

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

=====

MARILYN FIGUEROA,
Complainant,
-vs-
CITY OF MILWAUKEE,
Respondent.

=====

ERD CASE NO.
CR200003454

Volume II
Deposition of:
JEFFREY S. HANSEN

Milwaukee, Wisconsin
March 18, 2002

Reporter: Peggy S. Christensen, RPR, CRR

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3 13 City of Milwaukee Department of
4 Employee Relations Policies and
5 Procedures 200
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8 (Original exhibits attached to original transcript and
9 copies provided to counsel)
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(Original transcript filed with Attorney Arellano)

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1 CONTINUED DEPOSITION of JEFFREY S. HANSEN, (VOL II),
2 called as a witness, taken at the instance of the
3 Complainant, under the provisions of Chapter 804 of
4 the Wisconsin Statutes, pursuant to Notice and
5 Subpoena Duces Tecum, before Peggy S. Christensen, a
6 Registered Professional Reporter and Notary Public
7 in and for the State of Wisconsin, at the offices of
8 Murphy, Gillick, Wicht & Prachthauser, Attorneys at
9 Law, One Plaza East Tower, 330 East Kilbourn Street,
10 Suite 1200, City of Milwaukee, County of Milwaukee,
11 and State of Wisconsin, on the 18th day of March
12 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 CITY ATTORNEY,
200 East Wells Street, Suite 800,
Milwaukee, Wisconsin, appearing on
behalf of the Respondent.

Also present: Cheri Garcia.

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1 JEFFREY S. HANSEN,
2 called as a witness, being first duly sworn,
3 testified on oath as follows:

4 EXAMINATION (Continued)

5 By Mr. Arellano:

6 Q Good morning, Mr. Hansen.

7 A Good morning.

8 Q Today is the continuation of your deposition, taking
9 the completion of your sworn testimony. Last Friday
10 we were somewhat limited because of your time
11 constraints.

12 A Yes.

13 Q And so I didn't even get to get a little bit of
14 history of your employment, and that's where I want
15 to start today with. I know you gave me a general
16 overview of the 30 years or so, close to 30 years
17 that you have worked professionally in the areas of
18 human resources/employment relations and the like.
19 As we continue your sworn testimony or deposition
20 here, let me ask you a few questions. How long have
21 you been employed with the City of Milwaukee?

22 A I began my employment on March 21st, 1972.

23 Q With the City of Milwaukee?

24 A Yes.

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1 Q Okay. Boy, you've been here for a long time.

2 A Yes, I have.

3 Q I suspect pursuant to your long history of
4 employment with the City of Milwaukee you may have
5 been involved in giving sworn testimony before?

6 A Yes, I have.

7 Q How many times have you given sworn testimony?

8 A Four or five times perhaps.

9 Q Okay. Are these four or five times, are these
10 incidents related to your employment with the City
11 of Milwaukee?

12 A Yes.

13 Q Okay. Have you ever been sued personally?

14 A As Director of Employment Relations, not named but
15 as the department was named, yes, I've been involved
16 in that manner.

17 Q Okay. But you have never been named in a civil
18 suit, in a lawsuit?

19 A No.

20 Q All right. The four or five times, when was the
21 last time that you provided any type of testimony
22 not related to this particular proceeding?

23 A If you're including a deposition?

24 Q Correct.

25 A Okay. The last deposition I signed I believe was

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1 last Wednesday.

2 Q And what was the nature of that last deposition?

3 A It was from one of the City, the Assistant City
4 Attorneys and it was probably about four or five
5 lines long and it was just to certify, if you will,
6 that two individuals no longer were employees of the
7 City.

8 Q To your knowledge the last deposition that you
9 provided to the City, was that pursuant to some
10 legal pending matter?

11 A I assume it was. I really didn't know what the
12 matter was involving.

13 Q Who were the two employees in question?

14 A One was Michael Morgan.

15 Q Okay.

16 A And the other was Leo Reis.

17 Q Is that R-e-e-s-e?

18 A No, I believe that's R-e-i-s.

19 Q Where did Mr. Morgan work?

20 A He was -- The last employment he had was as
21 commissioner of the Department of City Development.

22 Q What was his position, just commissioner?

23 A Yes.

24 Q Is this an appointed position?

25 A Yes.

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1 Q Okay. To your knowledge was he terminated from his
2 position?

3 A No, he resigned his position and took employment,
4 I'm not sure if it was with the -- I'm trying to
5 think what they call it now, the Midwest Express
6 Center or the governing agency for that entity.

7 Q To your knowledge was he asked to resign or leave
8 the commission?

9 A Not to my knowledge.

10 Q Why was it -- if you know, why was it important for
11 you to provide testimony for purposes of verifying
12 that he was no longer an employee of the City? That
13 is what the issue was.

14 A That's what the issue was, and I really have no
15 idea.

16 Q What about Mr. Leo Reis, where did he work?

17 A I recall -- well, he had been an employee for the
18 City in numerous different posts, which I really
19 don't recall exactly what positions he did hold in
20 the City. I do recall that he was at one time an
21 employee of the Department of City Development.

22 Q And when did he stop working for the City, if that's
23 what I understand you were testifying?

24 A Yes, he did. I really don't recall. It's probably
25 been over a year or so.

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1 Q Okay. Was Mr. Reis asked to resign or terminated
2 from his position?
3 A I believe --
4 Q I can find out.
5 A I know you can. I just really don't recall. I
6 thought he resigned.
7 Q Well, when you provided testimony with respect to
8 these two individuals, I suspect you had to review
9 their personnel files, didn't you?
10 A I was only asked whether or not they were still
11 employed by the City. That was all that was on
12 the -- I knew from my personal knowledge that
13 neither individual was.
14 Q And from your personal knowledge do you know how
15 their separation from the City took place?
16 A Again, I remembered more clearly Mr. Morgan
17 resigning to take this other position.
18 Q To your knowledge did the Mayor's office have any
19 input with respect to the separation of either
20 individual from the City employment?
21 A I have no idea whether or not they were.
22 Q And again, when did you provide testimony with
23 respect to these individuals, last Wednesday?
24 A I believe it was last Wednesday, yes.
25 Q Were you given advance notice?

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1 A I received -- actually, I think I came back from
2 lunch and the copy of it was sitting on my chair in
3 my office with a note from Assistant City Attorney
4 Pat Fricker.
5 Q To your knowledge has Mr. Reis filed any kind of
6 grievance or lawsuit against the City of Milwaukee
7 pursuant to his former employment?
8 A Not to my knowledge.
9 Q What about Mr. Morgan?
10 A Not to my knowledge.
11 Q Okay. Do you know if they have filed for
12 unemployment compensation?
13 A Not to my knowledge.
14 Q Workers' compensation?
15 A Not to my knowledge.
16 Q All right. And then before that when was the last
17 time that you provided any type of testimony?
18 A It had been some time. I really don't, really don't
19 recall. It's been very infrequent. Probably
20 sometime maybe a year before that or so.
21 Q Don't take offense to my remarks. They are not
22 meant to offend you.
23 A I'm not taking them that way.
24 Q But there appears to be a plague of I don't recall
25 from almost every witness, and as you probably know

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1 from your years of employment, you are required to
2 come here and tell us what you know.
3 A Absolutely.
4 Q By the way, has anyone ever filed a perjury claim
5 against you before?
6 A No, no.
7 Q Okay. You understand what perjury is?
8 A Yes, I do.
9 Q Do you remember the year that you testified on
10 behalf of anyone -- strike that. Do you remember
11 the year when the last deposition took place, and
12 I'm talking about prior to Morgan and Reis'
13 deposition?
14 A Probably either 1998 or 1999.
15 Q All right. And what was the subject of your
16 testimony?
17 A I believe it was again in the form of a deposition
18 and it related to the employment records of a number
19 of individuals who were involved in the complaint.
20 Q What was the -- who was the -- what was the nature
21 of the complaint or complaints?
22 A One was involving a complaint about not being
23 promoted, so that deposition included information
24 regarding the individuals who had been promoted and
25 those of that person who had not been promoted.

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1 Q Okay. What's the name of the individual?
2 A Last name Figures, F-i-g-u-r-e-s.
3 Q And the first name?
4 A I'm going to struggle with this one a little bit.
5 Her legal first name was, and I may murder the
6 pronunciation, Hacine, which I believe is spelled
7 H-a-c-i-n-e, but she mostly went by the name
8 Theresa.
9 Q Okay. Where did -- strike that. What specific
10 position was the subject of the claim of
11 Ms. Figures?
12 A She was complaining about not being promoted to a
13 position in human resources called specialist
14 senior.
15 Q Was this an Afro-American individual?
16 A Yes.
17 Q Okay. And she claimed that a white person got the
18 position or the promotion?
19 A No. There were, if I recall, I think four
20 individuals who were promoted.
21 Q Okay. But she was the main complainant?
22 A Yes.
23 Q Okay. And was this a case in court or was this an
24 administrative procedure?
25 A It was through the ERD.

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1 Q ERD, okay. And what was the specific nature of your
2 input in this case or claims in this case?
3 A As Director of the department, I and my senior
4 staff, we had these positions to fill and we
5 reviewed the records of the individuals who we felt
6 were eligible for the promotion and discussed the
7 merits of that and we made our decision to make the
8 promotions of the four individuals.
9 Q Out of the four individuals that you promoted, were
10 there any persons of color?
11 A Yes.
12 Q Okay. How many?
13 A One.
14 Q What was the end result of this complaint of
15 Ms. Figures?
16 A I believe it was just dismissed.
17 Q Just recently?
18 A No.
19 Q And then when was the other previous occasion or
20 occasions when you provided testimony?
21 A I believe that would have been either in 1995 or
22 1996.
23 Q What was the nature of your testimony?
24 A That was to explain the circumstances of a
25 disciplinary action.

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1 Q Who was the subject?
2 A
3 Q And was this a lawsuit or was this a grievance?
4 A ERD.
5 Q ERD. Okay. Is still employed by the
6 City of Milwaukee?
7 A Yes, she is.
8 Q Okay. What department?
9 A Employee relations.
10 Q Did all of these times when you testified involve
11 employees of your department?
12 A Yes.
13 Q Employee relations? And when was the previous time
14 when you testified before the incident involving
15
16 A It was probably several years prior to that. Maybe
17 1995.
18 Q Who was the subject matter? Who was the subject of
19 your testimony?
20 A I don't recall. I don't think it was anybody that
21 I -- it was probably something from the records of
22 that person, something like that.
23 Q During the years that you have worked for employee
24 relations, how many lawsuits have been filed or
25 complaints have been filed against your department?

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1 A Three, other than a workers' compensation claim, I
2 believe. I think I recall four.
3 Q Since you have been the Director of this department,
4 how many complaints have been filed, formal and/or
5 informal, against the office of Mayor Norquist?
6 A I'm only aware of Ms. Figueroa's complaint.
7 Q All right. Of all of the complaints that were filed
8 against your department, how many resulted in some
9 type of settlement or resolution without dismissal?
10 A Did workers' compensation, I don't know --
11 Q You can't ask them questions. You just can tell me
12 what you know.
13 A I don't believe there was a settlement in any of
14 them.
15 Q How many resulted in a full hearing on the merits?
16 A I believe there were -- I was not involved in the
17 workers' compensation matter, and I believe there
18 were quite a number of hearings regarding that
19 issue.
20 Q And the workers' compensation case related to which
21 individual?
22 A Thomas Schuh, S-c-h-u-h, I believe.
23 Q What was the claim of Mr. Schuh?
24 A Mr. Schuh was involved in an automobile accident.
25 Q This was the workers' compensation?

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1 A Yes.
2 Q Okay. Have you told me all of the cases where you
3 were required to provide some sworn testimony?
4 A I believe I have. There may have been one earlier
5 perhaps than 1995.
6 Q What was the nature of that case?
7 A Failure to provide training.
8 Q What was the name of the individual or individuals?
9 A
10 Q Okay. Is that a different claim than the
11 previous --
12 A It was a different claim, yes.
13 Q Okay. And was this against your department again?
14 A Yes.
15 Q Okay. What's her job title,
16 A She's our payroll clerk. That's a generic title.
17 Q Okay.
18 A I don't recall exactly her specific job title.
19 Q You've been employed by the City of Milwaukee since
20 March 21st, 1972?
21 A Correct.
22 Q Correct? For how long have you held the title of
23 Director of Employee Relations? Is it employee
24 relations or employer relations?
25 A Employee.

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1 Q Okay.
 2 A And I was appointed to that position in October
 3 1996.
 4 Q Who appointed you to that position?
 5 A Mayor Norquist.
 6 Q Okay. What was your previous title?
 7 A I was the Deputy Director of Employee Relations.
 8 Q From what period to what period?
 9 A That would have been from June of 1989 until I was
 10 promoted Director.
 11 Q Until --
 12 A October of '96.
 13 Q Okay. I believe you testified previously that your
 14 predecessor was a female?
 15 A Yes.
 16 Q And again, what was her name? What's her name?
 17 A Danae Davis Gordon.
 18 Q Where did she go if you know?
 19 A She went to work for Kraft.
 20 Q Kraft International?
 21 A Yes. I think they're a subsidiary of Phillip
 22 Morris.
 23 Q To your knowledge was she asked to leave her
 24 position?
 25 A No, she was not.

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1 Q Okay. When did you learn that she was going to be
 2 leaving her position?
 3 A She told me about a month prior to that.
 4 Q Okay. What did she tell you?
 5 A That she had been recruited by Kraft and had a
 6 number of interviews with them and that she decided
 7 that that's what she wanted to do.
 8 Q So she left around 1996 approximately?
 9 A Yes.
 10 Q Okay.
 11 A Yes.
 12 Q All right. And before that you were her Deputy
 13 Director, at least the Deputy Director for this
 14 department for approximately five years, '89
 15 through '96?
 16 A She was not --
 17 Q I'm talking about you.
 18 A Right. She was not the only Director of Employee
 19 Relations that I was Deputy to.
 20 Q Right. But nevertheless, you were the Deputy
 21 Director for that number of years?
 22 A Yes.
 23 Q Is that correct?
 24 A That is correct.
 25 Q All right. And before that what was your previous

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1 title?
 2 A I believe the title was called supervisor of
 3 administration.
 4 Q Within what department?
 5 A Employee relations.
 6 Q Okay. From what -- for what period of time?
 7 A I believe it was about three years.
 8 Q So was that the previous job that you held before
 9 becoming Deputy Director?
 10 A Correct.
 11 Q So that would have been in about 1985 or '86?
 12 A That's about right, yes.
 13 Q 1985 through '89.
 14 A Probably 1986, because I believe that's the year I
 15 received my master's degree. I think if I remember
 16 correctly that was the same year.
 17 Q Wonderful. And before that what was your title?
 18 A Assistant Director of Administration.
 19 Q And again within the current department, --
 20 A Yes.
 21 Q -- employee relations? What's the objective of the
 22 Department of Administration?
 23 A It's a suborganization which no longer exists right
 24 now. At that point in time it had responsibilities
 25 for most of the internal administration within the

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1 department, more specifically the budget
 2 development.
 3 Q We'll go into that in a minute. We'll talk about
 4 the dynamics here. So you were Assistant Director
 5 of Administration for how long, what period of time?
 6 A That was probably, again probably about three years.
 7 Q So that would have been 1983 through '86?
 8 A Or, yeah, yes, '86.
 9 Q And before that what was your title?
 10 A Before that I was, I believe it was called Director
 11 of Youth Employment.
 12 Q Within what department?
 13 A All of my employment has been with --
 14 Q Employment relations?
 15 A -- employment relations, yes.
 16 Q What was the objective of this particular unit?
 17 A That was a program that was funded under the CETA
 18 program, C-E-T-A.
 19 Q Okay.
 20 A It was a federal program. And we submitted grants
 21 to --
 22 Q The feds?
 23 A -- the feds, right, through the Milwaukee County but
 24 for the program.
 25 Q What was the specific function of your position?

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1 A Again, to write the grants.
 2 Q Okay.
 3 A To monitor all the compliance with the grants, to
 4 hire staff, develop the training and develop work
 5 sites for participants.
 6 Q Very good. And for what period of time were you the
 7 Director of Youth Employment?
 8 A I believe it was somewhere around two and a half
 9 years. I'm sorry, the dates are not quite --
 10 Q It would have been 1980 to '83 approximately?
 11 A Approximately.
 12 Q Before that what did you do?
 13 A Before that I was supervisor of labor activity.
 14 Q Within the same department?
 15 A Correct.
 16 Q For what period of time?
 17 A I began doing that I believe about 1974.
 18 Q Through 1980?
 19 A Yes.
 20 Q All right. Well, we're getting down to '72.
 21 A We're getting there.
 22 Q What did you do before that?
 23 A Before that my job title was personnel analyst I, or
 24 II, excuse me, Roman numeral II. Prior to that was
 25 personnel analyst I, Roman numeral I.

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1 Q During all of these years that you worked for the
 2 City of Milwaukee, other than the complaints that
 3 you just outlined before, do you recall any other
 4 time when you were named as the supervisor of any
 5 grievances or complaints?
 6 A I don't.
 7 Q All right. Have you ever been accused formally
 8 and/or informally other than those cases that you
 9 just mentioned of discriminating?
 10 A No.
 11 Q Sexual harassment?
 12 A No.
 13 Q Ever been convicted of any crime?
 14 A No.
 15 Q All right. Now, the position that you held from
 16 1989 through 1996, the Deputy Director of Employee
 17 Relations, was that a promotion?
 18 A Yes.
 19 Q Okay. And who gave you that promotion?
 20 A John Tries, T-r-i-e-s.
 21 Q Was he the Chief of Staff for Mayor Norquist?
 22 A He was at one time.
 23 Q When you received that position, what was his title,
 24 Mr. Tries'?
 25 A Director of Employee Relations.

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1 Q To your knowledge was this position required, I mean
 2 the promotion to the Deputy Director of Employee
 3 Relations, was that required to be approved by
 4 Mayor Norquist?
 5 A I don't -- no, it wasn't necessary formally. I
 6 don't know if he did or didn't.
 7 Q How long did you work under Mr. Tries' supervision?
 8 A Mr. Tries was Director of Employee Relations for
 9 about a year and a half.
 10 Q To your knowledge did Mayor Norquist have any input
 11 in your promotion to the Deputy Director position
 12 within employee relations?
 13 A I don't believe he did.
 14 Q Okay. But with respect to your current position as
 15 Director of Employee Relations, Mayor Norquist is
 16 the person that appointed you to that position?
 17 A Yes, he is.
 18 Q And I suspect, and correct me if I'm wrong, you
 19 serve at the pleasure of the Mayor?
 20 A Yes, I do.
 21 Q Is that correct? You're not protected by the civil
 22 service system within the City of Milwaukee?
 23 A Only to the extent that my employment prior to
 24 becoming Deputy Director was a civil service
 25 employee.

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1 Q You have the right to go back --
 2 A Yes.
 3 Q -- under civil service ordinance?
 4 A Correct.
 5 Q Okay, very good. So you do have some civil service
 6 protection --
 7 A Yes.
 8 Q -- to the extent that you have a claim to your
 9 previous position or one that is similar --
 10 A Correct.
 11 Q -- in pay and classification?
 12 A Correct.
 13 Q Is that right?
 14 A Correct.
 15 Q All right. Have you personally, Mr. Hansen, have
 16 you ever filed any type of legal claim or grievance
 17 of any nature in your lifetime?
 18 A No.
 19 Q Okay. Very good. What's your current salary today?
 20 A Annually it's \$124,290 approximately.
 21 Q Okay. Did you have any input with respect to the
 22 appointment of Ms. Florence Dukes to her Deputy
 23 Directorship position?
 24 A No.
 25 Q Do you know who if anyone did?

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1 A David Reimer.
 2 Q How do you spell his last name?
 3 A R-e-i-m-e-r.
 4 Q All right. And when Ms. Florence Dukes was
 5 appointed to the Deputy Directorship position, what
 6 was Mr. Reimer's position?
 7 A He was the Director of the Department of
 8 Administration.
 9 Q Is that department still in existence?
 10 A Yes, it is.
 11 Q And tell me, sir, is this Department of
 12 Administration the department that oversees all
 13 other departments within the City? And I'm just
 14 using some common sense from the word
 15 administration.
 16 A There are certain aspects of it.
 17 Q Okay. How many cabinets are there within the City
 18 of Milwaukee?
 19 A Cabinet officials, cabinet positions?
 20 Q Right, right.
 21 A Probably around 12.
 22 Q And are you including the Chief of Staff within the
 23 Mayor's office or is that excluded?
 24 A No, I'm not including that.
 25 Q Okay. All of these cabinet officials report

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1 directly to the Mayor?
 2 A Yes.
 3 Q Okay. Do you find any of these officials
 4 supervising any other cabinet member?
 5 A Directly supervising and reporting?
 6 Q In other words, reporting procedures?
 7 A Yes, there are.
 8 Q Okay. Tell me what's the chain of command here. If
 9 there is any department that is considered to be the
 10 top department, which department would that be?
 11 A Probably the Department of Administration.
 12 Q Okay. And who is the official for that department?
 13 A Currently that's Michael Soika.
 14 Q Which officials report to the Department of
 15 Administration?
 16 A The Director of -- I'm not sure if he's director or
 17 manager -- of the Information Technology Division.
 18 Q Okay.
 19 A The Director of Budget and Management.
 20 Q Okay.
 21 A The City Purchasing Director.
 22 Q Okay.
 23 A And Director of or manager, Director, let's say
 24 Director of Community Block Grants or Block Grant
 25 Administration, something like that.

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1 Q Okay. Is that it?
 2 A I believe so.
 3 Q Are these five, four officers also considered
 4 cabinet members?
 5 A Yes.
 6 Q What about -- what other departments did you exclude
 7 from reporting to the Department of Administration?
 8 A I don't understand the context of your question.
 9 Q You mentioned that at least these four cabinet
 10 members report to the Department of Administration.
 11 A Right.
 12 Q And you also mentioned that there are a total of
 13 12 cabinet officials.
 14 A I see, okay, okay.
 15 Q Which other departments report directly to the Mayor
 16 as opposed to reporting to the Department of
 17 Administration?
 18 A Employee relations.
 19 Q Okay.
 20 A Department of Public Works.
 21 Q Okay.
 22 A City Attorney's office.
 23 Q Okay.
 24 A Comptroller's office.
 25 Q Okay.

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1 A Treasurer's office.
 2 Q All right.
 3 A Let's see. I'm trying to mentally go down the
 4 floors in City Hall. The employees' retirement
 5 system, the assessor's office.
 6 Q Okay.
 7 A The City Clerk.
 8 Q Okay.
 9 A The health department, the Department of
 10 Neighborhood Services.
 11 Q Okay.
 12 A I think that's --
 13 Q All right. Well, that's plenty. As I understand
 14 the Mayor has a number of staff assistants?
 15 A Yes.
 16 Q You are aware of that?
 17 A Yes.
 18 Q Are these assistants assigned to serve as liaisons
 19 to some of his departments?
 20 A That's my understanding.
 21 Q Okay. And in the year 2000 who was the staff
 22 assistant assigned to be the liaison with your
 23 department, employee relations?
 24 A In 2000?
 25 Q Correct.

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1 A I believe that was still Michal Dawson. It's a
2 woman. I believe she spells her first name
3 M-i-k-a-l. Different than the man. Dawson,
4 D-a-w-s-o-n.
5 Q And what function did Ms. Dawson play with respect
6 to employee relations and the Mayor's office?
7 A Arranging meetings if they were necessary with the
8 Mayor or his staff and coordinating strategy with
9 meeting with other aldermen.
10 Q Anything else?
11 A That's all my contact with her involved.
12 Q What about with respect to matters which are within
13 the confines of your department such as employee
14 benefits, questions regarding those matters, did
15 Ms. Dawson also participate in the coordination,
16 checking, contact?
17 A No, no.
18 Q No, all right. What about just complaints in
19 general involving your office, things that the Mayor
20 would want to know?
21 A No.
22 Q All right. Was Ms. Dawson -- strike that. Is
23 Ms. Dawson still employed as a staff assistant to
24 the Mayor?
25 A No, she's not.

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1 Q Okay. Do you know when she stopped working for the
2 Mayor's office?
3 A I believe it was sometime in the year 2000.
4 Q And do you know who if anyone took over her
5 position?
6 A The person that I was -- who took over her function
7 as liaison with my department was Brenda Wood.
8 Q Okay. And again, did Ms. Wood's responsibilities as
9 far as serving as liaison between your office and
10 the Mayor's office, did those responsibilities
11 change at all?
12 A No.
13 Q Okay.
14 A Not that I noticed.
15 Q Is Ms. Wood still employed as the assistant to the
16 Mayor?
17 A I don't believe she is.
18 Q Do you know when she stopped her employment with the
19 Mayor's office?
20 A May have been last year, 2001 sometime.
21 Q Okay. And do you know who if anyone replaced
22 Ms. Wood?
23 A Yes, but I'm drawing a blank on her name, I've had
24 such infrequent contact with her.
25 Q Okay.

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1 A It will come to me, I hope. Boy, I can picture her
2 but I can't think of her name. It's embarrassing.
3 Q Daisy Cubias?
4 A No.
5 Q Michael Miller?
6 A No.
7 Q But somebody replaced her?
8 A Yes.
9 Q You'll get me that name?
10 A Yes.
11 Q All right. And how long -- and is this person still
12 working for the Mayor's office?
13 A Yes, she is. Yes, she is.
14 Q And she I expect is a female?
15 A Yes.
16 Q Is that a white female?
17 A Yes.
18 Q All right. Brenda Wood, white female?
19 A Yes.
20 Q Okay. And is she still handling pretty much the
21 same responsibility between your office and the
22 Mayor's office?
23 A To my knowledge, but we've had very infrequent --
24 Q Did you have any contacts with Brenda Wood when she
25 was employed by the Mayor's office?

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1 A Yes, I did.
2 Q What kind of contacts do you recall?
3 A In dealing with labor, contract negotiations and
4 meetings. I don't remember if she was there when
5 they were still dealing with some residency
6 legislation.
7 Q Okay. As I understand she works with your
8 department and the Common Council regarding matters
9 involving policy changes?
10 A Correct.
11 Q And so on and so forth?
12 A Correct.
13 Q Okay. Do you recall whether or not Ms. Dawson
14 and/or Ms. Brenda Wood ever got involved with your
15 department with respect to employee
16 reclassifications?
17 A I don't believe that they were involved in any.
18 Q All right. Do you recall whether or not Ms. Dawson
19 and/or Ms. Brenda Wood were in any way consulted
20 with respect to Marilyn Figueroa in any manner?
21 A To my -- I have no knowledge if they were or were
22 not.
23 Q Okay. Do you recall whether or not either
24 Ms. Dawson or Ms. Brenda Wood were consulted or
25 consulted with you with respect to the Family Leave

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1 Act at any point?
 2 A No.
 3 Q All right. To your knowledge were they ever, either
 4 person, was ever involved in any meetings involving
 5 Marilyn Figueroa before she was terminated?
 6 A I have no direct knowledge if they were or not.
 7 Q Okay. Before we get back into that, let me ask you
 8 this, Mr. Hansen, did you review any records over
 9 the weekend with respect to your deposition?
 10 A No, I did not.
 11 Q Okay. Any records of any kind related to these
 12 proceedings?
 13 A No, I did not.
 14 Q All right. What I would like you to do is give me
 15 the organizational structure of your department so I
 16 understand it, and let's talk about your
 17 organization in the year 2000. Okay?
 18 A Okay.
 19 Q As I understand you are and have been the Director
 20 of Employee Relations?
 21 A That is correct.
 22 Q Is that correct?
 23 A Right.
 24 Q Then Ms. Florence Dukes has been your Deputy
 25 Director?

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1 A Correct.
 2 Q Is that the proper title?
 3 A That's correct.
 4 Q All right. And then how do you break the rest of
 5 the units within your department?
 6 A Okay. We have two other subunits within the
 7 department.
 8 Q Okay.
 9 A One is the employee benefits division.
 10 Q Okay.
 11 A And the other one is the operations division.
 12 Q Okay. And then?
 13 A I would just indicate that there is a side reporting
 14 relationship I have that I mentioned last time to
 15 the Board of City Service Commissioners. They're
 16 not under me but I have to service them as their
 17 secretary. So it's kind of -- we I think show that
 18 organization just across.
 19 Q What would be the name again?
 20 A Board of City Service Commissioners.
 21 Q What's your function with respect to this board?
 22 A I am their secretary, if you will, so I or under my
 23 direction my secretary establishes their agenda,
 24 takes care of their meeting.
 25 Q Just a regular --

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1 A Yeah.
 2 Q I don't mean to belittle your function but I'm
 3 saying within the rules of order, you would be the
 4 secretary?
 5 A This is right.
 6 Q Is that correct?
 7 A That's right.
 8 Q But you do not supervise them?
 9 A No.
 10 Q You do not provide any policy advice?
 11 A They may ask me for some policy advice given
 12 specific instances.
 13 Q Okay. Now, you mentioned employee benefits and the
 14 operations division.
 15 A Correct.
 16 Q What other departments or units do you have within
 17 the employee relations department?
 18 A I do have an administration unit.
 19 Q An administration unit?
 20 A Correct.
 21 Q What is the proper title?
 22 A Administration division.
 23 Q Okay. Of which you were the Director at one point?
 24 A It was really a different concept at that time.
 25 Q Okay.

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1 A But the administration division essentially consists
 2 of myself and Florence and my secretary and
 3 Florence's secretary, same person, our secretary,
 4 our payroll clerk, our accountant.
 5 Q So this administration division would be what
 6 oversees the other departments?
 7 A For administrative, internal administration, yeah.
 8 Q Okay. What other departments do you have?
 9 A That's it.
 10 Q Okay. And then under employee benefits, what do you
 11 have?
 12 A There is a workers' compensation.
 13 Q Unit?
 14 A Unit.
 15 Q Okay.
 16 A And a health benefits unit.
 17 Q Okay.
 18 A And that is all.
 19 Q That's pretty much it?
 20 A Right.
 21 Q Under operations division, what do you have?
 22 A We have -- in 2000 I think we had three what we call
 23 service delivery teams.
 24 Q Service --
 25 A Service delivery teams.

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1 Q And what's the nature of these teams?
 2 A What we did was we divided up the City by
 3 departments, each unit had certain departments
 4 assigned to them.
 5 Q Okay. Tell me the first unit, what departments were
 6 assigned or if you can tell me the name of the unit.
 7 A Well, we just basically refer to them as team A, B
 8 and C.
 9 Q Okay. Team A, B and C. What units are assigned to
 10 team A?
 11 A We have the larger nonfire and police departments
 12 there which is basically neighborhood services,
 13 health.
 14 Q What exactly is the objective of this team A?
 15 A They handle the matters relating with the hiring of
 16 employees, the discipline of employees, the
 17 classification of employees, the labor relations
 18 aspects of the employees who are in those specific
 19 departments.
 20 Q All right. What about team B?
 21 A Team B would have been the smaller departments
 22 within the City such as City Attorney's office,
 23 treasurer's office, comptroller's office was in
 24 there, some small things, Board of Zoning Appeals.
 25 Q What about team C?

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1 A That had the Department of Public Works and the
 2 Milwaukee Public Schools.
 3 Q Okay. Is that it?
 4 A Uh-huh.
 5 Q Who is the Director of the health department within
 6 your department?
 7 A The health benefits section?
 8 Q Right.
 9 A That really doesn't have a --
 10 Q Key person, director?
 11 A A key person. There are four people there. They
 12 report directly to the employee benefits manager.
 13 Q Who is that?
 14 A Michael Brady.
 15 Q So you have four people working in the health
 16 benefits reporting to Michael Brady?
 17 A Correct.
 18 Q What about the workers' comp?
 19 A Workers' compensation, the head of that is Berma
 20 Hudson, H-u-d-s-o-n.
 21 Q What's her title?
 22 A Supervisor of workers' compensation.
 23 Q And she reports to Mr. Brady as well?
 24 A Yes, she does.
 25 Q Mr. Brady reports to who?

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1 A Usually he goes directly to Florence. We kind of
 2 tried to divide up the traffic that way.
 3 Q Okay. What about the operations division, who is
 4 the manager there?
 5 A There is no one manager in charge of that. The
 6 three individuals in charge of those different teams
 7 report directly to Florence and myself.
 8 Q Okay. And who are these three individuals?
 9 A In 2002 it included Al Weber.
 10 Q Okay.
 11 A Andrea, I'll spell this, Knickerbocker,
 12 K-n-i-c-k-e-r-b-o-c-k-e-r.
 13 Q And the third person?
 14 A Sally McAttee, M-c-A-t-t-e-e.
 15 Q Okay, all right. Now, as I understand, your
 16 department is responsible for all employee benefits;
 17 correct? In other words, handling all matters
 18 related to benefits?
 19 A With the exception of pension.
 20 Q Okay. Is pension a separate department?
 21 A Right. I had mentioned the employees retirement
 22 system. They handle all of that.
 23 Q That's a different section?
 24 A It's a different organization, right.
 25 Q Okay. But as far as benefits that are available to

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1 employees, your department would be responsible for
 2 that?
 3 A For policy administration of them, yes.
 4 Q Okay. Processing of paperwork?
 5 A Not in all cases we don't process paperwork
 6 regarding them.
 7 Q Who would be responsible for processing the
 8 paperwork?
 9 A The individual departments. Most of those benefits
 10 are matters directly related to payroll or payroll
 11 deductions.
 12 Q What aspects of employee benefits are these
 13 departments required to notify your office for?
 14 A For changes in health insurance such as marital
 15 status, dependents. Workers' compensation, when
 16 there has been an accident they have to submit
 17 reports.
 18 Q And I want you to tell me specifically the areas
 19 that these departments are required to notify your
 20 office in any direct and/or remote fashion.
 21 A Okay.
 22 Q All right. Health insurance, workers' comp.
 23 A There are provisions that they have to notify us of
 24 employees who have achieved certain levels of
 25 compensatory overtime balances.

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1 Q Such as?
 2 A I believe it's when an individual has achieved
 3 greater than a balance of 180 hours of compensatory
 4 overtime.
 5 Q Okay. Why is that?
 6 A We then work with the department to bring that
 7 balance down as far as scheduling the person's time
 8 off. We don't want to have people to have a huge
 9 balance in that manner. And for purposes under
 10 certain labor, I think probably all the labor
 11 agreements for reporting individuals who are
 12 carrying over their vacation from one year to
 13 another --
 14 Q Okay.
 15 A -- within the parameters of the labor agreements.
 16 And certainly if they have any questions about any
 17 of the administration of any of the other benefits
 18 where they're to provide them with guidance. I
 19 forgot, labor contract grievances are also, are
 20 processed through our department.
 21 Q Is that it?
 22 A As far as what they're required to report, yeah,
 23 pretty much.
 24 Q What about vacation? Are they required to notify
 25 your office when somebody takes a vacation?

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1 A No.
 2 Q Sick leave?
 3 A No.
 4 Q Medical leave?
 5 A They're not required to notify us.
 6 Q Okay. What about --
 7 A I'm sorry.
 8 Q -- overtime?
 9 A Make an exception on medical leave.
 10 Q What is the exception?
 11 A Because, and I should also say medical leaves and
 12 leaves of absences, layoffs, a transaction which
 13 changes a person's employment status as to whether
 14 or not they're on the payroll or off the payroll,
 15 those are transactions --
 16 Q That would go along with a termination?
 17 A Yes, resignations, things like that.
 18 Q All right. What about comp time, are they required
 19 to notify you of comp time?
 20 A Only when the balances are achieved, the level that
 21 I indicated before, 180 hour level.
 22 Q What kind of reporting are they required to provide
 23 you?
 24 A Of those?
 25 Q Right, with respect to the compensatory balances.

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1 A Oh, what they provide is a listing of the employee's
 2 name and what the balance -- their job title and
 3 what their balance is and hopefully any plans they
 4 have to reduce the balances.
 5 Q Does the City keep -- strike that. Under City
 6 policy are all employees required to keep track of
 7 their eight-hour time?
 8 A As far as reporting their hours?
 9 Q That they work eight hours.
 10 A Some employees have that, those who are covered by
 11 the Fair Labor Standards Act.
 12 Q As far as the Mayor's office is concerned, as far as
 13 timekeeping records, do they provide any records to
 14 your office?
 15 A Normal time keeping, no. Other than reporting the
 16 change in status of an employee, no, they would not
 17 be reporting.
 18 Q Payroll records?
 19 A No, except for perhaps a change in rate, they would
 20 report that, the person's pay rate.
 21 Q To your knowledge is the Mayor's office -- is the
 22 Mayor's office exempted from any of the sick leave
 23 policies that exist within the City of Milwaukee?
 24 A No.
 25 Q Okay. So all the policies apply equally to all?

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1 A Right.
 2 Q Including the Mayor's office?
 3 A Yes.
 4 Q Okay. All right, good. I needed to understand your
 5 department, so I hope my chart helps. There is just
 6 one thing that I'm missing.
 7 A I think I forgot one person on that, the three teams
 8 or four teams, I forgot my labor negotiator. I'm
 9 sorry. I won't tell him that either, and his name
 10 is Frank Forbes, F-o-r-b-e-s.
 11 Q All right. Now, as I understand, your office is
 12 also responsible for handling the complaint system?
 13 A Yes.
 14 Q All right. Where do we put this one?
 15 A Well, the intake on those is -- can be and normally
 16 is now Mrs. Dukes.
 17 Q Okay.
 18 A She handles that.
 19 Q How would you identify that specific subject matter,
 20 the complaint system, the commission complaint, the
 21 EOC?
 22 A Complaint system.
 23 Q All right. Before Ms. Dukes came on board, who
 24 handled the complaint system?
 25 A Let's see. We had more teams at that point in time,

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1 and the person who had a team, you know, one of
 2 these service delivery teams was our what we call
 3 subject matter expert in that area.
 4 Q And who was that?
 5 A Floyd Debow, D-e-b-o-w.
 6 Q And he was the person handling all the complaints,
 7 internal complaints for the City of Milwaukee?
 8 A He would, yeah, coordinate them as Florence does,
 9 right.
 10 Q Where is Mr. Debow today?
 11 A He is with the sewerage commission.
 12 Q Sewage commission?
 13 A Right, Metropolitan Sewerage District, whatever
 14 their name is.
 15 Q Did you say surge, not sewage?
 16 A Sewage, sewerage, sewerage, sewage.
 17 Q All right. When did he leave his position within
 18 your department? If you don't recall, that's fine.
 19 A Within the last three years.
 20 Q Why did he leave, if you know?
 21 A '97 or '98, somewhere around that time.
 22 Q Is it fair and accurate to say, sir, that the
 23 complaint system has been handled by Florence Dukes
 24 since she was appointed the Deputy Director?
 25 A Yes.

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1 Q Okay. Who made that change? In other words, who
 2 changed this responsibility to Ms. Dukes after
 3 Mr. Debow left?
 4 A Actually she and I did.
 5 Q How did that happen?
 6 A When we -- The decision on that was based on an
 7 allocation level. It was basically every year we
 8 get an allocation in the budget, it was a budget
 9 allocation.
 10 Q What were you trying to accomplish as far as the
 11 budget was concerned when you made these changes?
 12 A We lost Mr. Debow's position in the budget so we
 13 needed to cover the activities.
 14 Q Okay.
 15 A And in discussing it with Florence, it was basically
 16 you're going to have to pick this area up.
 17 Q Okay. When did you make that decision
 18 approximately?
 19 A It was either 1997 or 1998.
 20 Q Okay. And I suspect there is a record of the number
 21 of complaints that have been filed with your office
 22 since 1996?
 23 A I sure hope so.
 24 Q Okay. Before you appointed Ms. Dukes, how long had
 25 you known Ms. Dukes?

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1 A Let's see, probably -- no, I think it was beginning
 2 in 1989.
 3 Q How did you meet Ms. Dukes?
 4 A At the time she had been appointed to the position
 5 of employee benefits manager.
 6 Q Okay. Did you supervise her back then?
 7 A No.
 8 Q When you assigned Ms. Dukes to the complaint system,
 9 was she required to take any type of test or
 10 training before she was assigned to that position?
 11 A She had had training in that area, and again it
 12 wasn't a position, it was an area of function that
 13 was added to her repertoire.
 14 Q Before she was assigned to the Deputy Directorship,
 15 did you ever supervise her?
 16 A No.
 17 Q Okay. So in essence you had been supervising her
 18 for approximately how many years?
 19 A Since October of '96.
 20 Q And are you -- I suspect you were not involved in
 21 the appointment of Ms. Dukes I believe you
 22 testified?
 23 A As employee benefits manager, no, I was not. As far
 24 as the Deputy Director, I responded that I was not
 25 involved and the reason for that was for our 1997

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1 budget the position of Deputy Director was being
 2 eliminated and I was informed by David Reimer at
 3 that point that they wanted, and he's again Director
 4 of the budget office also in that role, that they
 5 wanted to make a change in that and revise the
 6 position of Deputy Director and have Florence work
 7 in that position which I thought was great.
 8 Q What did you know of Florence Dukes before she was
 9 appointed the Deputy Director?
 10 A Other than by knowing what her job involved and know
 11 that she's a very capable individual and a very nice
 12 individual personally.
 13 Q I suspect you are familiar with her credentials?
 14 A Yes.
 15 Q Her resume?
 16 A Yes.
 17 Q I suspect you keep a copy of her resume in her
 18 personnel file in your office?
 19 A I'm sure there probably is one there.
 20 Q Well, have you ever seen one for Florence Dukes?
 21 A I don't know that I've seen one. I do know
 22 Florence's background.
 23 Q Okay. You believe that she's quite knowledgeable
 24 about employee benefits?
 25 A Yes, I do.

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1 Q Okay. Has she ever provided any training in the
2 area of employee benefits?
3 A In any kind of formalized class situation, I do not
4 believe so.
5 Q What about internally, provided training for
6 employees within the City of Milwaukee?
7 A As far as explanations or whatever, probably at that
8 level, but as far as any --
9 Q Tell me, how do you run your department as far as
10 Florence Dukes' role is concerned? As your Deputy
11 is she the first stop before they get to you?
12 A Not everywhere.
13 Q My question is do you give her substantial or
14 substantive responsibilities?
15 A Oh, absolutely.
16 Q Okay.
17 A In the main she covers the employee benefits
18 division and area and the complaint intake --
19 Q Okay.
20 A -- piece, and I deal more with the labor relations
21 and the civil service administration.
22 Q Okay.
23 A But that doesn't mean if either one of us aren't
24 there that whomever needs to talk to somebody, will.
25 Q But your practice has been to kind of divide --

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1 A Right.
2 Q -- the duties and responsibilities?
3 A Right.
4 Q Do you conduct performance reviews of Florence
5 Dukes?
6 A No, I don't.
7 Q All right. Have you given any recommendations on
8 behalf of Florence Dukes for any type of promotion
9 or increase in pay since she has been your
10 subordinate?
11 A I have approved her annual pay increases that she
12 would be eligible for.
13 Q As far as knowledge and competence, how would you
14 rate Florence Dukes?
15 A Very high, very high.
16 Q In the areas of employee benefits, how would you
17 rate her knowledge and competence?
18 A Very high.
19 Q Okay. In the areas of understanding the employment
20 civil rights area, how would you rate Florence
21 Dukes?
22 A Very high.
23 Q Have you ever received any complaints about Florence
24 Dukes' competence, knowledge with respect to matters
25 assigned to her, including benefits and/or complaint

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1 procedures?
2 A Once.
3 Q Okay. What kind of complaint did you receive?
4 A From the City Clerk.
5 Q What was the nature of the complaint?
6 A He thought that she was too oriented toward the
7 employees' perspective.
8 Q And in your opinion was she too oriented?
9 A No.
10 Q Any other complaints regarding Ms. Dukes?
11 A No.
12 Q When that complaint came to your attention, when did
13 that happen?
14 A That was last week.
15 Q All right. And was a specific incident mentioned in
16 connection with this complaint?
17 A Yes.
18 Q What was the specific incident?
19 A It was a meeting that she had with the City Clerk
20 and the Deputy City Clerk.
21 Q And what was the subject matter?
22 A An employee of the City Clerk who had came up to see
23 Florence.
24 Q And what happened? What was the nature of the
25 complaint?

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1 A The employee in question has had an attendance
2 problem, quite often very late, and without making
3 any arrangements to inform somebody that she would
4 be late and they have tried to set up different
5 starting times for this person so that she would be
6 able to meet an eight-hour day schedule and be there
7 and apparently whatever schedule they adopted, she
8 would always come in late and she would never have,
9 as I understand it, a reason for being late such as
10 a child care issue or a transportation issue or
11 something. It was mostly just I couldn't get out of
12 bed or something along those lines.
13 The department had, City Clerk's office had
14 required that she time stamp in her arrival every
15 day and she complained to Florence about that and
16 Florence felt that because other people in the
17 department weren't allowed to do that, that person
18 was being singled out in that manner, and the City
19 Clerk's office wasn't happy with that.
20 Q What if any action did you take with respect to
21 Florence?
22 A Well, I had received a phone call from the City
23 Clerk to that effect, that he wanted to meet with me
24 about that matter and so I asked Florence what was
25 going on. I went down and had the meeting with the

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1 City Clerk and the Deputy City Clerk. I said I
2 believe Florence is right on that matter and I came
3 back and Florence asked me if I was going to give
4 her a written warning and I said, no, it's resolved
5 as far as I was concerned.
6 Q This particular incident involving that employee --
7 by the way, what's the name of the employee?
8 A I believe is her first name.
9 Q Not again, is it?
10 A No. is my payroll clerk, and she is a
11 fine woman.
12 Q Okay. Where does she work?
13 A In the City Clerk's office.
14 Q Okay. What's her job title?
15 A I don't know.
16 Q Before you received a phone call from the City
17 Clerk's office, did you know that Florence was
18 working on this particular case?
19 A I knew that she had been working with the City
20 Clerk's office regarding several employees there but
21 I didn't know the nature of what it was she was
22 exactly working on.
23 Q So in answer to my question, you did not know that
24 she was working with this until you
25 got a call from the City Clerk; is that correct?

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1 A That's correct.
2 Q All right. Did file any type of
3 grievance or complaint in writing?
4 A I don't know if she has.
5 Q All right. How effective do you believe Ms. Dukes
6 has been in her job as a discrimination complaint
7 key person?
8 A I believe she's been very effective.
9 Q In the five years or so that she has been handling
10 this particular task at your direction, how many
11 informal complaints do you believe she has handled
12 that never really got to a formal complaint because
13 of her effectiveness?
14 A Many. I don't know that I would be able to exactly
15 put a number on it because I'm not specifically
16 aware of each one. On occasion she will mention one
17 to me or ask my advice on --
18 Q She works pretty independently?
19 A Yes, yes.
20 Q Even though you don't know of the number or the
21 specific number of claims, you believe that she has
22 effectively handled many cases that otherwise would
23 have ended up in a written complaint?
24 A Yes, I do.
25 Q Okay. And I suspect when these cases have come to

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1 Ms. Dukes' attention, it's with the idea of
2 initiating some type of grievance at some point or
3 another; true?
4 A That's -- yes, that certainly could be the result of
5 that.
6 Q Are her duties with respect to the handling of the
7 complaint system, are her duties limited only to
8 discrimination complaints or is there an additional
9 task injected into this particular position?
10 A As far as --
11 Q You understand what I'm saying about her.
12 A Yes.
13 Q She doesn't handle union grievances?
14 A No, she does not.
15 Q She doesn't handle any type of nondiscriminatory
16 grievances?
17 A She may have to deal with an issue that may come up.
18 Normally I tend to get more involved with those but
19 she has.
20 Q But would it be fair to say that the bulk of her
21 duties as far as the complaint system are mostly
22 related to discrimination?
23 A Yes.
24 Q Employment rights?
25 A Correct.

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1 Q Is that correct? All right. Very good. And I
2 believe your testimony before was that she has
3 handled many but she pretty much works independently
4 without the need to get you involved in every single
5 case?
6 A That is right.
7 Q Is that correct? All right. Before the Marilyn
8 Figueroa matter developed, do you recall any other
9 time when Ms. Dukes got you involved with respect to
10 other discrimination complaints specifically?
11 A I remember one or two.
12 Q Okay. Tell me the last time she got you involved
13 with any matter involving a discrimination
14 complaint.
15 A I don't remember if it was the last one but it's the
16 one that I remember --
17 Q When I say the last one, before the Figueroa matter.
18 A I understand, yes.
19 Q Okay.
20 A Was a complaint in the water department.
21 Q Okay. At what point did you become involved -- or
22 strike that. At what point did she get you
23 involved?
24 A I believe she came in and was venting and expressing
25 her frustration with the particular situation and

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1 she was asking me whether or not she thought, just
 2 given the nature of the complaint, which if I recall
 3 correctly was quite involved, it had a number of
 4 different layers on it and numerous different
 5 people.
 6 Q All right.
 7 A And she was asking my advice as to whether or not
 8 that should be investigated by someone else just
 9 given the total volume and effort involved in it.
 10 Q All right.
 11 A Yes, I agreed with her that it was just too much for
 12 one person.
 13 Q So she was concerned about the volume of the work
 14 involved?
 15 A Right, and the complexity and all of that that made
 16 up the matter.
 17 Q Had she done substantial work in that case before
 18 she suggested that somebody else get involved?
 19 A I believe she had done a number of initial
 20 interviews with people.
 21 Q All right. Was there a formal complaint filed in
 22 that case?
 23 A Yes, there was.
 24 Q All right. So she received a formal complaint and
 25 began some interviews and then at some point she

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1 felt that it was a little too overwhelming?
 2 A Correct.
 3 Q All right. And at that point she requested some
 4 outside help?
 5 A Correct.
 6 Q All right. Any other incident where Ms. Dukes felt
 7 compelled to get you involved?
 8 A There have been others but the involvement would be
 9 to do kind of a gut check, come in and say this is
 10 what I heard, this is what I see, this is what I
 11 think, am I crazy or am I, you know, just kind of a
 12 collaboration, if you will, on that basis.
 13 Q All right. Any case where your department
 14 recommended an outside investigator or investigation
 15 before the actual complaint was filed other than the
 16 Marilyn Figueroa case?
 17 A I believe there was one.
 18 Q Which?
 19 A That was before I was Director, and that involved a
 20 complaint of a nonemployee against a City union
 21 official.
 22 Q So it was involving a nonemployee?
 23 A Correct.
 24 Q Okay. What about any other case involving employees
 25 of the City of Milwaukee against management of the

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1 City of Milwaukee where you recommended an outside
 2 investigation before the complaint was even filed
 3 other than the Marilyn Figueroa case?
 4 A I don't recall that happening.
 5 Q All right.
 6 A I don't remember any.
 7 Q Okay. With respect to these nonemployee against a
 8 union member, tell me the nature of that case.
 9 A It was -- I don't know, I don't know all the facts
 10 because I was not directly involved with that.
 11 Q What kind of complaint was this?
 12 A I believe it was a sexual harassment complaint.
 13 Q From a nonemployee against a union member?
 14 A Yes.
 15 Q Okay. Who was this individual?
 16 A The union member?
 17 Q No, the complainant.
 18 A I believe she was a fire fighter from the City of
 19 Racine.
 20 Q Okay. And did she file a written complaint?
 21 A No, she didn't.
 22 Q Okay. Who received the complaint, if there was one,
 23 who received it?
 24 A The Director at that time, Danae Davis Gordon.
 25 Q Okay. And what if any involvement did you have in

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1 that matter?
 2 A None.
 3 Q Okay. So this is something you are aware of?
 4 A Yes.
 5 Q Even though you were not involved in any manner?
 6 A That is correct.
 7 Q Okay. But as far as you know, during your tenure as
 8 the Director of Employment Relations, the only time
 9 when you, based on your sworn testimony of last
 10 Friday, the only time when you have recommended an
 11 outside investigation before a complaint was even
 12 filed is the one that pertains to Marilyn Figueroa;
 13 is that correct?
 14 A Well, no recommendation was made. It was a
 15 realization that that would have to occur.
 16 Q Okay. You didn't quite reach the point of
 17 recommending an outside source?
 18 A Correct.
 19 Q You were exploring that possibility?
 20 A I would say it was actually a conclusion at that
 21 point.
 22 Q Did you issue your conclusion in writing?
 23 A No, I did not.
 24 Q Okay. Did you ever write to anyone, including
 25 Mr. Soika, that you had reached the conclusion that

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1 if Marilyn Figueroa proceeded with her
2 discrimination complaint against the Mayor's office,
3 you would recommend somebody outside to investigate
4 her complaint?
5 A I don't believe I wrote him that. I know I told him
6 that.
7 Q Okay.
8 A Both Florence and I did.
9 Q I understand that. I just want to know whether or
10 not there is any record anywhere, and I will be
11 requesting an inspection of your hard drive for that
12 year.
13 A Yes, you mentioned that.
14 Q Yes. In fact, I noticed my very competent paralegal
15 is already preparing that motion over here.
16 Other than suggesting that to Mr. Soika, did
17 you suggest that to anyone else, that if Marilyn
18 Figueroa would proceed with her complaint that you
19 would suggest that somebody outside the City of
20 Milwaukee investigate that complaint?
21 A Not other than Florence. It was a conclusion we
22 both came to.
23 Q Okay. And I think just to bring you back to your,
24 in fairness to you, your sworn testimony last week
25 was that you never notified Marilyn Figueroa of your

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1 conclusion not to investigate her complaint had she
2 proceeded with that complaint?
3 A That would be correct.
4 Q Okay. And as I understand you did not direct
5 Florence or anyone within your department to notify
6 Marilyn Figueroa of your concerns regarding having
7 somebody else investigate, outside the City of
8 Milwaukee investigate her discrimination complaint?
9 A That's correct.
10 Q All right, very good. Very quickly, tell me, sir,
11 if you can, but if you feel that Ms. Florence Dukes
12 would be the person to provide me with that
13 information, that would be fine. Tell me, what's
14 your understanding of the complaint investigation
15 system? And before you do that, let's agree on one
16 thing. I believe that the complaint, discrimination
17 complaint procedures identified in the City of
18 Milwaukee policy have the precomplaint section in
19 place?
20 A Yes.
21 Q Is that correct? And then I suspect there is the
22 postcomplaint investigation procedure?
23 A Yes.
24 Q What's your understanding of that procedure?
25 A That the precomplaint area, there is a discussion

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1 with the complaining employee, if you will, and
2 follow-up discussions then with the department
3 involved, and as a lot of these matters, as Florence
4 has explained to me, ended up being a lot of
5 miscommunication or communication issues, that in
6 trying to mediate between the parties on trying to
7 affect some basic understanding of where the
8 supervisor, if you will, is coming from and the
9 employee, where that person is coming from, just so
10 that they are actually understanding each other as
11 opposed to having a misunderstanding.
12 Q And you're explaining to me some of the things that
13 occurred, but what I want you to tell me is step
14 one, step two, the A, B, Cs of the complaint
15 investigation system.
16 A Well, then I probably wouldn't be the best person to
17 talk about that.
18 Q All right.
19 A I can talk in general terms to say what it was.
20 Q You believe Florence Dukes would be that person?
21 A Yes.
22 Q Is that correct? You consider her an expert in
23 employment discrimination complaints?
24 A She's done many. Yes, I do.
25 Q I think I may have asked you this question before.

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1 As I understand, and you gave me extensive
2 information of what you discussed with Mr. Soika
3 after you learned from Ms. Florence Dukes that
4 Marilyn Figueroa was intending to file a
5 discrimination complaint against the Mayor's office;
6 correct?
7 A Yes.
8 Q And I remember you telling me that you had more than
9 one contact with Mr. Soika; correct? The first one
10 which occurred at your office at your request?
11 A Yes.
12 Q Which occurred on January the 6th --
13 A Yes.
14 Q -- of the year 2000? And as I understand you don't
15 have any notes or any records of that conversation
16 with Mr. Soika for January 6th of the year 2000?
17 A That's correct.
18 Q Okay. And do you know if Ms. Dukes has any notes
19 regarding that conversation?
20 A I don't know if she does or not.
21 Q All right. You gave me an extensive discussion of
22 what was discussed at that time and what your
23 suggestions were at that time.
24 A Yes.
25 Q Is that correct? When was the very next time that

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1 you had any contact with Mr. Soika regarding Marilyn
2 Figueroa or anything related to Marilyn Figueroa's
3 employment with the City of Milwaukee?
4 A The very next time, huh. To the best of my
5 recollection it was when I received a copy of the
6 letter that he sent to her, the first letter.
7 Q Do you recall the date of that letter?
8 A No, I don't off the top of my head.
9 Q Do you recall the contents of the letter?
10 A Generally, yes.
11 Q What were the contents of the letter?
12 A Basically writing to her and indicating that -- I
13 think it probably did point out the fact that she
14 had been absent from work for a period of time and
15 that he was aware that she had indicated she was ill
16 or had an illness and that he was considering that
17 that may be a request for family medical leave and
18 that she should provide the medical documentation
19 regarding her illness. It may have also indicated
20 how much paid sick leave and vacation she had
21 available.
22 Q Did you review that letter over the weekend?
23 A No, I did not.
24 Q All right. Have you learned of Mr. Soika's
25 testimony regarding this case?

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1 A No.
2 Q Have you learned of Ms. Florence Dukes' testimony
3 regarding this case?
4 A No.
5 Q By the way, I didn't finish asking you some of your
6 opinions about Ms. Florence Dukes with respect to
7 some of the issues. Ms. Florence Dukes spoke
8 extensively about the benefits that the City of
9 Milwaukee offers to its employees.
10 A Yes.
11 Q And I believe you did testify that you consider her
12 quite competent and knowledgeable --
13 A Yes.
14 Q -- on that subject? She also spoke extensively
15 about sick leave and medical leave as well. Do you
16 have the same opinion about Ms. Florence Dukes with
17 respect to her knowledge of sick leave and medical
18 leave?
19 A Yes.
20 Q Okay. All right. Do you think that Ms. Florence
21 Dukes is knowledgeable and competent in her
22 understanding of the Medical Leave Act as offered by
23 the City of Milwaukee to its employees?
24 A Yes.
25 Q All right. The policies regarding sick leave as

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1 well?
2 A Yes.
3 Q Do you consider her knowledgeable and competent?
4 A Yes, I do.
5 Q Okay. So you learned of Mr. Soika's letter to
6 Ms. Figueroa. I suspect you got a copy of that
7 letter?
8 A Yes, I did.
9 Q Do you know when you got the copy?
10 A I believe it was the day after the letter was dated.
11 Q Okay. Did Mr. Soika inform you before the letter
12 was sent that he was sending a letter? We're
13 talking about the number of contacts you had with
14 Mr. Soika and you already stated that the first
15 contact was in your office on January 6th and the
16 next contact was when you received a copy of a
17 letter.
18 A Right.
19 Q Okay. I suspect he did not talk to you before he
20 sent that letter?
21 A I don't recall him doing that.
22 Q All right. When you seen that letter, when was the
23 next contact of any kind via letter, document,
24 e-mail, telephone, person-to-person, when would have
25 been the next contact if there was one regarding

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1 anything related to Marilyn Figueroa's employment
2 with the City of Milwaukee?
3 A I believe it was of a similar nature of when the
4 first letter was sent, that I received a copy of the
5 second letter.
6 Q And which second letter are you referring to,
7 Mr. Hansen?
8 A The one on which he had indicated to her that
9 because she had not followed through that her
10 employment was terminated.
11 Q So I suspect by your sworn answer here, Mr. Soika
12 did not contact you before he sent that termination
13 letter?
14 A I don't recall that he did.
15 Q All right. And by virtue of that answer, I suspect
16 you did not provide any input with respect to the
17 termination of Marilyn Figueroa?
18 A That is correct.
19 Q All right. After this second letter was received,
20 did you have any contact with Mr. Soika?
21 A After the second letter?
22 Q Correct.
23 A Time frame I can't remember, but, yes, I did.
24 Q When was that? How soon after?
25 A I believe when the actual complaint was filed by her

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1 with, I believe it was with ERD.
 2 Q What was the nature of your -- of his contact or
 3 your contact with him?
 4 A The nature of the contact and/or contacts would
 5 basically have been, he asked me for some
 6 information regarding Marilyn's prior employment
 7 history and rates of pay, the timing of those types
 8 of things, I believe some other information
 9 regarding copies of like the VOI from the Mayor's
 10 office and maybe some of the employment history of
 11 some of the other members of the staff. Things of
 12 that nature.
 13 Q Before he sent the letter of termination to Marilyn
 14 Figueroa, did he ever ask you for any of this
 15 information before?
 16 A No.
 17 Q All right. Any other contacts with Mr. Soika?
 18 A On this subject matter?
 19 Q Correct. Anything related to Marilyn Figueroa.
 20 A Not other than these kind of contacts, may have been
 21 maybe three or four, yeah.
 22 Q What was the nature of those contacts?
 23 A I believe I would get a phone call saying could you
 24 get this information for him, which I would do, you
 25 know, looking at records and providing them.

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1 Q Other than the information that you cited
 2 previously, what other information was he requesting
 3 from you during these additional contacts that you
 4 identified?
 5 A That was pretty much it.
 6 Q Did Mr. Soika or anyone ever provide a copy of
 7 Marilyn Figueroa's complaints against the Mayor's
 8 office?
 9 A I'm assuming he was.
 10 Q Do you know when he provided that to you?
 11 A No. I don't know that I've even seen one, to be
 12 honest with you. I believe as they come in
 13 procedurally they come to the City Clerk's office
 14 and then they're directed to the City Attorney's
 15 office.
 16 Q When Mr. Soika sent Marilyn Figueroa her termination
 17 letter in the year 2000, were you copied in the
 18 letter to your knowledge?
 19 A I received a copy of the letter.
 20 Q My question is were you copied, cced in the letter
 21 of termination?
 22 A I don't know. I don't remember if I was. I don't
 23 think so.
 24 Q Mr. Hansen, based on your answers that you provided
 25 previously under oath, is it fair and accurate to

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1 say that Mr. Soika never consulted with you before
 2 terminating Marilyn Figueroa?
 3 A When we had the initial meeting on January 6th --
 4 Q Other than that?
 5 A Other than that, correct.
 6 Q Okay. So by virtue of your answers here today under
 7 oath, is it also fair and accurate to say that you
 8 didn't even know that Marilyn Figueroa was going to
 9 be terminated?
 10 A I did not know for a fact that she would be,
 11 correct.
 12 Q Okay. And is it fair and accurate to say that no
 13 one from the Mayor's office consulted with you
 14 before Marilyn Figueroa was terminated?
 15 A Correct.
 16 Q All right. Now let's go back again. After
 17 January 6th of the year 2000 when you met with
 18 Mr. Soika once you learned that Marilyn Figueroa
 19 would be filing a complaint of discrimination
 20 against the Mayor's office, who else did you have
 21 contact with regarding anything related to Marilyn
 22 Figueroa's employment with the City of Milwaukee?
 23 A Florence.
 24 Q After January 6th what other contacts did you have
 25 with Florence regarding Ms. Figueroa's situation?

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1 A Well, seeings that we worked together every day, I
 2 believe that the subject probably came up during the
 3 course of the day, had you heard anything or
 4 something along that nature.
 5 Q Do you recall any specific time when you and
 6 Florence discussed Marilyn Figueroa in any fashion
 7 after January 6th?
 8 A Yes.
 9 Q Tell me, what was the nature of your discussion?
 10 A It would have been after the complaint was actually
 11 filed.
 12 Q Okay. What was the nature of your discussion with
 13 Ms. Dukes?
 14 A One of, can you believe that this is actually
 15 happening, kind of in reaction to that news.
 16 Q What did you learn once the complaint was filed?
 17 A Just basically what I was reading in the paper, the
 18 issue of whether there was a consensual relationship
 19 or not.
 20 Q Did you learn once the complaint was filed that
 21 there was a disputed version of the sexual exchange
 22 that took place between Marilyn Figueroa and
 23 Mayor Norquist?
 24 A I was aware as it was in the paper, yes.
 25 Q And once there is a disputed version of a sexual

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1 nature, obviously that is something your department
2 would have investigated had Marilyn proceeded with
3 her complaint with your office; correct?
4 A We would have been responsible for having that
5 investigated.
6 Q You learned that the Mayor not only through the
7 newspapers but also through a statement that he read
8 to cabinet members was taking a position that was
9 adverse to Marilyn's position; correct?
10 A Yes.
11 Q And when the Mayor told you about this what he calls
12 consensual relationship, did you believe his version
13 as opposed to Marilyn Figueroa's version?
14 A I believe I did.
15 Q At what point did you reach that conclusion, sir?
16 A I don't know that it took me much of any time to
17 have that initial impression, if you will.
18 Q Would that belief -- strike that. Did you reach
19 that conclusion before you learned of Marilyn
20 Figueroa's version or after?
21 MR. TOKUS: Objection, I'm not sure
22 that this is the state of the record now. We're
23 talking about after this witness received or saw
24 a copy of the complaint or a report of it?
25 MR. ARELLANO: What's your
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1 objection, Mr. Tokus?
2 MR. TOKUS: My objection is that
3 your question is unclear as to when this witness
4 is forming this conclusion.
5 MR. ARELLANO: All right. So
6 that's your objection. Let me ask you to read
7 this gentleman my previous question before his
8 extensive objection.
9 (Question read)
10 A More than likely before. I don't know that I've
11 heard her version in its entirety.
12 Q Okay. Once you learned that Marilyn Figueroa had a
13 different version, did your conclusion regarding
14 Mayor Norquist's version of a consensual
15 relationship change in any manner?
16 A I think it was more of, okay, we're going to have to
17 wait and see how this plays out and just what
18 exactly is the truth in this matter.
19 Q Assuming that you had concluded that the Mayor's
20 version was the one that you believed, would that
21 have precluded you from believing that Marilyn
22 Figueroa had a legitimate right to proceed with a
23 sexual harassment discrimination complaint?
24 A She has every right to pursue any claim that she
25 feels she needs to.
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1 Q And in spite of your conclusion that the
2 relationship was consensual in nature?
3 A It was more of an impression. Conclusion makes it
4 sound like I --
5 Q Right, and I accept your clarification for the
6 record. Once you learned that the female in this
7 case, Marilyn Figueroa, has an opposite view, would
8 you have discouraged her from proceeding with her
9 internal complaint against Mayor Norquist?
10 MR. TOKUS: Objection. This is --
11 MR. ARELLANO: What's your
12 objection?
13 MR. TOKUS: -- a question that's
14 contrary to fact.
15 MR. ARELLANO: You know, I respect
16 you, I really do, Mr. Tokus, especially because
17 you're older than I am but that doesn't even
18 amount to a legal objection but the record
19 protects your objection. Let me ask the court
20 reporter to read my question subject to this
21 objection.
22 (Question read)
23 A No. That would have been against the oath I have
24 taken for the office, to uphold all of the federal,
25 state and local laws, and I would have -- I have
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1 never in my entire career dissuaded anybody from
2 filing any kind of action, grievance, complaint or
3 whatever that they may have had.
4 Q Now let me ask you to assume a set of facts. Okay?
5 In your capacity as the Director of the office that
6 investigates discrimination complaints, including
7 sexual harassment complaints, let me ask you to
8 assume that Ms. Figueroa learns from a fellow worker
9 that Mr. Soika has disclosed her confidential
10 contact with Ms. Dukes. Do you believe that that
11 would violate the confidentiality agreement injected
12 in the sexual harassment policies of the City of
13 Milwaukee?
14 A If it didn't --
15 MR. TOKUS: Objection. The best
16 evidence of those policies are the policies as
17 expressed themselves.
18 MR. ARELLANO: Subject to that
19 objection, I would like you to read this
20 gentleman my question, and I want you to pay
21 attention and answer my question subject to that
22 objection.
23 (Question read)
24 A I don't believe that violates it but I think it kind
25 of kicks the hell out of it. I just don't think it
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1 was a good idea on his part given the fact that a
 2 complaint hadn't been filed. My feeling is that
 3 that matter should have been, not have been divulged
 4 in the manner that it was.
 5 Q In fact, the language of the anti-harassment, sexual
 6 harassment policy, as well as the EOC guidelines,
 7 specifically state that the immediate supervisor
 8 will not participate if there is an initial
 9 complaint filed against him or her; true?
 10 A I don't know that that's true. I don't know the law
 11 that well, but it wouldn't necessarily make sense to
 12 me in all cases.
 13 MR. ARELLANO: Off the record.
 14 (Discussion held off record)
 15 MR. ARELLANO: Back on the record.
 16 Q Did you bring any records with you, Mr. Hansen?
 17 A No, I don't have any records. The paralegal from
 18 the City Attorney's office asked that I bring a copy
 19 of the forms associated with Family Medical Leave
 20 Act.
 21 Q Okay. Let me take a look at it.
 22 A There are three copies each.
 23 Q Are these --
 24 MR. TOKUS: How many sets did you
 25 give him?

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1 THE WITNESS: There are three
 2 copies of each form.
 3 Q Okay.
 4 A So these two are different.
 5 Q Okay.
 6 A One is a medical certification, one is the
 7 employee's request.
 8 Q This form is only a one-page form?
 9 A That's correct, that's correct.
 10 Q Let me have one page from here. Then we'll have one
 11 for marking and one for me.
 12 (Exhibit Nos. 2 and 3 marked
 13 for identification)
 14 MR. ARELLANO: Let me ask you to
 15 bring me back to the last question and his last
 16 answer.
 17 (Requested portion read)
 18 Q Very good. Let me show you, Mr. Hansen, what was
 19 marked Exhibit No. 1 of your deposition which was
 20 also marked as Exhibit No. 11 of Ms. Dukes'
 21 deposition. And looking at this Exhibit 1 which
 22 contains a total of seven, I think it's supposed to
 23 have more than seven pages, there is a page with a
 24 number 9 which is blank which apparently didn't
 25 copy, we'll see that, but just looking at this

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1 Exhibit No. 1, it contains the cover letter sent to
 2 Marilyn Figueroa on January 5th, 2000 by Ms. Dukes;
 3 correct?
 4 A Yes.
 5 Q And it contains the City of Milwaukee employee
 6 complaint form?
 7 A Yes.
 8 Q Correct? Which as I understand was sent to
 9 Ms. Figueroa?
 10 A Yes.
 11 Q And it contains the entire complaint form which ends
 12 with the page number 4, release statement for the
 13 signature of the employee; correct?
 14 A Yes.
 15 Q All right. She just has to get you verbally.
 16 A I understand.
 17 Q And then Ms. Dukes also sent to Ms. Figueroa the
 18 City of Milwaukee Internal Discrimination
 19 Harassment, or Harassment as they would say in the
 20 Clinton matter, Complaint Procedure and it shows
 21 your name, and I think you recall now that we cited
 22 this last week?
 23 A Yes, we did.
 24 Q It shows your name as Jeffrey Hansen, Director of
 25 Employee Relations, Florence Dukes, Deputy Director,
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1 Department of Employee Relations. Did I read that
 2 correctly?
 3 A Yes.
 4 Q All right. And as I understand, these are the
 5 procedures and policies that were in effect in the
 6 year 2000?
 7 A Yes.
 8 Q Is that correct? And directing your attention to
 9 the first page which shows in writing the role of
 10 the Department of Employee Relations, did I read
 11 that correctly, role of the Department of Employee
 12 Relations?
 13 A Yes.
 14 Q All right. And it has a component which is
 15 identified preliminarily as a precomplaint meeting.
 16 Did I read that correctly?
 17 A Yes.
 18 Q Okay. And I hope I'm not forcing you to read
 19 something which you may not be able to read from a
 20 distance. This is the only copy I have before me
 21 but it says, "Before filing a written complaint, the
 22 complainant has the option of initiating a
 23 precomplaint meeting with his/her immediate
 24 supervisor unless the immediate supervisor is the
 25 subject of the allegations." Did I read that

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1 correctly?
 2 A Yes.
 3 Q Okay. Does that help you to understand my previous
 4 question which is that if the supervisor is the
 5 subject of the allegations, then he or she should be
 6 excluded from the initial aspects of the complaint
 7 filing?
 8 A If there is a complaint filed and that is a known
 9 situation.
 10 Q Well, I know that that is the position that you or
 11 the City may want to take, and I don't want to fight
 12 against documents, but this document talks about
 13 maintaining that confidentiality or at least
 14 excluding the supervisor at the precomplaint filing;
 15 is that correct?
 16 A Yes.
 17 Q So that applies even before the complaint is
 18 actually formally filed, is that correct, according
 19 to the policy?
 20 A Yes.
 21 Q All right. Now, is it fair and accurate to say,
 22 Mr. Hansen, that when you spoke to Mr. Soika you
 23 knew at all times that he was the mouthpiece of
 24 Mayor Norquist?
 25 MR. TOKUS: Objection to the
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1 characterization mouthpiece.
 2 Q Well, he was the spokesperson, let me elevate my
 3 vocabulary here.
 4 A A little bit better. I knew he was the Chief of
 5 Staff.
 6 Q So the answer would be yes?
 7 A I knew he was the Chief of Staff, yes.
 8 Q And you obviously knew that Mr. Soika owed some
 9 fiduciary duty to Mr. Mayor Norquist?
 10 MR. TOKUS: Objection.
 11 Q Correct?
 12 MR. TOKUS: The title speaks for
 13 itself.
 14 Q Go ahead, sir.
 15 A I don't know what you mean by fiduciary.
 16 Q To disclose matters that concern his office.
 17 A Yes.
 18 Q All right. And as I understand, you testified last
 19 week that you never instructed Mr. Soika not to
 20 disclose the information you provided to him with
 21 respect to Marilyn Figueroa's intent to file a
 22 discrimination complaint against the Mayor's office?
 23 A Right. I do not recall discussing the
 24 confidentiality aspect of that.
 25 Q And that is a very significant aspect of a
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1 discrimination complaint; isn't that true?
 2 A The --
 3 Q Confidentiality.
 4 A Yes.
 5 Q In fact, the City of Milwaukee has other protective
 6 provisions in place that assist employees in the
 7 processing of complaints; isn't that correct?
 8 A Other procedures, is that what you're talking about?
 9 Q Yes.
 10 A More than likely, yes.
 11 Q I'm sure you are familiar with the City of Milwaukee
 12 policies on the Workplace Violence Prevention
 13 Policy?
 14 A Yes.
 15 Q And I'm sure you knew about this policy before you
 16 spoke to Mr. Soika about Marilyn Figueroa's
 17 discrimination complaint in the year 2000?
 18 A I was aware of the policy, certainly.
 19 Q And, in fact, this policy is managed by your
 20 department; isn't that correct?
 21 A That is correct.
 22 (Exhibit Nos. 4 and 5 marked
 23 for identification)
 24 Q Let me show you, Mr. Hansen, Exhibit No. 5 of your
 25 deposition. Once you've reviewed that, tell me
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1 whether or not --
 2 A I'm ready.
 3 Q Are you familiar with that specific document which
 4 has been marked as Exhibit No. 5?
 5 A Yes, I am.
 6 Q And is that document in your view indicating the
 7 policies that were in effect in the year 2000 when
 8 Marilyn Figueroa came to your department requesting
 9 a discrimination complaint form?
 10 A Yes.
 11 Q Okay. And by looking at Exhibit No. 1 of your
 12 deposition, can you just enlighten me and tell me
 13 what is the difference between Exhibit 5 and
 14 Exhibit 1 of your deposition?
 15 See if this may help you. From a common sense
 16 angle I believe that Exhibit No. 5 contains the
 17 definitions of discrimination and Exhibit No. 1
 18 basically contains the procedures for filing a
 19 discrimination complaint.
 20 A That would be my observation and explanation of the
 21 difference.
 22 Q All right. To your knowledge do you know if
 23 Ms. Dukes sent Ms. Figueroa Exhibit No. 5?
 24 A I don't know that she did, but I did not see that as
 25 any of the attachments.
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1 Q Let me take it back. And I apologize to you for not
2 having an extra copy so we are not flipping back and
3 forth. All right.

4 And is it fair and accurate to say,
5 Mr. Hansen, that when you spoke to Mr. Soika on
6 January 6th for the purposes of bringing to his
7 attention the fact that Marilyn Figueroa was
8 intending to file a discrimination complaint against
9 the Mayor's office, is it fair and accurate to say
10 at least based on your sworn testimony of last week,
11 and you are welcome to clarify it for me if you will
12 or if you need to, is it fair and accurate to say
13 that you did not know the nature of her complaint?

14 A That is correct.

15 Q All right. And here again before Mr. Soika
16 terminated Ms. Figueroa I believe in late January or
17 very early February of the year 2000, did he ever or
18 anyone for that matter from the Mayor's office
19 disclose to you anything about a relationship
20 between the Mayor and Marilyn Figueroa?

21 A No, they did not.

22 Q Before Marilyn Figueroa was fired or terminated from
23 her employment with the City of Milwaukee, did you
24 have any clue as to the relationship between
25 Mayor Norquist and Ms. Figueroa?

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1 A No, I did not.

2 Q And is it your testimony that the first time you
3 learned of a relationship between Norquist and
4 Figueroa was during that cabinet meeting where
5 Mr. Soika issued a written statement on behalf of
6 the Mayor?

7 MR. TOKUS: Objection. That's not
8 the state of the record.

9 MR. ARELLANO: And this is the
10 first time I appreciate his objection. If that
11 is not the state of the record, then you tell me,
12 Mr. Hansen, what's the state of the record.

13 Q When did you learn for the first time about the
14 relationship between Figueroa and Mr. Norquist?

15 A At that cabinet meeting when the Mayor's statement
16 was provided to members of the cabinet who were in
17 attendance.

18 Q And again, do you recall approximately when that
19 occurred?

20 A I know it was the same day that he was holding a
21 press conference to that effect. I don't remember
22 the exact date.

23 Q Are you telling me that it would have been sometime
24 in December of the year 2000?

25 A Probably, yes. That corresponds with that

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1 particular date.

2 Q When you learned of this consensual relationship,
3 did you develop in the back of your mind, did you
4 connect that consensual relationship to Marilyn's
5 discrimination -- to Marilyn Figueroa's intent to
6 file a discrimination complaint a year earlier
7 almost?

8 A Yeah, I figured that there was a connection.

9 Q All right. And is it your sworn testimony that
10 Mr. Soika never, ever notified you while he was
11 consulting with employment relations that he was
12 aware of an alleged relationship between Norquist
13 and Figueroa?

14 A Absolutely. He never mentioned it.

15 Q All right. In Exhibit 1, which is entitled City of
16 Milwaukee Internal Discrimination Harassment
17 Procedure which also shows your name as the
18 Director, there is an extensive explanation of the
19 role that your department would play in these types
20 of discrimination complaints; is that correct? We
21 already talked about that briefly.

22 A Yes.

23 Q And one of the roles that I believe your department
24 is required to play pursuant to policy is to
25 interview the complainant before being asked to fill

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1 out the complaint form. Is that your understanding?

2 A If that's what the policy says, I believe that.

3 Q In fact, I'll stand right next to you if you don't
4 mind and I'll go over this with you. I'm looking at
5 Exhibit No. 1, City of Milwaukee Internal
6 Discrimination Harassment Complaint Procedure,
7 Jeffrey Hansen, Director, Florence Dukes, Deputy
8 Director; correct?

9 A Correct.

10 Q It states the need for having the policy; right?

11 A Right.

12 Q The role of the Department of Employment Relations
13 for which you have been a Director at all times
14 during the period of this complaint; correct? And
15 then we move to page number 2 of the same policy.
16 And on the second paragraph is specifically --

17 MR. TOKUS: Excuse me, we're
18 talking about the complaint procedure now, are we
19 not, Counsel?

20 MR. ARELLANO: Indeed.

21 MR. TOKUS: All right, wanted to
22 make sure.

23 Q The second paragraph of the procedure explanation
24 reads as follows: "The complainant should be
25 interviewed before being asked to fill out the

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1 complaint form." Did I read that correctly?
 2 A Yes, you did.
 3 Q To your knowledge did Ms. Dukes ever call Marilyn
 4 Figueroa as a follow-up once she sent her these
 5 procedures?
 6 A She never told me that she did.
 7 Q So you're not aware of that?
 8 A I'm not aware if she did.
 9 Q Do you know if you -- anyone else in your office may
 10 have called Marilyn Figueroa to find out?
 11 A If someone had, I'm sure they would have informed
 12 me.
 13 Q All right. And then the next sentence reads as
 14 follows: "Great care should be taken to ensure that
 15 the problem identified involves an alleged act of
 16 discrimination or harassment based on a protected
 17 category as opposed to some other form of employee
 18 conflict." Did I read that correctly?
 19 A Yes, you did.
 20 Q Other than sending this form to Marilyn Figueroa,
 21 are you aware of any specific act, investigation
 22 your office conducted in accordance with this policy
 23 in order to determine what type of discrimination
 24 complaint Marilyn Figueroa was trying to file?
 25 A I certainly couldn't have without her involvement.

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1 Q And I understand that --
 2 A No.
 3 Q -- nothing was done other than sending her a
 4 complaint form?
 5 A That's correct.
 6 Q All right. And then it continues on the second
 7 paragraph, almost the last sentence. "Once it has
 8 been determined that discrimination or harassment
 9 based on a protected category is being alleged, the
 10 complainant shall be provided with an employee
 11 complaint form and offered the following
 12 assurances." Did I read that correctly?
 13 A Yes, you did.
 14 Q All right. On the top of this particular second
 15 page of the procedure, it specifically says, "The
 16 Department of Employee Relations will immediately
 17 inform department managers who may (where they are
 18 not the subject of the allegations) be involved in
 19 the investigation when a complaint has been filed
 20 and accepted for investigation." Did I read that
 21 correctly?
 22 A Yes, you did.
 23 Q And here again, as I understand, when you summoned
 24 Mr. Soika to your office, you did not explain these
 25 policies to him --

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1 A No.
 2 Q -- with respect to confidentiality?
 3 A Correct.
 4 Q All right.
 5 A A complaint hadn't been filed.
 6 Q To your knowledge did anyone notify Marilyn Figueroa
 7 that if she would proceed with a discrimination
 8 complaint your office would not be investigating it?
 9 A To my knowledge, no one informed her of that.
 10 Q On the same issue, did anyone from your office
 11 direct Marilyn Figueroa to file directly with the
 12 federal EOC?
 13 A To my knowledge, no one made that.
 14 Q Are you aware, sir, given the number of years that
 15 you've been the Director in this particular area of
 16 human relations, human resources and employee
 17 relations, are you aware that under the law any
 18 person that files a complaint against an employer
 19 that has a discrimination procedure on file may
 20 waive his right to federal court because they never
 21 used the internal procedure available?
 22 MR. TOKUS: Objection. That
 23 question has numerous parts and I'm not sure -- I
 24 didn't understand it. Let me say that. That's
 25 my objection.

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1 MR. ARELLANO: Off the record.
 2 (Discussion held off record)
 3 (Question read)
 4 MR. TOKUS: Objection, that is not
 5 a fair characterization of what the law is.
 6 Q Go ahead.
 7 A I'm not sure I understood the last couple of
 8 sentences.
 9 Q Well, my question is, are you aware of any rule,
 10 law, statute that requires that the employer first
 11 be given notice of a complaint before that person
 12 goes to federal court or state court?
 13 A I'm not aware of any.
 14 Q You're not aware of that, all right. Now let's go
 15 to the next item. Had you learned that Marilyn
 16 Figueroa was claiming unwelcomed sexual harassment,
 17 coercion, intimidation and at times forced anal sex,
 18 do you believe that the Workplace Violence
 19 Prevention Policy on page 4 would apply to
 20 Ms. Figueroa?
 21 A The acts, et cetera, that you explained would be in
 22 violation of this policy, yes.
 23 Q In fact, under the City of Milwaukee Workplace
 24 Violence Prevention Policy, your office would be
 25 required to even keep the complainant's name

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1 anonymous; isn't that correct?
 2 MR. TOKUS: You want to direct the
 3 witness's attention to a particular part?
 4 Q First I want to know if you're aware of that part.
 5 A It sounds somewhat surprising to me that it would
 6 have to be anonymous in its entirety. Someone would
 7 have to --
 8 Q All right. But my question is are you aware of the
 9 fact that the City provides a policy for the
 10 protection of a given employee to even file an
 11 anonymous complaint in order to protect his or her
 12 person?
 13 A Just so I understand your question, that we have a
 14 provision for an individual to file an anonymous
 15 complaint, not identifying themselves with our
 16 department.
 17 Q Correct.
 18 MR. TOKUS: Now --
 19 Q Or requesting that the name not be disclosed.
 20 MR. TOKUS: Objection.
 21 Q And I appreciate your clarification. Let me
 22 rephrase my question.
 23 MR. TOKUS: Go ahead.
 24 Q Are you aware of any policy within the City of
 25 Milwaukee under the City of Milwaukee Workplace
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1 Violence Prevention Act that would allow an employee
 2 the right to file a complaint and request that the
 3 name not be disclosed?
 4 A I believe that is in that policy.
 5 Q Okay. And under what specific circumstances, if you
 6 know, under what specific circumstances do you
 7 believe that provision would apply? Any? Any time
 8 an employee says I don't want you to disclose my
 9 name?
 10 MR. TOKUS: If you know.
 11 Q If you know.
 12 A If I know. I don't know for sure. I believe that
 13 that's their request, but I'm not entirely certain.
 14 Q All right. Let me ask you to assume that before
 15 Marilyn Figueroa was terminated Mr. Soika notifies
 16 you that he has learned that there was sexual
 17 interaction between Mayor Norquist and Figueroa in
 18 the midst of her trying to file a complaint. Would
 19 you have recommended termination of Marilyn
 20 Figueroa?
 21 A No.
 22 Q And why not, sir?
 23 A There is a presumption there that, I mean these are
 24 all assumed, assumed facts, that the filing of the
 25 complaint of the nature of that form probably could
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1 be considered to be some sort of response to Soika's
 2 letter but in the context of what actually happened,
 3 I have no -- but that's just, off the top of my head
 4 you're trying to give me a set of facts which I'm
 5 not familiar with.
 6 Q And that would have happened if -- Obviously you
 7 knew that she was intending to file a complaint. If
 8 you had known that Mayor Norquist disclosed a sexual
 9 interaction shortly thereafter and then a
 10 termination occurs, would your answer be the same?
 11 A I believe it would. I would have done something
 12 else.
 13 Q What would you have done?
 14 A I would have gone upstairs and seen the City
 15 Attorney.
 16 Q After -- I believe we have finished with all of
 17 the -- I believe we have finished with all of the
 18 contacts that you had with Mr. Soika; is that
 19 correct?
 20 A I believe so.
 21 Q All right. And just to kind of bring you back and
 22 see if we can let you go early today, maybe, you had
 23 a contact with Mr. Soika January 6th, then you
 24 received a copy of the letter demanding that she
 25 produce a medical record and then the next contact
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1 would have been when you received a copy of the
 2 termination letter; correct?
 3 A That's my recollection, yes.
 4 Q And then there were subsequent contacts after the
 5 termination for the purposes of requesting records
 6 and information of Marilyn and other co-employees
 7 within the Mayor's office; correct?
 8 A Yes, once she had filed her complaint.
 9 Q All right. And during any of these contacts after
 10 she was let go but before the complaint was filed,
 11 do you recall whether or not Mr. Soika ever gave you
 12 any clues or innuendo that he knew the Mayor and
 13 Figueroa had exchanged in sexual acts?
 14 A Not at all.
 15 Q All right. Marilyn receives a discrimination form
 16 from your office and shortly thereafter she finds
 17 that Soika has disclosed your communication to the
 18 Mayor.
 19 MR. TOKUS: Objection. That's not
 20 entirely the state of the record.
 21 Q Would it be reasonable in your view for a potential
 22 complainant to be intimidated into proceeding with a
 23 discrimination complaint?
 24 A Did you say for an individual to be intimidated into
 25 making a complaint?
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1 Q Correct. Would it be a reasonable expectation that
2 would taint or shake a person's desire to proceed
3 with that complaint?
4 A I'm really not understanding the question.
5 Q Yeah, my question to you is the learning that the
6 Mayor was -- strike that. Marilyn Figueroa learning
7 that Soika had disclosed the intent of filing a
8 complaint, would that in your view be a sufficient
9 basis for a potential complainant to desist or not
10 proceed with a complaint?
11 A I don't think so because my view of that would be
12 that the person would -- if it was me, I would
13 become just angrier and I would be more determined,
14 I guess. I guess that's the best I can answer that.
15 Q Do you feel, sir, in all of the years that you've
16 been in employment relations or human resources, do
17 you feel that Marilyn Figueroa and the Mayor were on
18 equal power setting?
19 A The Mayor is the chief executive of the City. No.
20 Q Ms. Barb Candy has described Mayor Norquist as
21 someone who can really get at people that cross him.
22 Do you agree with that view?
23 A That hasn't been my experience with him. I would
24 have no way of knowing that that is --
25 Q Do you know Barb Candy?

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1 A I know who she is, yes.
2 Q Okay.
3 MR. ARELLANO: Why don't we take a
4 lunch break, and I think I should be done with
5 you within the next hour after lunch. Is that
6 okay? All right.
7 (Lunch recess)
8 (Exhibit Nos. 6 through 13 marked
9 for identification)
10 Q While we are on this issue, Mr. Hansen, back in the
11 year 2000 after you met with Mr. Soika, did there
12 come a time when you learned that Marilyn Figueroa
13 had obtained an attorney?
14 A I believe in newspaper accounts I was aware, yeah.
15 Q All right. And do you recall approximately when you
16 became aware of that fact?
17 A I'm really not.
18 Q Did there come a time when you learned that Marilyn
19 Figueroa's first attorney by the name of Pedro Colon
20 had been referred by Mr. Soika and the Mayor's
21 attorney, Anne Shindell, to the District Attorneys
22 for prosecution?
23 A I remember reading that in the paper, yes.
24 Q All right. And during that time did you learn any
25 information about the types of allegations that were

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1 being exchanged between Ms. Figueroa and people
2 representing Mayor Norquist?
3 A No, I did not.
4 Q Do you recall approximately when you learned that
5 Marilyn's first attorney regarding this case was
6 referred to the District Attorney's office?
7 A I don't have any specific recollection of that. I'm
8 sorry.
9 Q During your last deposition you stated that the only
10 two people you spoke with relation or in relation to
11 Marilyn Figueroa's employment with the City was
12 Mr. Soika and a payroll clerk, Pat Stawicki, and I
13 think you put it in terms of I may have talked to a
14 payroll clerk. Is that accurate?
15 A Yes.
16 Q Okay. Do you recall when you spoke to Mr., excuse
17 me, Ms. Stawicki?
18 A It would have been after the first letter from Soika
19 was sent out but before the second letter was sent
20 out.
21 Q Tell me who initiated this contact between
22 Ms. Stawicki and yourself.
23 A Pat did. She called.
24 Q What was the nature of that discussion? Tell me as
25 verbatim, as closely as you can to that discussion.

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1 A She was calling because -- she was having difficulty
2 with a staff member in my office who reviews
3 transactions, the ones that are reported changing
4 status, and --
5 Q What did she say, Ms. Stawicki?
6 A I think she was talking about she was trying to
7 report through the electronic process that Marilyn
8 was on family medical leave and our, or our, my
9 staff person who reviews these was indicating to her
10 that she needed the documentation authorizing that
11 leave.
12 Q What if anything did you say?
13 A I told Pat to my knowledge she was not on Family
14 Medical Leave Act and that she shouldn't be
15 reporting that unless she did get some forms to that
16 nature and that I would talk to Marie, our staff
17 person, that Pat had erroneously made that
18 assumption that she was on Family Medical Leave Act
19 and that she should not worry about it. Apparently
20 the two were having communication problems so I
21 wanted to explain to Marie.
22 Q Anything else?
23 A That's all I recall.
24 Q What did you do then after that?
25 A Went back to my desk. I didn't do anything further

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1 with that that I can recall.
 2 Q Was that the only discussion you had with
 3 Ms. Stawicki?
 4 A I believe so.
 5 Q Did you discuss Marilyn's situation with anyone
 6 else?
 7 A No, I did not.
 8 Q Anyone else within your office, your department?
 9 A No, I did not. I think after there were accounts in
 10 the newspaper or whatever, I just told individuals,
 11 I can't talk about this, I can't comment on it.
 12 Q Did you ever notify Mr. Soika to place Marilyn
 13 Figueroa on family leave?
 14 A No, I did not.
 15 Q Okay. When you told Ms. Pat Stawicki that she was
 16 not on family leave unless certain forms would be
 17 submitted, I believe that's what you testified?
 18 MR. TOKUS: Objection, that's not
 19 the testimony.
 20 MR. ARELLANO: This is the answer
 21 you gave me under oath, sir.
 22 (Following answer read:
 23 "A. I told Pat to my knowledge she
 24 was not on Family Medical Leave Act
 25 and that she shouldn't be reporting

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1 that unless she did get some forms
 2 to that nature and that I would talk
 3 to Marie, our staff person, that Pat
 4 had erroneously made that assumption
 5 that she was on Family Medical Leave
 6 Act and that she should not worry
 7 about it. Apparently the two were
 8 having communication problems so I
 9 wanted to explain to Marie.")
 10 Q I believe your prior testimony was that you never
 11 talked to anyone after your conversation with Pat
 12 Stawicki?
 13 A Other than Marie, right.
 14 Q Now you're telling me a different story. Did you
 15 talk to Marie?
 16 A After I talked with Pat, yes, I did.
 17 Q Okay. That wasn't reflected in your prior testimony
 18 but now that you are, what did you discuss with
 19 Marie?
 20 A Basically just what I said, that Pat had erroneously
 21 assumed that Marilyn was on Family Medical Leave
 22 Act, on family medical leave.
 23 Q All right. What did Marie say?
 24 A Okay, fine.
 25 Q What's the full name of this Marie?

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1 A Marie Pettigrew.
 2 Q And what's her title?
 3 A Pay services specialist.
 4 Q Okay. And did Marie have -- in any way discuss with
 5 you anything related to Marilyn Figueroa before you
 6 talked to Pat Stawicki?
 7 A No.
 8 Q All right. Now, what forms were you referring to
 9 when you told Pat Stawicki that Marilyn would not be
 10 on family leave until she submitted some forms?
 11 A There is a request form --
 12 Q Okay.
 13 A -- that is filled out, and I believe that's the form
 14 that has the approval of the department on it.
 15 Q Okay.
 16 A Then there is a second form which is used by the
 17 healthcare provider to identify the condition for
 18 which the leave is being requested.
 19 Q All right. Did you identify -- I suspect the forms
 20 that you are talking about are forms that the City
 21 of Milwaukee requires before granting medical leave?
 22 A They're the ones they use to process the claims,
 23 that's correct.
 24 Q So the answer would be yes, they are required?
 25 A Yes.

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1 Q Okay. When you spoke to Ms. Pat Stawicki, is it
 2 your testimony today that you told her that the
 3 forms would be needed in order for Marilyn to be
 4 placed on family leave?
 5 A I believe -- yes, I believe that it was unless she
 6 had the approval signed on the form.
 7 Q Who provides these forms that you are referencing
 8 here today to the employee?
 9 A Normally each department payroll clerk has a set of
 10 forms that are used to process various transactions.
 11 Q And these are the -- one of those forms is the
 12 application for family leave; correct?
 13 A Correct.
 14 Q And the other one is the form that the medical
 15 provider must complete?
 16 A Right. That contains the information that's
 17 necessary for the approval.
 18 Q All right. Without those forms the City cannot
 19 place anyone on family leave, is that your position?
 20 A The City needs the information that's contained on
 21 those forms.
 22 Q All right. So in answer to my previous question --
 23 A Well, that's why I answered it in the manner that I
 24 did, the information that is contained on those
 25 forms is needed. Sometimes it doesn't come in on

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1 the exact forms.
 2 Q Well, are they needed or -- I mean you told
 3 Ms. Stawicki that those forms were needed; correct?
 4 A Yes.
 5 Q Otherwise she would not qualify for medical leave;
 6 correct?
 7 A She needed the approval form that was signed,
 8 correct.
 9 Q Signed by her doctor?
 10 A No, signed by the department.
 11 Q Okay. And one signed by her physician?
 12 A The form or the information, either-or.
 13 Q What kind of information can be used in lieu of the
 14 form? And I don't want you to assume.
 15 A No, I --
 16 Q I want you to tell me what the policy of the City
 17 is.
 18 A As long as the information that -- the doctor's
 19 certification form is in my view more of a
 20 convenience because it structures the inquiry for
 21 the physician.
 22 Q Okay.
 23 A And if, you know, the information is provided in a
 24 letter or whatever, then that can be stapled onto
 25 the form and "See attached."

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1 Q What happens if the letter is late from the
 2 physician?
 3 A The request I believe is normally denied if it's
 4 late unless there are extenuating circumstances.
 5 Q Okay. And tell me a list of extenuating
 6 circumstances.
 7 A If the employee has made a good faith effort to get
 8 the information, and I was aware of one case where
 9 the healthcare provider was in the hospital and was
 10 not able to complete the form.
 11 Q Okay. Good faith effort is one extenuating
 12 circumstance.
 13 A Uh-huh.
 14 Q Tell me another circumstance.
 15 A That's about the only one that I am aware of.
 16 Q When you spoke to Ms. Stawicki about Marilyn not
 17 being on medical leave until those forms would be
 18 produced, was that before Mr. Soika sent the first
 19 letter to Marilyn Figueroa or after?
 20 A It was after, after the first letter.
 21 Q Okay. Was it after this letter which has been
 22 marked as Exhibit No. 8?
 23 A Yes, I believe it was.
 24 Q So if the record indicates that you received this
 25 letter on January 14th of the year 2000 regarding

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1 Marilyn Figueroa, how soon after did you have a
 2 conversation with Ms. Stawicki?
 3 A I'm assuming very shortly thereafter.
 4 Q Very shortly meaning, what, a week, two weeks?
 5 A I would assume within a day or so.
 6 Q Do you recall exactly?
 7 A No, I don't.
 8 Q One thing is clear is that it happened after
 9 January 14th, 2000?
 10 A I'm fairly certain of that, yes.
 11 Q Up to that point, Mr. Hansen -- by the way, did you
 12 ever tell Mr. Soika that Marilyn Figueroa needed
 13 certain forms in order for her to be entitled to
 14 medical leave?
 15 A I believe I probably mentioned that there are forms
 16 and that they would be available from Pat Stawicki.
 17 Q Okay. And those forms -- and when did you mention
 18 that to Mr. Soika, on January 6th?
 19 A On January 6th.
 20 Q All right. So you did -- you believe you did tell
 21 him that certain forms would be required in order
 22 for her to enjoy that benefit of medical leave?
 23 A Yes.
 24 Q All right. By January 14th you had learned that
 25 Marilyn Figueroa had notified her employer, the

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1 City of Milwaukee, that she was absent due to
 2 illness, is that correct, if you read his letter
 3 of January 14th?
 4 A Yes.
 5 Q When you spoke to Ms. Stawicki, did you direct
 6 Ms. Stawicki to send the required forms to Marilyn
 7 Figueroa?
 8 A No, I didn't.
 9 Q When you spoke to Marie or Mary Pettigrew?
 10 A Marie Pettigrew.
 11 Q Did you instruct her to send the forms to Marilyn
 12 Figueroa?
 13 A No. That wouldn't have been her responsibility.
 14 Q Did you instruct anyone, including Ms. Dukes, to
 15 send Marilyn Figueroa the required forms?
 16 A No, I did not.
 17 Q Did you inquire from anyone, including Mr. Soika,
 18 whether or not Marilyn Figueroa had received the
 19 required forms?
 20 A No, I did not.
 21 Q All right. Do you know of any case where the
 22 City -- I believe you did testify that there was one
 23 case where the City made an exception to a late
 24 medical release from a doctor; is that correct? I
 25 believe that there was a case where someone was in

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1 the hospital and the medical release did not come
2 until after the hospitalization.
3 A Oh, the healthcare provider was in the hospital?
4 Yeah, I remember.
5 Q Tell me about that incident.
6 A It was more I remember hearing about it. I wasn't
7 directly involved in it.
8 Q Tell me what you did.
9 A But that the, I believe the person worked for the
10 health department, the employee, and had made the
11 application for the family medical leave and the
12 department didn't receive the information from the
13 physician in a timely basis so the leave was
14 initially denied. And I believe that the employee
15 filed a grievance under the labor contract and at a
16 grievance meeting produced the documentation from
17 the healthcare provider with an explanation, and I
18 believe then the City resolved the grievance, solved
19 the grievance if you will.
20 Q Was the Department of Employment Relations involved
21 in that case to your knowledge?
22 A I believe one of our staff people was involved in
23 following the grievance along.
24 Q And when did this incident occur, what year?
25 A I believe it was earlier this year.

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1 Q In the year 2002?
2 A I believe so.
3 Q All right. And what is the name of the employee?
4 A I have no idea. I don't know that I ever knew.
5 Q You were the Director of the employee relations
6 department when this occurred?
7 A That's correct, that's correct.
8 Q Okay. You mentioned the word extenuating
9 circumstances, and I suspect that is one of the
10 potential exemptions for the acceptance of a late
11 medical release; is that correct?
12 A The one that I described, yes.
13 Q Right. And you mentioned a good faith effort as
14 being one of them. What about hospitalization,
15 would that be another extenuating circumstance in
16 your opinion?
17 MR. TOKUS: Objection. Whose
18 hospitalization are we talking about?
19 MR. ARELLANO: Will you settle
20 down? I'm talking about Marilyn Figueroa.
21 A I didn't understand that.
22 MR. SCHRIMPF: Neither did I.
23 Q What about if the employee in this case, Marilyn
24 Figueroa, was hospitalized, would that constitute an
25 extenuating circumstance in your opinion?

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1 A It may. It depends on circumstances certainly.
2 Q Did there come a time, sir, when you learned that
3 Marilyn Figueroa was hospitalized before she was
4 terminated from her employment?
5 A No, I didn't learn that. I believe I did recall
6 reading in the newspaper that there was a period of
7 hospitalization, but it was never clear to me when
8 that was.
9 Q Did you learn that after the January 14th, 2000
10 letter or before?
11 A That would have been after.
12 Q What did you do or direct your department to do to
13 determine whether or not Marilyn was facing some
14 extenuating circumstances before she was terminated?
15 A Regarding the family medical leave, that's the
16 burden of the employee.
17 Q That's not my question.
18 A Then I did nothing.
19 Q Okay. Before Marilyn was terminated or after did
20 Mr. Soika ever tell you that he became aware that
21 Marilyn Figueroa had, in fact, submitted a medical
22 release to Mayor Norquist's legal representative?
23 A No, I don't recall him saying that to me.
24 Q If he had provided you with that information, would
25 you then be compelled to look into the circumstances

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1 as to why it was not provided on time?
2 A Not if it was after the point in time that she was
3 discharged and that came in after that fact.
4 Q So let me see if I understand what you're telling
5 me, Mr. Hansen. You learned on January 14th, 2000
6 that Marilyn had reported illness; correct?
7 A Yes.
8 Q You also had knowledge that she had been
9 hospitalized, yes?
10 A Not at that time.
11 Q At some point before she was terminated?
12 A I don't know whether I testified or that I had that
13 kind of knowledge before her employment was
14 terminated.
15 Q But at some point you learned that she was
16 hospitalized?
17 A Yes, I believe I remember reading that in the paper.
18 Q And I believe if you read it in the paper you also
19 connected her hospitalization with Mayor Norquist?
20 MR. TOKUS: I'm not sure if I --
21 A I don't believe I ever asked that.
22 MR. TOKUS: Excuse me. I misheard
23 you acoustically.
24 Q My question is when you learned of her
25 hospitalization, did you connect that

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1 hospitalization with the allegations of a sexual
2 relationship with John Norquist?
3 A I didn't make that automatic assumption, no.
4 Q All right. And you also knew that forms were needed
5 in order for her to enjoy the benefits of family
6 leave; correct?
7 A Forms, yes.
8 Q And before she was terminated, as I understand, you
9 didn't do anything affirmative to make sure that
10 Marilyn would be aware that those forms were needed;
11 true?
12 A That is true.
13 Q And you don't know of anyone that notified Marilyn
14 Figueroa that certain forms were needed; is that
15 correct?
16 A That is correct.
17 Q All right. And as you sit here today, you're
18 telling me that even if Marilyn would have submitted
19 a medical release, if the release was submitted
20 after a given deadline, it would not have mattered,
21 is that what you're telling me here today?
22 A If I said that, I didn't mean to put it in that
23 context.
24 Q And I was surprised I understood you to say that.
25 But is that what you said?

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1 A If that's what it was, we can read back the record.
2 I didn't mean to.
3 Q My question is is that your position?
4 A No, not exactly.
5 Q Assuming that Mr. Soika learned that she had secured
6 a medical release, in some manner he learned that
7 fact, what would have been your position as the
8 Director of the employment relations department?
9 A Try and find out why it came in so late.
10 Q And then make some decision --
11 A Yes.
12 Q -- on those bases? I think last week we marked this
13 record. Do you recall that? We just marked that
14 today. Let me give you a second to review this
15 record. Have you ever seen this record before,
16 Mr. Hansen?
17 A No, I haven't.
18 Q And are you able to tell me from that record what
19 the record purports to represent?
20 A It's a memo on the letterhead of the Charter
21 Behavioral Health System of Milwaukee/West Allis.
22 It's dated January 21st, 2000 regarding Marilyn
23 Figueroa and it is addressed to "To Whom It May
24 Concern" and it indicates that Marilyn Figueroa is
25 on full-time medical leave starting January 4th,

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1 2000 until a date yet to be determined and signed by
2 Dr. Loiben.
3 Q Are those the dates in which you believe Marilyn was
4 absent?
5 A To the best of my knowledge, yeah, starting
6 January 4th it was at least.
7 Q Let me see if I can follow this. Dr. Loiben places
8 Marilyn Figueroa on medical leave as of January 4th;
9 is that correct?
10 A Well, a physician can report a status. Actually
11 putting someone on a medical leave is the function
12 of the employee's department.
13 Q I understand that. Nevertheless, he identifies
14 January 4th as the release of Marilyn Figueroa on
15 medical terms; is that correct?
16 A Yes.
17 Q Marilyn calls Ms. Florence Dukes on the 5th;
18 correct?
19 A Yes.
20 Q And on the 6th you hold a meeting with Mr. Soika;
21 correct?
22 A Correct.
23 Q Mr. Soika sends a letter on January 14th, 2000 to
24 Marilyn Figueroa; correct?
25 A Yes.

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1 Q And you have before you a letter dated January 21st,
2 2000?
3 A Yes.
4 Q Is that correct? You believe Marilyn Figueroa was
5 let go at the end of January; correct?
6 A Yes.
7 Q Assuming that you learned of this letter at some
8 point during the year of 2000 and you learned that
9 it was dated January 21st, 2000, would you want to
10 investigate what happened to that letter at a
11 minimum before you would recommend termination of
12 Marilyn Figueroa?
13 A Well, one would have to even know that such a thing
14 existed at that point in time.
15 Q Assuming that that is the case.
16 A And you're asking if I had a copy of this letter or
17 just knew of its existence?
18 Q No, if you learned after she has been terminated
19 that a letter was issued on January 21st, 2000 by
20 her physician, in retrospect would you want to
21 investigate what happened to that letter which was
22 dated almost ten days before her termination, would
23 you want to investigate further?
24 A I would want to see the letter, yeah.
25 Q You would also want to know whether or not there was

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1 some misunderstanding, wouldn't you, before you
 2 terminated the employment right of an employee?
 3 A Yes.
 4 Q And I understand pursuant to your stand that
 5 Mr. Soika never once notified you that shortly after
 6 Marilyn Figueroa was terminated he became aware that
 7 this letter existed?
 8 A That's correct.
 9 Q If this letter would have been given to Mr. Soika or
 10 Mayor Norquist, they would have then the obligation
 11 to send it to your department, correct, assuming
 12 that to be the case?
 13 A No, they wouldn't. What they would need to do would
 14 be to determine whether or not the information that
 15 they have here would have been sufficient to grant
 16 the leave.
 17 Q Okay. So that wouldn't be totally complete yet?
 18 A Right.
 19 Q All right. Which moves me to the second issue. The
 20 reason why it wouldn't be complete is because
 21 documents which have been marked as Exhibit No. 2
 22 and No. 3 would be required in order for the medical
 23 leave to be granted; is that correct?
 24 A This would have to be signed by the approving
 25 officer, someone in the office. It wouldn't

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1 necessarily be critical that all of this information
 2 in the middle be put in.
 3 Q You're referring to Exhibit No. 3?
 4 A Yes, I am.
 5 Q All right. And what about Exhibit No., is that
 6 No. 2?
 7 A No. 2.
 8 Q NO. 2. Would that document be required?
 9 A This document would have to -- if that letter had
 10 the information that was contained on here, it could
 11 be stapled to this and then kept in their records.
 12 Q Okay. So the letter plus the form which has been
 13 identified as DERFMLA2 (4/96 revised) which has been
 14 marked as Exhibit No. 2 would have been required to
 15 be attached with the medical release which I believe
 16 is what you testified?
 17 A Yes.
 18 Q All right. Let me take a look at that. During your
 19 extensive -- and I think you may have answered this
 20 question but I just want to make sure that that is
 21 the case. During your extensive discussion with
 22 Mr. Soika on January 6th.
 23 A Yes.
 24 Q Did you specifically mention to him the forms that
 25 you believed would be required in order for Marilyn

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1 to be on medical leave?
 2 A I don't believe we discussed the exact forms, but I
 3 know that I would have indicated that the forms
 4 necessary for that would be -- that Pat Stawicki
 5 would have copies of them.
 6 Q In fact, you would agree with me, would you not,
 7 Mr. Hansen, and the form speaks for itself, that
 8 under the City policy this form which has been
 9 marked as Exhibit No. 2 is a must, isn't that
 10 correct, as stated in the first sentence of the
 11 form?
 12 A Again, the information requested on the form is
 13 necessary.
 14 Q Well, let me ask you to read the first sentence.
 15 A Okay. "This medical certification must be provided
 16 for all requests for a leave under the Family
 17 Medical Leave Acts for the serious health condition
 18 of the employee or the spouse, parent or child."
 19 Q And the certification refers not only to the
 20 contents of the form but also to the signatures of
 21 the required individuals?
 22 A Right, of the healthcare provider.
 23 Q Is that correct?
 24 A That is correct.
 25 Q And when you say the healthcare provider, are you

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1 referring to the doctor?
 2 A It can be a doctor.
 3 Q Clinic?
 4 A Chiropractor, a clinic, Christian Science
 5 practitioner.
 6 Q In this case, assuming that Dr. Loiben was the
 7 doctor issuing the authorization, Dr. Loiben would
 8 have had to sign this record; is that correct?
 9 A No.
 10 MR. TOKUS: I -- all right.
 11 A No. If there had been a communication with his
 12 signature on it with all of the information on that
 13 form, that would have been sufficient. We just
 14 would have stapled his letter to the form.
 15 Q Well, I don't mean to debate this issue with you but
 16 can you tell me by looking at this record,
 17 Mr. Hansen, where do you find the exception that you
 18 are referring to which waives the requirements of
 19 the first sentence?
 20 A That -- All that is is an administrative -- I've
 21 been involved in many administrative processes over
 22 the years where there have been forms involved and
 23 where there has been an alternative communication
 24 which basically meets the criteria of information
 25 that's requested and that's usually the reason for a

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1 - form. Then it's usually attached to the form and
 2 the form itself says "See attached."
 3 Q Okay. So what you are basically telling me is that
 4 there is nothing in this record that provides an
 5 option but the practice of the City is, if I
 6 understand what you're telling me because I'll hold
 7 you to this, is the form isn't required as long as
 8 there is a medical record attached to it with the
 9 rest of the information?
 10 A Right.
 11 Q Is that correct?
 12 A Yes.
 13 Q All right. Very good. By the way, let me ask you
 14 to read that exhibit and tell me whether or not
 15 there is anyplace where Mr. Soika informs
 16 Ms. Figueroa of the need for this particular form
 17 that you believe is required.
 18 MR. TOKUS: Now you're giving him
 19 Exhibit 8?
 20 MR. ARELLANO: Correct.
 21 MR. TOKUS: Okay.
 22 A He doesn't mention the form specifically. He just
 23 mentions the need for treatment provider's
 24 verification.
 25 Q Tell me where in that letter Mr. Soika requires that

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1 her doctor identify the serious health condition.
 2 A It doesn't say that in the letter.
 3 Q All right. Is there anything in the letter that
 4 requires that she provide the date the condition
 5 commenced and the date of probable end of care?
 6 A Other than reference to verification of the medical
 7 absence and his or her assessment of when you may
 8 return to work.
 9 Q Where in that letter do you find Mr. Soika
 10 requesting that if a chronic condition exists, the
 11 doctor must explain what is the likely frequency of
 12 episodes of incapacity?
 13 A It doesn't say that.
 14 Q Where in that letter do you find any information
 15 regarding the requirement that the doctor provide
 16 the medical facts regarding the serious health
 17 condition?
 18 A It doesn't say that.
 19 Q Do you find anything there that requires that the
 20 doctor explain whether or not Marilyn would require
 21 a reduced leave schedule or work schedule?
 22 A It doesn't say that.
 23 Q Or where in that letter do you find that Mr. Soika
 24 is requesting that the doctor explain of the extent
 25 to which the employee is unable to perform his or

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1 her employment duties?
 2 A Other than asking for the assessment of when she may
 3 return to work, that's not mentioned.
 4 Q And these are the items that the City of Milwaukee
 5 would require; isn't that correct, Mr. Hansen?
 6 A That's correct.
 7 Q As you properly stated before, just sending a letter
 8 such as the one that you have here would not satisfy
 9 all of the questions that the City needs to have
 10 answered by the physician; is that correct?
 11 A That's correct.
 12 Q That would require that you do some follow-up?
 13 A Yes.
 14 Q Is that correct? And that would require that you
 15 send this to the doctor, correct, or alternatively
 16 that you write them down in some sort of a
 17 questionnaire?
 18 A Something to that effect, right.
 19 Q Is that correct? Did Mr. Soika ever report to you
 20 that he had requested all of this information which
 21 is outlined in Exhibit No. 2 to Marilyn Figueroa?
 22 A No.
 23 Q All right. Did you ever ask Ms. Stawicki or Marie
 24 whether or not this specific information had been
 25 submitted by Marilyn Figueroa?

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1 A I believe I asked Pat if they had received
 2 verification and the medical substantiation for the
 3 leave.
 4 Q And tell me one thing, Mr. Hansen, given that the
 5 City is quite specific with respect to the
 6 information that in caps is identified in Exhibit 2,
 7 how would you expect Marilyn Figueroa to know what
 8 was expected of her before she was terminated?
 9 A Most people ask if they have questions but I have no
 10 other reason to. I wouldn't know how else to answer
 11 your question.
 12 Q Other than speaking to Pat Stawicki and Marie, did
 13 you speak to anyone else regarding Marilyn Figueroa
 14 before she was terminated?
 15 A I don't believe I ever had a need to or that I did.
 16 Q As an officer --
 17 A Other than Florence.
 18 Q As an officer of the court, as much as we joke
 19 around, I do take my job very seriously.
 20 A I'm sure you do.
 21 Q And let me tell you something, part of my job is to
 22 give you every opportunity to rehabilitate or
 23 correct any testimony that I believe may be
 24 impeachable or not accurate. Okay? Before I ask
 25 you the next question, I want to show you Exhibit

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1 No. 10. I want you to read it very carefully.
 2 A Okay.
 3 Q Because I'm going to ask you a question. Now,
 4 before I ask you a question on this one, let me ask
 5 you a question on this one.
 6 MR. TOKUS: What's the exhibit
 7 you're handing him now, Counsel? It says Exhibit
 8 6. Is that it?
 9 MR. ARELLANO: Right.
 10 MR. TOKUS: All right.
 11 Q Is this the table of pay classifications, ranges for
 12 all employees, including those within the Mayor's
 13 office?
 14 A I don't know if this is all of them. Let me look.
 15 These are the rates of pay for salary grade 8
 16 through 15, and they are for different periods of
 17 time, rates effective '98, 2000 and 2001. So there
 18 would be some job classifications in the Mayor's
 19 office that would not be on here.
 20 Q Okay. Do you find the classification for range 9,
 21 the staff assistant senior?
 22 A Salary grade 9 is on this, yes.
 23 Q What would be the highest salary for a range 9?
 24 A Again these are covering different years, so if I
 25 look at the highest obviously would be the most
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1 recent on here which would be effective pay period
 2 1/2001. The highest annual rate of pay is
 3 \$70,488.60.
 4 Q Very good. And those are in effect to this date?
 5 A 2001. There was an across-the-board increase
 6 effective pay period one of 2002. However, the
 7 council passed an action freezing the rates of pay
 8 for everyone who was earning more than \$50,000 for
 9 the first six months of this year.
 10 Q Without the freeze what would have been the highest
 11 pay in salary for that range 9 position?
 12 A It would have been --
 13 Q Just a rough estimate.
 14 A It would have been 3 percent higher.
 15 Q Okay. Do you know for how long that freeze is going
 16 to be in effect?
 17 A Currently right now it's scheduled to end at the end
 18 of pay period 13 which is almost at the end of June.
 19 Q All right. Let me have those, all of them. All
 20 right. I want to stand right here right next to you
 21 and I want you to read for the record this memo from
 22 Michael Soika to Pat Stawicki dated January 21st,
 23 2000 at 12:04 p.m., subject payroll issue. Did I
 24 read that correctly, sir?
 25 A I believe so. I was --
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1 Q Now I want you to read -- you agree with me that
 2 this comes from Michael Soika to Pat Stawicki
 3 January 21st, 2000 at 12:04 p.m., subject payroll
 4 issue. Did I read that correctly?
 5 A Yes.
 6 Q Okay. I want you to read what Mr. Soika wrote to
 7 Ms. Stawicki for the record.
 8 MR. TOKUS: This is Exhibit 10?
 9 MR. ARELLANO: Exactly, Hansen 10.
 10 A It says, "Pat, I just talked with Jeff Hansen on how
 11 to best process Marilyn's pay records now that she
 12 has exhausted all of her accrued vacation and sick
 13 leave. His advice is to simply note that Marilyn
 14 will be on unpaid family and medical leave (FMLA).
 15 Jeff also offered that if anyone from his office or
 16 the comptroller's office has questions on this
 17 matter, you are to refer them to him. Thanks."
 18 Q As you sit here under oath, sir, is this the -- is
 19 this an accurate representation of what you advised
 20 Mr. Michael Soika with respect to Marilyn?
 21 A Yes.
 22 Q Did you get any calls from anyone regarding Marilyn
 23 Figueroa after January 21st, 2000?
 24 A As I had indicated, after it was in the newspaper,
 25 yeah, I received inquiries from the press.
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1 Q And how many did you receive?
 2 A Probably around four or five.
 3 Q And what if anything did you say to the press?
 4 A I basically indicated that I couldn't comment unless
 5 there -- on the advice of the City Attorney because
 6 this was a matter of litigation. There were some
 7 public records requests that we were obligated to
 8 provide, and we did provide those.
 9 Q Is that type of response something that your counsel
 10 advised you to give?
 11 A That's what the City Attorney advised me.
 12 Q Did you ever participate in any meetings right
 13 during this period of time or after where Mr. Bill
 14 Christofferson was involved?
 15 A No.
 16 Q Any meetings where Mr. Soika and Mr. Christofferson
 17 were involved?
 18 A No. I mean if you're talking about on this matter?
 19 Q Right.
 20 A No.
 21 Q Did Mr. Soika ever report to you anything
 22 Mr. Christofferson was suggesting you do as a way to
 23 handle this case?
 24 A No.
 25 Q Were you ever involved in any meetings where the
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1 - Mayor, his wife, Anne Shindell were involved?
 2 A No.
 3 Q Did you ever have any contact with Anne Shindell --
 4 A No.
 5 Q -- regarding this matter?
 6 A No.
 7 Q Did you ever receive any typewritten statements that
 8 the Mayor's office wanted you to use as a way for
 9 you to respond to public inquiries regarding this
 10 case?
 11 MR. TOKUS: Excuse me. I didn't
 12 understand this question. Maybe acoustically I
 13 failed to understand it.
 14 (Question read)
 15 A No.
 16 Q Any written statements that Soika or Christofferson
 17 or anyone from the Mayor's office wanted you to use
 18 as a way to respond to public inquiries?
 19 A No.
 20 Q I'm going to ask you one last question which I have
 21 asked you before but I'm giving you a second
 22 opportunity to think about it and then I'll let you
 23 go.
 24 Is it your position, Mr. Hansen, that before
 25 Marilyn Figueroa was terminated you had no clue that
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1 there were some rumors about a relationship between
 2 Mayor Norquist and Ms. Figueroa?
 3 A I had no knowledge of any.
 4 MR. ARELLANO: All right. Thank
 5 you for coming. While we're on the record, what
 6 do you have to say, Mr. Schrimpf, regarding Soika
 7 and his notes?
 8 MR. SCHRIMPF: I was not able to
 9 get further information over the lunch hour.
 10 MR. ARELLANO: All right. You
 11 probably noticed how much I want to avoid
 12 interfering or involving the judge. Just tell
 13 me, how much time do you think you will need to
 14 get me an idea?
 15 MR. SCHRIMPF: When I get back to
 16 the office this afternoon, I promise you that is
 17 the first thing I will undertake.
 18 MR. ARELLANO: All right, great.
 19 MR. SCHRIMPF: I'll see where we
 20 are with that.
 21 MR. ARELLANO: That's all we have
 22 for today. Thank you very much. Nice meeting
 23 you, Mr. Hansen.
 24 Before you close the shop, let me ask you
 25 this, Counsel, would you be willing to stipulate
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1 that these are the Department of Employee
 2 Relations policies and procedures? I marked it
 3 as an exhibit so I don't have to put him through
 4 this ringer.
 5 MR. TOKUS: Sure.
 6 MR. SCHRIMPF: All right.
 7 MR. TOKUS: So stipulated.
 8 MR. ARELLANO: All right.
 9 MR. TOKUS: The ones you examined
 10 him on?
 11 MR. ARELLANO: Right.
 12 MR. TOKUS: I will so stipulate.
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 16 (adjourning at 2:00 p.m.)
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1 STATE OF WISCONSIN)
 2 COUNTY OF DANE) ss.
 3 I, PEGGY S. CHRISTENSEN, a Registered Professional
 4 Reporter and Notary Public in and for the State of
 5 Wisconsin, do hereby certify that the foregoing
 6 deposition was taken before me at the offices of Murphy,
 7 Gillick, Wicht & Prachthauser, Attorneys at Law, 330
 8 East Kilbourn Avenue, City of Milwaukee, County of
 9 Milwaukee, and State of Wisconsin, on the 18th day of
 10 March 2002, that it was taken at the request of the
 11 Complainant, upon verbal interrogatories; that it was
 12 taken in shorthand by me, a competent court reporter and
 13 disinterested person, approved by all parties in
 14 interest and thereafter converted to typewriting using
 15 computer-aided transcription; that said deposition is a
 16 true record of the deponent's testimony; that the
 17 appearances were as shown on Page 3 of the deposition;
 18 that the deposition was taken pursuant to Notice and
 19 Subpoena Duces Tecum; that said JEFFREY S. HANSEN before
 20 examination was sworn by me to testify the truth, the
 21 whole truth, and nothing but the truth relative to said
 22 cause.
 23 Dated: March 26, 2002.
 24
 25

Registered Professional Reporter
 Notary Public, State of Wisconsin
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