, I do not.
 16 Q Did you inquire?
 17 A No, I did not.
 18 Q All right. When Marilyn Figueroa was speaking, as I
 19 understand, positively about Mr. Soika in late 1999,
 20 was that before or after Mr. Soika had directed you
 21 to reclassify that staff assistant vacant position
 22 into a senior position?
 23 A I believe it was after.
 24 Q Did you notify Ms. Marilyn Figueroa that Soika was
 25 actually asking that a different position be

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1 reclassified?
 2 A No, I did not.
 3 Q Do you know if anyone was selected for that position
 4 before the reclassification was completed?
 5 A Someone was selected for the position. The timing
 6 of that selection I have no information regarding.
 7 Q During any of your discussions in 1999 while
 8 Mr. Soika was asking you to reclassify this staff
 9 assistant vacant position, did he at any time
 10 mention anyone that he had in mind for that
 11 position?
 12 A Not by name. He said that there were a number of
 13 people that they were looking at. They normally
 14 don't discuss their selections with me.
 15 Q When he told you to stop Marilyn Figueroa's
 16 reclassification, did he make any comments as to
 17 Marilyn Figueroa?
 18 A I believe only in the context that if Mr. Weber's
 19 study of her position would not result in a
 20 recommendation for an increase, or that it didn't,
 21 that they were looking to fill that vacant position
 22 with another individual.
 23 Q Well, now you're changing gears here and I want to
 24 make sure we understand each other. Did you ever
 25 notify Mr. Soika before he directed you to switch

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1 gears in reclassifying a different position, did you
 2 ever tell Mr. Soika that there were no bases for the
 3 reclassification of Marilyn Figueroa, just so the
 4 record's clear?
 5 A Myself personally?
 6 Q Yes.
 7 A No, I did not.
 8 Q Because what I understood from your previous sworn
 9 testimony is that the reclassification of
 10 Marilyn Figueroa's position was ongoing when all of
 11 a sudden Mr. Soika called you and told you to put a
 12 stop to that; is that correct?
 13 A That would be not an unfair characterization.
 14 Q And it was at that time when he requested that the
 15 staff assistant vacant position be reclassified;
 16 true?
 17 A I believe that's true.
 18 Q Which prompted you to notify Mr. Weber about this
 19 change?
 20 A Correct.
 21 Q Is that right? Okay, very good. Did you at any
 22 point suspect that this change in position from the
 23 Mayor's office with respect to Marilyn Figueroa
 24 would cause a potential problem with Marilyn?
 25 A No.

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1 Q Never even in the back of your mind?
2 A I don't know what the relationship was with
3 Mr. Soika at that point in time. Normally most
4 people are not happy they're not getting a
5 reclassification. I assumed that probably -- I
6 didn't dwell on it or think about it, but I thought
7 he probably had his bases covered.
8 Q My question is did at any point after he notified
9 you to stop Marilyn's reclassification, did you at
10 any point suspect or think or any remote way imagine
11 this may cause problems with Marilyn?
12 A If I did, I didn't think much about it at that
13 point.
14 Q In 1999 did there come a time when you learned who
15 was actually appointed to that position, the staff
16 assistant senior position?
17 A I know I found out. I couldn't tell -- I don't know
18 that I could tell you exactly when I found out, but
19 yes.
20 Q In 1999?
21 A It may have been 1999, more than likely was.
22 Q Did you learn the ethnic background of the person
23 that was appointed to that position?
24 A I believe I know the ethnic background of the
25 person, but nobody discussed with me that issue.

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1 Q What did you know about the background of this
2 person?
3 A I didn't know anything about that person's
4 background.
5 Q As far as ethnic background.
6 A What did I know? I know nothing about that person's
7 ethnic background.
8 Q Was this person a Caucasian, white, brown, Latino,
9 Afro-American?
10 A I believe she is a white female.
11 Q In 1999 as I understand you learned of this fact
12 that she was a white female?
13 MR. TOKUS: Objection, that is not
14 the state of the record.
15 MR. ARELLANO: It's a question.
16 MR. TOKUS: You've gone back and
17 forth about that timing the last three or four
18 questions.
19 MR. ARELLANO: Mr. Tokus --
20 MR. TOKUS: I have observed.
21 MR. ARELLANO: Mr. Tokus, you know
22 what you're doing. In a lawyer-like manner, I
23 would request respectfully that you register
24 your objection in a lawyer-like manner without
25 this exchange, and the record will protect

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1 your rights and let me continue. Subject to
2 that objection.
3 Q I believe you testified, and clarify this for me,
4 that you learned who the person that was appointed
5 for the staff assistant senior position was in 1999;
6 correct?
7 A As I believe I thought I had indicated, I'm not sure
8 exactly when I found out, whether it was in 1999 or
9 early 2000. I don't know. It could have been in
10 1999. More than likely was.
11 Q I don't want to surprise you, Mr. Hansen.
12 A I'm just trying to be clear.
13 Q And I want to help you because my job as an attorney
14 is not to trick you but to give you every
15 opportunity to do that.
16 A I appreciate that.
17 Q There are records that indicate the name of the
18 person that was appointed. And I certainly don't
19 want to surprise you. And those studies I believe
20 were completed in 1999?
21 A Okay.
22 Q Now helping you to refresh your recollection, did
23 you learn in 1999 who got that position?
24 A Probably.
25 Q And now -- and you knew that this was a white

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1 female?
2 A I knew -- I know that the person who was appointed I
3 believed is a white female.
4 Q When this person, when you learned who the person
5 was, did it cross your mind that that could cause
6 potential problems with Marilyn Figueroa and the
7 City?
8 A No, it did not.
9 Q Obviously given the number of years that you have
10 been in employment relations you have been, I
11 suspect, exposed to civil rights complaints?
12 A Yes.
13 Q Which includes discrimination in various forms?
14 A Yes.
15 Q Is that correct? And obviously you knew of
16 Marilyn Figueroa by virtue of your smoking episodes?
17 A Certainly.
18 Q You obviously knew she was of Latin background?
19 A Yes.
20 Q And given the number of years that you've been in
21 the force, is it your sworn testimony that when you
22 learned who had been appointed to that staff
23 assistant position senior, it never crossed your
24 mind that a potential discrimination complaint could
25 be filed against the City on behalf of

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<p>1 Marilyn Figueroa?</p> <p>2 A It did not cross my mind.</p> <p>3 Q Did you ever wonder why this sudden change from</p> <p>4 Marilyn Figueroa's reclassification into somebody</p> <p>5 else's reclassification?</p> <p>6 A No, I did not really.</p> <p>7 Q You didn't think about that?</p> <p>8 A No, I didn't.</p> <p>9 Q All right, very good. Now, let's go now to the very</p> <p>10 first contact you had with anyone regarding</p> <p>11 Marilyn Figueroa in the year 2000, and to be more</p> <p>12 precise, January of 2000. Go ahead, sir.</p> <p>13 A I'm sorry, did I miss a question? I'm sorry.</p> <p>14 Q It was my fault. I want to bring you back now to</p> <p>15 the year 2000. I think we explored quite</p> <p>16 extensively any matter related to Marilyn Figueroa</p> <p>17 for 1999. And I believe you have told me everything</p> <p>18 you recall.</p> <p>19 A I believe I have.</p> <p>20 Q Is that correct? Now let's move into the year 2000.</p> <p>21 A Yes.</p> <p>22 Q And tell me about your first contact with anyone</p> <p>23 regarding anything related to Marilyn Figueroa.</p> <p>24 That would have been on the morning of January 6th</p> <p>25 of 2000. And just to refresh your recollection</p> <p style="text-align: center;">61</p>	<p>1 your office?</p> <p>2 A Yes.</p> <p>3 Q And do you still have that computer?</p> <p>4 A Yes.</p> <p>5 Q And the hard drive for your computer for the year</p> <p>6 2000 is still in your possession?</p> <p>7 A I'm not a real technical person.</p> <p>8 Q You're talking to a guy who can't even spell</p> <p>9 computer, but I just want to know that.</p> <p>10 A Whatever I had then I have now.</p> <p>11 Q Have you or anyone involved in this case to your</p> <p>12 knowledge destroyed any type of evidence?</p> <p>13 A No.</p> <p>14 Q Have you or anyone involved in this case erased</p> <p>15 anything from your computer regarding this case?</p> <p>16 A No.</p> <p>17 Q Do you have anything in your computer involving this</p> <p>18 case, Mr. Hansen?</p> <p>19 A I believe I do.</p> <p>20 Q What do you have?</p> <p>21 A I believe I have copies of letters that were</p> <p>22 provided to press inquiries regarding this case.</p> <p>23 Q Anything else?</p> <p>24 A To the extent that there may have been an attachment</p> <p>25 to those letters, they perhaps might be there.</p> <p style="text-align: center;">63</p>
<p>1 because contrary to stereotypes, I do want to know</p> <p>2 what you know. I don't -- I'm not interested in</p> <p>3 tricking you into anything. That's not my way of</p> <p>4 practice. And I have never worked for government as</p> <p>5 an attorney, so it's a different breed in my</p> <p>6 opinion.</p> <p>7 You told me that you had contacts with</p> <p>8 Mr. Soika, Florence Dukes regarding</p> <p>9 Marilyn Figueroa?</p> <p>10 A Yes.</p> <p>11 Q During any of these contacts did you write any notes</p> <p>12 of your contacts?</p> <p>13 A No.</p> <p>14 Q Did you make any record of any kind regarding these</p> <p>15 contacts?</p> <p>16 A No.</p> <p>17 Q Did you issue any type of electronic mail regarding</p> <p>18 these contacts?</p> <p>19 A No.</p> <p>20 Q I suspect you use electronic mail as part of your</p> <p>21 job?</p> <p>22 A Yes, I do.</p> <p>23 Q And I suspect you have a computer in your office?</p> <p>24 A Yes, I do.</p> <p>25 Q And for the year 2000 did you have a computer in</p> <p style="text-align: center;">62</p>	<p>1 Q Anything else?</p> <p>2 A That would be about it. I don't recall using email</p> <p>3 regarding this --</p> <p>4 Q All right.</p> <p>5 A -- this case.</p> <p>6 Q I will subpoena your hard drive for the year 2000</p> <p>7 and we'll make arrangements. Counsel will deal with</p> <p>8 that.</p> <p>9 Now, do you have a secretary?</p> <p>10 A Yes.</p> <p>11 Q Who is your secretary?</p> <p>12 A Barbara, it's a hyphenated name, Hobl, H-O-B-L,</p> <p>13 Cecil, C-E-C-I-L.</p> <p>14 Q How long has she been your secretary?</p> <p>15 A Probably four years. Florence and I share her as a</p> <p>16 secretary.</p> <p>17 Q She takes your phone messages?</p> <p>18 A Yes.</p> <p>19 Q Types your correspondence?</p> <p>20 A Some.</p> <p>21 Q What do you mean by that?</p> <p>22 A Sometimes I type my own, sometimes she will type</p> <p>23 some.</p> <p>24 Q She opens your mail?</p> <p>25 A Yes.</p> <p style="text-align: center;">64</p>

1 Q She stamps every mail you receive?
 2 A When she opens it, yes.
 3 Q Have you received any confidential information which
 4 you kept separate regarding this case?
 5 A Separate from?
 6 Q Secret or in some confidential area that nobody
 7 touches but you.
 8 A I have a file of the responses that I made to the
 9 press.
 10 Q Anything else?
 11 A And it also has copies of the letter that Ms. Dukes
 12 sent to Marilyn, and I have copies of the letters
 13 that were sent from Mr. Soika to Ms. Figueroa.
 14 Q Does your secretary keep a telephone log for
 15 messages?
 16 A No.
 17 Q How does she relay messages to you?
 18 A Either she will tell me verbally, or most normally
 19 she's taking a message because I'm not there, she'll
 20 write it on these little pink form slips that
 21 someone called.
 22 Q Do they have carbon copy?
 23 A No, they don't.
 24 Q For how long do you keep phone messages?
 25 A When I'm done with them, I throw them away.

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1 Q Did you keep any phone messages from anyone
 2 including Mr. Soika, Florence Dukes regarding
 3 Marilyn Figueroa?
 4 A No.
 5 Q How many phone calls, if any, did you receive from
 6 Mike Soika in the year 2000 regarding
 7 Marilyn Figueroa?
 8 A One or two.
 9 Q Was that before January 6th or after January 6th?
 10 A After.
 11 Q Do you know when?
 12 A I know I had probably one, and I believe it was
 13 after either the first or second letter to Marilyn
 14 was sent.
 15 Q I just want the record to be clear. Did you say
 16 you've had a total of two telephone calls in the
 17 year 2000 from Mr. Soika?
 18 A Regarding --
 19 Q Ms. Figueroa.
 20 A Yes, I believe that's all.
 21 Q So the first one would have been after the first or
 22 second letter sent to Ms. Figueroa?
 23 A Yes.
 24 Q And the second one?
 25 A May have been -- I don't know if you call meaning

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1 both instances when both letters were sent out. I
 2 believe he talked to me, at least informed me that a
 3 letterhead had gone out, and I don't recall if he
 4 mentioned to me both times.
 5 Q Did you make the decision to fire Marilyn Figueroa?
 6 A Absolutely not. I don't have that kind of
 7 authority.
 8 Q Whenever you had contact with Mr. Soika in the year
 9 2000, did you keep Ms. Florence Dukes informed of
 10 your contacts?
 11 A Other than the meeting she attended, I may have
 12 mentioned to her that if I had gotten -- and again I
 13 don't recall, I'm sorry, whether I got one phone
 14 call or two, I probably mentioned that to her.
 15 Q Did you mention the subject of the phone calls to
 16 Ms. Dukes?
 17 A I believe I did.
 18 Q Did you mention whatever decision or suggestion was
 19 made either by you and/or Mr. Soika during those
 20 phone calls as you discussed these contacts with
 21 her?
 22 A Well, the context of the phone call would have been
 23 we sent the letter out and to that extent would have
 24 been what I would have heard, and I more than likely
 25 mentioned that to Florence.

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1 Q And what I understand from the gist of what you're
 2 telling me is she was kept informed of the
 3 developments with respect to Marilyn Figueroa?
 4 A I believe she was.
 5 Q All right, very good. So you got the first contact
 6 that you had in the year 2000 with respect to
 7 Marilyn Figueroa would have been on January 6th,
 8 2000?
 9 A Correct.
 10 Q Is that correct?
 11 A That's correct.
 12 Q How did that contact take place?
 13 A When Florence arrived at work in the morning, she
 14 said, you need to know what happened late yesterday
 15 evening, or late yesterday in the workday.
 16 Q Where did this discussion take place?
 17 A Either my office or her office. They're right next
 18 to each other.
 19 Q Where? Did she come to your office or were you at
 20 her office when this was exchanged?
 21 A Coffee pot's in my office. It probably was in my
 22 office.
 23 Q How did you call her?
 24 A The coffee pot.
 25 (Discussion off the record)

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1 Q So Ms. Dukes came to you on January 6th and began to
2 share with you what?
3 A She said that she had a phone contact from
4 Ms. Figueroa. She indicated that Marilyn told her
5 that she wanted to file a discrimination complaint
6 against the Mayor's office and that Florence told me
7 she had asked Marilyn to make an appointment with
8 her to discuss the matter, but that Marilyn did not
9 want to do that. And then as a result, Florence
10 sent a letter to Marilyn and attached a copy of our
11 complaint form.
12 Q Is that all she told you?
13 A That's what she told me, right.
14 Q Did you write any notes of your discussion with
15 Ms. Dukes at any time after she shared that
16 information with you?
17 A No.
18 Q Have you told me -- strike that. Since you do not
19 have any notes of your discussion with
20 Ms. Florence Dukes, I suspect you're relying on your
21 memory?
22 A My memory. And in preparation for this so I could
23 accurately tell you when that occurred, I looked at
24 the date of the letter that Florence sent, so I knew
25 it was the next morning.

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1 Q Other than relying on your memory and the letter
2 that Ms. Florence Dukes sent to Marilyn Figueroa, I
3 suspect are you relying on anything else when you
4 are relating to me your discussion with
5 Ms. Florence Dukes?
6 A No.
7 Q And you have told me everything you believe she told
8 you on that day regarding Ms. Figueroa?
9 A Yes.
10 Q And that meeting occurred in some relation to your
11 office or her office --
12 A Correct.
13 Q -- on January 6th, 2000?
14 A Correct.
15 Q Do you recall how early or the time when she told
16 you this?
17 A I would suspect sometime around 8:30, 8:45 perhaps.
18 Q And your sworn testimony is that that would have
19 been the first time that anyone mentioned anything
20 to you regarding Marilyn Figueroa?
21 A In 2000.
22 Q Correct.
23 A Yes.
24 Q In the year of 1999 did anyone ever tell you -- and
25 I think we already covered this but I just want to

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1 make sure I have the chronology -- did anyone ever
2 tell you in any manner, whether by innuendo or
3 direct, that Marilyn Figueroa would be filing a
4 discrimination complaint against the City of
5 Milwaukee?
6 A No.
7 Q Against the Mayor?
8 A No.
9 Q Before January 6th, 2000 did you have any knowledge
10 from any source of any significance that
11 Marilyn Figueroa and the Mayor were engaged in
12 sexual exchanges --
13 A No.
14 Q -- in romantic relationships?
15 A No.
16 Q So your sworn testimony is that on January 6th, 2000
17 was the very first time in all of the years that you
18 have known Marilyn Figueroa that she was intending
19 to file a discrimination complaint?
20 A That is the first time I've heard that she said she
21 wanted to file a discrimination complaint, correct.
22 Q And you have told me everything Ms. Dukes told you
23 that morning?
24 A That I can recall, yes, I believe that was basically
25 it.

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1 Q And what, if any, was your response to Ms. Dukes
2 once she shared that information with you?
3 A Given that, I told her we needed to contact
4 Mike Soika and meet with him.
5 Q Did you say anything else, sir?
6 A To Florence at that --
7 Q Correct.
8 A Yeah, I'm sure I told her that if the complaint is
9 filed we would have to have that performed by an
10 outside source.
11 Q Is that something you think you said, or is that
12 something that you actually said?
13 A I believe I told -- I believe I said that to
14 Florence at that point.
15 Q Anything else that you actually remember saying?
16 A Probably, I probably mentioned we have to have
17 this -- if a complaint is filed, we would have to
18 have it investigated by an outside source because we
19 are a cabinet department of the Mayor's office, and
20 an investigation by us would not have any
21 credibility.
22 Q Anything else that you may have said? Strike that.
23 Anything else that you said, actually said to
24 Ms. Dukes other than what you already told me?
25 A I believe that's about it.

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<p>1 Q Let me see if I understood what you responded to</p> <p>2 Ms. Dukes. You first told her that Mike Soika</p> <p>3 needed to be informed and that a meeting with him</p> <p>4 was necessary; correct?</p> <p>5 A Correct.</p> <p>6 Q And then the next thing you said was that if a</p> <p>7 complaint was filed by Marilyn Figueroa, it would</p> <p>8 have to be investigated by an outside source because</p> <p>9 you being a member of Mayor Norquist's cabinet would</p> <p>10 lack the required credibility?</p> <p>11 A Correct.</p> <p>12 Q And you said that in that sequence?</p> <p>13 A I don't know if it was in that sequence or not.</p> <p>14 Probably not. I'm just trying to say the thought</p> <p>15 process in being provided with this information.</p> <p>16 Q And then what happened next? Strike that. Was</p> <p>17 anyone present when you and Ms. Dukes were</p> <p>18 discussing this incident where you became aware that</p> <p>19 Marilyn Figueroa was intending to file a complaint?</p> <p>20 A No.</p> <p>21 Q What did you do next as far as the Marilyn Figueroa</p> <p>22 matter was concerned?</p> <p>23 A Made a phone call to Mike Soika.</p> <p>24 Q Was Ms. Dukes present when you made that phone call?</p> <p>25 A Probably was.</p> <p style="text-align: center;">73</p>	<p>1 Q If you did make contact with Mike Soika before he</p> <p>2 came to your office, do you recall what you may have</p> <p>3 said to him by way of summoning him to your office?</p> <p>4 A I don't remember my exact words, but I believe I</p> <p>5 indicated to Mike that I needed to see him regarding</p> <p>6 a personnel matter in his office. I don't recall if</p> <p>7 I mentioned Marilyn's name or not. But I remember</p> <p>8 indicating that it was important.</p> <p>9 Q So the very next thing that happened he came to your</p> <p>10 office?</p> <p>11 A Within a very short period of time.</p> <p>12 Q And who was present when he arrived?</p> <p>13 A Florence.</p> <p>14 Q Anyone else?</p> <p>15 A No.</p> <p>16 Q So it was you, Mr. Soika and Florence?</p> <p>17 A Correct.</p> <p>18 Q And where did you meet?</p> <p>19 A In my office.</p> <p>20 Q Was the door closed when he got there?</p> <p>21 A Yes.</p> <p>22 Q And what was discussed, if anything?</p> <p>23 A He was informed by Florence of the phone call that</p> <p>24 she had received from Marilyn.</p> <p>25 Q Let's walk you back. Tell me what, if anything, was</p> <p style="text-align: center;">75</p>
<p>1 Q What happened then?</p> <p>2 A I don't remember if Mike was in or available with my</p> <p>3 phone call, and either he was and I told him we</p> <p>4 needed to meet, or if he wasn't there he eventually</p> <p>5 got back to me that morning. I don't remember</p> <p>6 whether I got to him directly or not.</p> <p>7 Q How many phone calls did you make to Mike Soika?</p> <p>8 A That morning?</p> <p>9 Q Right. With respect to your intentions to discuss</p> <p>10 the Figueroa matter.</p> <p>11 A If I got him on the first call, one. If I had to</p> <p>12 call him back, two.</p> <p>13 Q And again I don't want you to assume. I want to</p> <p>14 know if you remember exactly what happened.</p> <p>15 A No, I don't.</p> <p>16 Q Do you recall whether or not you left messages for</p> <p>17 Mr. Soika?</p> <p>18 A No, I don't. Again, I don't remember if I got him</p> <p>19 the first time I tried to call or not.</p> <p>20 Q What happened next?</p> <p>21 A Mike came up to my office.</p> <p>22 Q How soon after you phoned Mr. Soika did he arrive to</p> <p>23 your office?</p> <p>24 A I believe it was still early in the morning,</p> <p>25 probably within a half hour to an hour.</p> <p style="text-align: center;">74</p>	<p>1 said once he walks in by you.</p> <p>2 A Good morning. We have something we need to discuss.</p> <p>3 Q And then what happened next?</p> <p>4 A Then I believe I was starting to say that Florence</p> <p>5 informed him of the phone call she had received the</p> <p>6 evening before, and that as a result of that phone</p> <p>7 call she sent a letter to Marilyn along with</p> <p>8 complaint forms.</p> <p>9 MR. ARELLANO: Can you read that</p> <p>10 back for me.</p> <p>11 Q You testified that -- this is the general answer you</p> <p>12 gave me. "Then I believe I was starting to say that</p> <p>13 Florence informed him of the phone call she had</p> <p>14 received the evening before, and that as a result of</p> <p>15 that phone call she sent a letter to Marilyn along</p> <p>16 with complaint forms." Specifically, what was said</p> <p>17 with respect to Marilyn Figueroa? I don't want to</p> <p>18 pull it out of you. I want you to tell me what was</p> <p>19 discussed.</p> <p>20 A What was said about Marilyn, as the conversation</p> <p>21 unfolded, Florence indicated that she had gotten the</p> <p>22 phone call. Marilyn was upset. As I indicated, she</p> <p>23 did not want to come in and --</p> <p>24 Q I want you to just tell me what she said.</p> <p>25 A What Florence said?</p> <p style="text-align: center;">76</p>

1 Q Right.
 2 A That's what I'm doing.
 3 Q Okay, sorry, sir.
 4 A Oh, okay. And that Marilyn did not want to meet
 5 with her. And that she then mailed the letter with
 6 the complaint forms to Marilyn.
 7 Q Anything else?
 8 A Well, at that point we informed Mike of the nature
 9 of the situation that we had.
 10 Q What did you tell him?
 11 A Well, we have a potential for a harassment, or I'm
 12 sorry, a discrimination claim, and that Florence is
 13 the intake person in the department who handles
 14 these matters as initial contact, and that part of
 15 that process is to the extent there can be any
 16 mediation by our department between the department
 17 or supervisor or whatever and the employee, we would
 18 be available to do that; but if an actual complaint
 19 was filed, that we would not be able to do the
 20 investigation given the nature of the fact that
 21 we're cabinet officials, and that we would have to
 22 hire an outside entity to do that, and that we would
 23 need to get funds from someplace to do that.
 24 Q Anything else?
 25 A At that point Mike indicated that Marilyn had not

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1 been at work for a period of time. I don't recall
 2 what period of time that was. I believe he may have
 3 indicated that he was aware that she may be ill.
 4 Q Anything else?
 5 A And we discussed that if she's been off for a long
 6 period of time, have you been carrying her on sick
 7 leave or vacation?
 8 Q Anything else?
 9 A I believe Mr. Soika indicated that he, or the
 10 office, I'm not sure whether it was he himself or
 11 the office was having difficulty in communicating
 12 with Ms. Figueroa during this period of absence.
 13 And we recommended to him that he should send her a
 14 letter and in that letter indicate to her that she
 15 needed to get in contact with the office, basically
 16 let them know what her status was and inform her
 17 that they would be maintaining her on the payroll in
 18 I believe it was both a sick leave and a vacation
 19 status. And that I believe our recommendation was
 20 that if she was ill, that she may want to apply for
 21 family and medical leave. I believe that was the
 22 gist of our recommendation to him.
 23 Q Anything else, Mr. Hansen?
 24 A That was I believe what we recommended the course of
 25 action he follow.

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1 Q And this was exchanged on that January 6th, 2000
 2 meeting at your office?
 3 A I believe it all was at that time.
 4 Q Did Ms. Dukes say anything?
 5 A Yes. I believe we were both -- what I had indicated
 6 to you was I believe, you know, our joint -- she may
 7 have said a word, I may have said a word, et cetera.
 8 Q Have you told me everything you remember was
 9 discussed on that January 6th, 2000 meeting?
 10 A I believe I indicated that Mr. Soika indicated to us
 11 that Marilyn had not been at work for a period of
 12 time and that communication was difficult.
 13 Q Anything else?
 14 A I believe Mike said that that wasn't probably the
 15 first time that something like this had happened
 16 that he had been informed of.
 17 Q Of?
 18 A Of Marilyn not being in the office for a period of
 19 time.
 20 Q Anything else?
 21 A That's, I believe that's it.
 22 Q That would have been the very first meeting you held
 23 with Mr. Soika once you learned that
 24 Marilyn Figueroa was intending to file a
 25 discrimination complaint; correct?

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1 A Yes.
 2 Q And that meeting would have occurred shortly after
 3 you learned of Marilyn Figueroa's intention to file
 4 a discrimination complaint?
 5 A Correct.
 6 Q Same day, same morning?
 7 A Yes.
 8 Q Same players, Ms. Florence Dukes, you and Mr. Soika?
 9 A Correct.
 10 Q Did Ms. Dukes and/or you specifically inform
 11 Mr. Soika that Marilyn was intending to file a
 12 complaint against the Mayor's office?
 13 A At that meeting, yes.
 14 Q What, if any, was the reaction of Mr. Soika when he
 15 was told that Marilyn was intending to file a
 16 discrimination claim against the Mayor's office?
 17 A Very dismayed.
 18 Q And on what do you base that statement?
 19 A I believe I recall a very audible sigh from him.
 20 Q Indicating what in your mind?
 21 A What I had indicated, dismay.
 22 Q Did you and/or Ms. Florence Dukes specify the type
 23 of discrimination complaint that she was intending
 24 to file?
 25 A No. We had no idea.

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1 Q After you notified Mr. Soika what your suggestion
2 was with respect to Marilyn Figueroa, did you ever
3 inform Mr. Soika to maintain this information
4 confidential?
5 A I don't believe that we discussed it in those terms.
6 It was assumed from my perspective.
7 Q And what leads you to believe that that was assumed
8 by Mr. Soika?
9 A In discussing a personnel matter, in my business
10 it's normal that those things are maintained on a
11 confidential basis.
12 Q But you never actually said, Mr. Soika,
13 discrimination complaints are to be confidential?
14 You didn't quite say that to him?
15 A I don't recall if we did. I really don't.
16 Q Do you know if Mr. Soika ever disclosed
17 Marilyn Figueroa's intent to file a discrimination
18 complaint?
19 A I found out later that he did mention that to the
20 staff in the Mayor's office.
21 Q When did you find that out?
22 A I think I read it in the paper.
23 Q Were you shocked when you read that information?
24 A I wasn't happy.
25 Q Did you feel he had betrayed your confidence?

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1 A No. I just thought it was a bad move.
2 Q In what terms?
3 A The fact that he did not keep that piece of
4 information confidential.
5 Q Did you ever send a memo to Mr. Soika regarding what
6 was discussed on January 6th regarding
7 Marilyn Figueroa?
8 A I don't believe so.
9 Q Did you make a memo to the file of your discussion
10 with Mr. Soika regarding that matter?
11 A No.
12 Q Did you consider that meeting a delicate meeting
13 involving a potential complaint against the City?
14 A Certainly.
15 Q Did you ever send the Mayor any direct information
16 about your knowledge of Marilyn Figueroa's intent to
17 file a discrimination complaint?
18 A No.
19 Q When did you read in the newspaper that Marilyn --
20 that Mr. Soika had disclosed your discussion with
21 him involving Marilyn Figueroa's intent to file a
22 discrimination complaint?
23 A I really don't remember when that happened. It was
24 obviously after this.
25 Q All right.

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1 A It was a media frenzy, as you know.
2 Q Have you told me, Mr. Hansen, everything that
3 occurred at that meeting January 6th of 2000
4 regarding Marilyn Figueroa?
5 A I believe Florence and I perhaps speculated what the
6 nature of the complaint may be, and we thought it
7 might have something to do with the, or the only
8 thing we could think of was the classification
9 request or classification matter.
10 Q Anything else?
11 A No.
12 Q At what point did you engage in this speculation
13 with Ms. Florence Dukes, before Mr. Soika's visit to
14 your office or after?
15 A During the meeting, I mean we may have -- I said
16 what's this all about? I don't know, but we need to
17 discuss this with Mike.
18 Q Well, that wasn't part of your previous disclosure.
19 I just want to make sure that I understand
20 everything that was disclosed, discussed.
21 A I'm sorry, what wasn't?
22 Q As I understand what you're telling me, you are
23 telling me that when Mr. Soika was at your office a
24 discussion took place about the type of possible
25 discrimination complaint she was going to file.

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1 A Just that the only thing we were aware of, and
2 nothing was mentioned to Florence in her phone
3 conversation with Marilyn, so it was like could be
4 about the classification request.
5 Q Did you ever ask Mr. Soika any questions about what
6 his take was on Marilyn's potential discrimination
7 claim?
8 A Yeah. I said, do you have any clue? And he said he
9 didn't.
10 Q Then you stated that you and Ms. Dukes were
11 speculating about the type of claim that she could
12 bring?
13 A Just that it might -- the subject matter was
14 probably about the classification.
15 Q Right. At what point did you have that discussion
16 with Ms. Dukes, in the presence of Mr. Soika or
17 after he left?
18 A Oh, in the presence of.
19 Q So he heard these exchanges between you and
20 Ms. Dukes about your speculations as to what type of
21 complaint she was thinking about?
22 A Yes.
23 Q Did Mr. Soika react in any manner with respect to
24 those speculations, exchange between you and
25 Ms. Dukes?

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1 A No. He said, well, probably could be. We'll have
2 to wait and see.
3 Q Why did you think that her reclassification would be
4 one of the potential claims she would bring?
5 A Because that's the only personnel matter involving
6 the Mayor's office and her that I was aware of.
7 Q And I suspect you were aware of it by virtue of the
8 previous incidents that we discussed?
9 A Correct.
10 Q Before?
11 A Correct.
12 Q The reclassification snafu and the change of
13 reclassification request from the Mayor's office?
14 MR. TOKUS: Object to the word
15 snafu.
16 MR. ARELLANO: All right. Bad
17 word.
18 Q But is that correct? You understood what I said?
19 A With the reclassification matter.
20 Q He's just picky. Any other speculations that you
21 folks engaged in once you learned that Marilyn was
22 intending to file a complaint?
23 A No.
24 Q Up to that point, Mr. Hansen, how long had you known
25 Marilyn Figueroa?

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1 A I have known of Marilyn that she was a member of the
2 Mayor's office, I don't know, a couple of years. I
3 don't believe I met Marilyn until -- I couldn't tell
4 you when. It's passing in the hallway or the
5 smoking incidents I mentioned to you.
6 Q Before January 6th or after that day had you heard
7 any rumors or innuendo regarding Marilyn Figueroa
8 and the Mayor?
9 A No, I had not.
10 Q As you sit here today, is it your sworn testimony
11 that no one ever raised that issue before
12 January 6th before you?
13 A On January 6th nobody raised that issue.
14 Q Before that did you ever hear the press wondering
15 about an alleged relationship between the Mayor and
16 Marilyn Figueroa?
17 A I don't recall that at all. I don't --
18 Q Before Marilyn filed a complaint -- strike that.
19 Before she was terminated from her employment with
20 the City of Milwaukee, did you ever hear from any
21 source of an alleged relationship between Marilyn
22 and the Mayor?
23 A I don't recall hearing that.
24 Q Did you ever participate in any meetings after
25 Marilyn Figueroa was dismissed from the City?

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1 A I've been in a lot of meetings, but I'm assuming
2 you're talking about --
3 Q Yes, thank you for helping me to clarify the
4 question. Any meetings involving Marilyn Figueroa.
5 A Other than a couple of days ago, I don't know, with
6 Mr. Schrimpf and Mr. Tokus.
7 Q I'm talking about important meetings.
8 A Ouch.
9 MR. ARELLANO: Mr. Schrimpf, no
10 offense to you.
11 MR. SCHRIMPF: No problem. Of
12 course not.
13 Q Let me ask you this, Mr. Hansen. From January 6th
14 until Marilyn Figueroa was let go from City
15 employment, did Mr. Soika ever disclose to you that
16 a relationship had taken place between
17 Marilyn Figueroa and the Mayor?
18 A Never.
19 Q When was your very next contact with anyone
20 involving Marilyn Figueroa?
21 A The only one I can remember is the cabinet meeting
22 where we were informed, that Mayor's letter when he
23 was having his press conference. I may have asked
24 Florence occasionally did we ever get a complaint,
25 knowing that she would have let me know if she had

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1 got one. But other than that, no.
2 Q You just testified under oath in a rather clear
3 fashion that Mr. Soika never disclosed to you
4 between January 6th and the time she was terminated
5 that there was an allegation of a sexual
6 relationship between Marilyn Figueroa and the Mayor?
7 A Correct.
8 Q Did you have any input or suggestion that
9 Marilyn Figueroa be terminated from her employment?
10 A No.
11 Q Did Mr. Soika ever notify you that he was going to
12 terminate Marilyn Figueroa?
13 A I got the copy of the letter to her informing her of
14 that fact. Prior to that I don't recall Mike
15 mentioning that to me.
16 Q Your office is responsible for the processing of
17 discrimination complaints; correct?
18 A Along with the City Attorney's Office. It depends
19 upon what level of complaint we're talking about.
20 Q And as I understand, your office is also responsible
21 for investigating discrimination complaints?
22 Correct?
23 A Complaints made to us, correct.
24 Q From City employees?
25 A Correct.

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1 Q Including discriminations of sexual harassment;
2 true?
3 A Correct.
4 Q Race discrimination?
5 A Yes.
6 Q Any type of discrimination on the basis of any of
7 the protected rights?
8 A Yes.
9 Q With respect to discrimination regarding terms and
10 conditions of employment.
11 A Yes.
12 Q And is Ms. Dukes the person assigned to conduct
13 investigations?
14 A She is assigned as the main intake person for the
15 complaint, and she does many of those complaints
16 herself and often, I'm not quite sure -- I don't
17 know all of the complaints that she gets in.
18 Sometimes they are assigned to other staff.
19 Q But if there is going to be a discrimination
20 complaint, your office would be the place to obtain
21 the forms internally?
22 A Yes.
23 Q And your office obviously has a policy with respect
24 to processing of complaints?
25 A Yes.

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1 Q True? And I suspect you're familiar with those
2 policies?
3 A I am familiar, yes.
4 Q And you were familiar with those policies in 1999?
5 A Yes.
6 Q You were familiar with those policies in the year
7 2000?
8 A Yes.
9 Q And I suspect you understand the elements of sexual
10 harassment by virtue of the number of years you have
11 been in the human resources area?
12 A Yes.
13 Q You would agree with me, would you not, that human
14 resources includes that aspect of
15 employment/employee relations, meaning civil rights?
16 A Issues of employment discrimination are a
17 traditional piece of employment relations.
18 Q And in fact, training for human resources includes
19 civil rights; correct?
20 A Employment discrimination, yes.
21 Q Worker's compensation?
22 A Yes.
23 Q True? And I suspect you have taken plenty of
24 training in the areas of employment discrimination?
25 A I've had a number of courses.

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1 Q Including sexual harassment?
2 A Yes.
3 Q And you would agree with me, would you not, that
4 sexual harassment is a rather delicate matter?
5 A Yes.
6 Q And as I understand -- and I'm not going to put you
7 through the whole ordeal but I'll just go straight
8 to you. As I understand, the City of Milwaukee had
9 an antisexual harassment policy in place in the year
10 2000?
11 A Yes.
12 Q 1999?
13 A Yes.
14 Q Correct? And as I understand, that policy is quite
15 complete with respect to the rights of each
16 individual; correct?
17 A I believe so, yes.
18 Q And the investigation procedures that take place in
19 accordance with those policies?
20 A Yes.
21 Q And I believe, if my memory serves me correct, the
22 City policy of antisexual harassment policy even has
23 a provision for a prefiling period?
24 A I'm sorry, I don't really recall if it does or not.
25 Q Well, let's see. I know you've got to go, but I

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1 just want to make sure -- what would I do without my
2 help?
3 (Exhibit No. 1 marked for
4 identification)
5 MR. ARELLANO: It's going to be
6 Exhibit No. 1, which is also No. 11 of
7 Ms. Florence Dukes.
8 Q Let me show you what has been marked as Exhibit 1 of
9 your deposition, Mr. Hansen.
10 A Yes.
11 Q Review that record and when you are ready, I just
12 want to know a couple things --
13 A Okay.
14 Q -- from you.
15 A Okay.
16 Q Are you familiar with those documents which have
17 been marked as Exhibit 1 of your deposition?
18 A Yes, I am.
19 Q Can you identify what the document purports to
20 represent for the record?
21 A The first page is a letter to Ms., or Ms. Figueroa
22 from Florence Dukes dated January 5th, 2000.
23 Q Okay.
24 A Very short and Per your request enclosing a copy of
25 the City of Milwaukee's complaint forms, and if you

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1 have any additional questions, essentially call me.
 2 Part of that exhibit then also has the City
 3 complaint form and a copy of the City of Milwaukee
 4 internal discrimination harassment complaint
 5 procedure.
 6 Q Were those procedures part of the City of Milwaukee
 7 policy which was in place when Ms. Figueroa
 8 attempted to file a complaint?
 9 A I believe they are.
 10 Q I suspect they would be if Ms. Florence Dukes sent
 11 them to Ms. Figueroa; is that correct?
 12 A Yes.
 13 Q Now, can I borrow those records from you for a
 14 second? Based on your knowledge of City policies,
 15 let me direct your attention to the second page of
 16 Exhibit No. 1 of your deposition which shows the
 17 types of discrimination acts the law prohibits, and
 18 tell me which of those would apply to complaints of
 19 sexual harassment discrimination.
 20 A Any number of these could be.
 21 Q Can you just identify for the record those you
 22 believe apply.
 23 A It would depend upon the nature of the complaint.
 24 I'm not trying to be difficult, but sometimes there
 25 are issues of national origin, sex, race, sexual

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1 orientation.
 2 Q Sexually offensive contact, unwelcome sexual
 3 contact, conditional sexual exchanges?
 4 A I would -- if I were filling out this form, I would
 5 indicate in a sexual harassment matter, sex and
 6 perhaps a further explanation under other.
 7 Q And that would be processed by the City of
 8 Milwaukee, is that correct, once it would be
 9 identified as sexual harassment?
 10 A Yes.
 11 Q All right, very good. Are you familiar with the
 12 concept of retaliation?
 13 A Yes, I am.
 14 Q What in your opinion constitutes retaliation which
 15 the law prohibits?
 16 A Taking any adverse employment action against an
 17 individual who files a complaint, any type of
 18 discipline or other matters associated with, and
 19 providing training or changing the employment
 20 relationship.
 21 Q And I understand the City of Milwaukee has a policy
 22 that addresses retaliation as a prohibited practice?
 23 A Yes.
 24 Q Is that correct?
 25 A That is correct.

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1 Q By the way, sir, has your office ever provided
 2 training to members of the Mayor's office on
 3 employment discrimination?
 4 A We have -- yes. There are members of the Mayor's
 5 staff who attended training on a state-wide basis we
 6 were providing, yes.
 7 Q When you spoke to Mr. Soika, did you ever instruct
 8 him on discrimination and/or retaliation matters?
 9 A In our meeting I don't believe we covered those
 10 areas.
 11 Q Prior to the dismissal of Marilyn Figueroa, did you
 12 prepare a memo or verbally inform the Mayor's
 13 office, including Mr. Soika, the discrimination
 14 and/or retaliation policies for the City of
 15 Milwaukee?
 16 A No, I did not.
 17 MR. TOKUS: Mr. Arellano, I think I
 18 ought to tell you that we're moving close to
 19 the noon hour.
 20 MR. ARELLANO: Well, you're taking
 21 two minutes with your telling me that, so we
 22 don't have to end here until 12:02.
 23 Q And as I understand, your office is also required to
 24 undertake an investigation; correct?
 25 A Yes.

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1 Q Of any discrimination complaint; correct?
 2 A Yes.
 3 Q And I suspect your office is required to gather
 4 information from all sources relevant to the
 5 discrimination complaint; correct?
 6 A Yes.
 7 Q And eventually reach a determination of some kind?
 8 A Correct.
 9 Q And the information can come from verbal
 10 communication with a complainant as well as from
 11 records and responses provided by others; correct?
 12 A That is correct.
 13 Q And all of that communication, contacts, documents
 14 is supposed to be confidential; correct?
 15 A Yes.
 16 Q In fact, I believe the form page 4 of Exhibit No. 1
 17 has a release statement which is supposed to be
 18 signed by the employee; is that correct? Let me
 19 give it to you, sir.
 20 A Yes, it does.
 21 Q And can you read the last statement for the record,
 22 sir?
 23 A The last sentence of the release statement says, "I
 24 understand the information they gather will be held
 25 in the strictest confidence and obtained and

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1 released only through the proper channels."	1 complaint; correct?
2 Q By the way, I think you testified that Mr. Soika was	2 A Yes.
3 not informed in specific terms about the	3 Q And that is because you are aware pursuant to
4 confidentiality provisions of the complaint system	4 policies and pursuant to the EOC guidelines that
5 when you met on January 6th, 2000 with him?	5 complaints are to be maintained confidential; true?
6 A That's correct. I do not recall discussing that	6 A Yes, and that's not a good thing to do.
7 matter, that part with him.	7 Q Right. Now, what was the specific reason for
8 Q In fact, I think the City of Milwaukee internal	8 disclosing to Mr. Norquist the fact that Marilyn was
9 discrimination/harassment complaint procedure which	9 intending to file a complaint?
10 identifies you as the director has a precomplaint	10 A I didn't disclose that to Mayor Norquist.
11 process; correct?	11 Q Excuse me, to Mr. Soika.
12 A Yes, there is a paragraph labeled precomplaint	12 A Two-fold purpose. One, to let him know that should
13 meeting.	13 a complaint come in, that potentially if it was also
14 Q Which basically allows the employee the freedom to	14 the desire of the complainant to have any kind of
15 come and share his or her intent to file a complaint	15 mediation, work out the issue, that that would be
16 in the strictest of confidentiality; is that	16 forthcoming. And also then that if a complaint did
17 correct?	17 result that needed to go forward, that our office
18 MR. TOKUS: Read the whole thing	18 would not be able to do that investigation.
19 now.	19 Q You knew that Marilyn Figueroa was an assistant to
20 THE WITNESS: Yes, I'm reading the	20 the Mayor; correct?
21 whole thing.	21 A That is correct.
22 (Witness reading)	22 Q And you knew that the Mayor was her supervisor, is
23 A That particular precomplaint meeting doesn't	23 that correct, directly and or indirectly?
24 specifically mention confidentiality.	24 A Directly, indirectly, that is correct.
25 Q But I believe that the statement, I believe that the	25 Q And the precomplaint meeting specifically says that
97	99
1 confidentiality provisions of the City of Milwaukee	1 the complainant has the option of initiating a
2 anti-discrimination harassment include in its	2 precomplaint meeting with his, her immediate
3 confidentiality provision, includes any	3 supervisor unless the immediate supervisor is the
4 communication related to a potential discrimination	4 subject of the allegations; correct?
5 complaint; isn't that correct?	5 A Correct.
6 MR. TOKUS: Objection, that's not	6 Q And you would agree with me, would you not, that the
7 what the form says.	7 reason is so that the supervisor doesn't retaliate
8 Q Go ahead, sir.	8 against the employee; that is why this provision was
9 A Could you repeat your question. I'm sorry.	9 created?
10 Q Subject to his objection.	10 A Not solely, no.
11 (Question read)	11 Q But part of it to protect the employee; true?
12 MR. TOKUS: Same objection.	12 A In part, yes.
13 A I --	13 Q So as to allow the employee not to be tainted by the
14 Q The whole idea is to protect the potential	14 fear of retaliation; true?
15 complainant, isn't that correct?	15 A Be tainted by retaliation or subject to?
16 A Yes.	16 Q By the fear, right. Is that correct?
17 Q In fact, you were disappointed that Mr. Soika	17 A Yes.
18 disclosed the complaint to the staff?	18 Q Did you ever instruct Mr. Soika not to disclose this
19 A He --	19 information to the Mayor?
20 MR. TOKUS: Objection, there is --	20 A No.
21 that is not the state of the record in terms	21 Q The fact that Marilyn was going to file a complaint?
22 of what occurred.	22 A No.
23 Q You were disappointed to learn that Mr. Soika had	23 Q This will be my last question for today because I
24 disclosed the information you provided to him	24 know he's getting real antsy. He's usually a nice
25 regarding Marilyn Figueroa's intent to file a	25 guy, but when he gets antsy --
98	100

1 During the entire time that you knew Marilyn
2 was intending to file a discrimination complaint,
3 did you or anyone from your department ever inform
4 Ms. Figueroa that your office would not be
5 investigating her complaint if she decided to file
6 one?

7 A I didn't, and I have no knowledge that anyone else
8 did so.

9 Q Did you ever suggest to Mr. Soika that she be
10 notified that she should refer her discrimination
11 complaint somewhere else?

12 A No.

13 MR. ARELLANO: We'll continue with
14 your deposition I believe on Monday. Is that
15 fine?

16 THE WITNESS: That's fine.

17
18
19
20
21
22 (adjourning at 12:03 P.M.)
23
24
25

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1 STATE OF WISCONSIN)
2) ss.
3 COUNTY OF DANE)

4 I, TAUNIA NORTHOUSE, a Registered Diplomat Reporter
5 and Notary Public in and for the State of Wisconsin, do
6 hereby certify that the foregoing deposition was taken
7 before me at the offices of Murphy, Gillick, Wicht &
8 Prachthauser, Attorneys at Law, 330 East Kilbourn
9 Avenue, City of Milwaukee, County of Milwaukee, and
10 State of Wisconsin, on the 15th day of March 2002, that
11 it was taken at the request of the Complainant, upon
12 verbal interrogatories; that it was taken in shorthand
13 by me, a competent court reporter and disinterested
14 person, approved by all parties in interest and
15 thereafter converted to typewriting using computer-aided
16 transcription; that said deposition is a true record of
17 the deponent's testimony; that the appearances were as
18 shown on Page 3 of the deposition; that the deposition
19 was taken pursuant to notice and subpoena duces tecum;
20 that said JEFFREY S. HANSEN before examination was sworn
21 by me to testify the truth, the whole truth, and nothing
22 but the truth relative to said cause.

23 Dated March 25, 2002.

24 Registered Diplomat Reporter
25 Notary Public, State of Wisconsin

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