

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

MARILYN FIGUEROA,

Complainant,

-vs-

CITY OF MILWAUKEE,

Respondent.

ERD Case No.
CR200003454

Deposition of:

PATRICIA K. STAWICKI

Milwaukee, Wisconsin
March 14, 2002

Reporter: Taunia Northouse, RDR, CRR

REQUESTS

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DEPOSITION of PATRICIA K. STAWICKI, called as
a witness, taken at the instance of the Complainant,
under the provisions of Chapter 804 of the Wisconsin
Statutes, pursuant to notice and subpoena duces
tecum, before Taunia Northouse, a Registered
Diplomate Reporter and Notary Public in and for the
State of Wisconsin, at the offices of
Murphy, Gillick, Wicht & Prachthauser, Attorneys at
Law, 330 East Kilbourn Avenue, City of Milwaukee,
County of Milwaukee, and State of Wisconsin, on the
14th day of March 2002, commencing at 9:20 in the
forenoon.

A P P E A R A N C E S

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

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

Also present: Cheri Garcia

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I N D E X

WITNESS

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PATRICIA K. STAWICKI

Examination by Mr. Arellano

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(Attached to the original transcript and
copies provided to counsel)
(Original transcript filed with
Attorney Arellano)

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PATRICIA K. STAWICKI

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

EXAMINATION

By Mr. Arellano:

Q Good morning, ma'am. My name is Victor Arellano. I
represent Marilyn Figueroa. To my left is
Ms. Cheri Garcia. She's our law firm paralegal. I
will be asking you questions today and obviously I
would expect you to understand my questions.

A Okay.

Q And if you don't, I want you to feel comfortable and
let me know that.

A I will.

Q You are not a party to this lawsuit. You're just a
potential witness. At times as I question you
counsel may object, and at times he may even argue
or I may even argue. I'm going to try not to.

A Okay.

Q But that has nothing to do with you. That's what
lawyers unfortunately sometimes do. He is entitled
to register any objections he believes should be
recorded, and all you've got to do is wait until he
objects. And unless he tells you not to answer, I

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1 Q What kind of certificate did you get?
 2 A It was a piece of paper stating my name and that I
 3 had completed a course.
 4 Q What area were you studying?
 5 A Supervisory.
 6 Q Any other academic accomplishments other than these
 7 MATC courses that you took?
 8 A No, none.
 9 Q What about training? Any training that you may have
 10 received in any professional arena?
 11 A I can't remember any --
 12 Q Okay.
 13 A -- special.
 14 Q Are you married?
 15 A Yes, I am.
 16 Q What's your husband's name?
 17 A John Stawicki, Jr.
 18 Q Do you have any children?
 19 A I do not.
 20 Q Have you ever been divorced?
 21 A No.
 22 Q You're married to this gentleman for how long?
 23 A 24 years.
 24 Q Wonderful. And where does he work?
 25 A He's retired.

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1 Q Where did he work?
 2 A City of Milwaukee.
 3 Q What department?
 4 A Building inspection.
 5 Q And when did he retire?
 6 A I'm guessing six years ago.
 7 Q And who was his supervisor?
 8 A I'm not sure if it was Alex LeGrand or Lee Jensen.
 9 I believe his last supervisor was Lee Jensen.
 10 Q And how long did he work for the City of Milwaukee?
 11 A I'm guessing. I'm going to say 30 years.
 12 Q 30 years. And did he work for the same
 13 department --
 14 A No.
 15 Q -- for 30 years?
 16 A No.
 17 Q What was his academic education?
 18 A He had some college.
 19 Q What was his field of interest during those 30 years
 20 that he worked for the City of Milwaukee?
 21 A He worked in the water department, and I believe he
 22 was a meter reader.
 23 Q Did he ever hold a supervisory position?
 24 A No.
 25 Q Have you ever had any relative pursuant to your

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1 husband's relationship or directly related to you,
 2 any relative employed by the City of Milwaukee?
 3 A No, not that I can remember.
 4 Q And let's talk a little bit about you. What's your
 5 current occupation?
 6 A My title is program assistant 2. I would say mainly
 7 in the clerical field.
 8 Q And who do you work for?
 9 A City of Milwaukee.
 10 Q And what department do you work for?
 11 A Mayor's office.
 12 Q And how long have you worked specifically as a
 13 program assistant 2?
 14 A I don't know exactly. I'll say four years.
 15 Q And before that where did you work?
 16 A Mayor's office.
 17 Q And what was your title at that time?
 18 A Administrative assistant 2.
 19 Q And for how long were you an administrative
 20 assistant 2 within the Mayor's office?
 21 A I really don't know the number of years.
 22 Q Give me a rough number.
 23 A 10 years.
 24 Q 10 years. And before that where did you work?
 25 A Mayor's office.

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1 Q And what was your title at that time?
 2 A Clerk stenographer 4.
 3 Q Do we still have those titles? Not anymore.
 4 A I don't think so.
 5 Q And you were clerk stenographer?
 6 A 4.
 7 Q 4. And for how long were you a clerk stenographer
 8 4?
 9 A Six, 10 years. I don't know.
 10 Q Well, let's get down to the bottom. How long have
 11 you worked for the City of Milwaukee? I'm not going
 12 to punish you.
 13 A 45 years.
 14 Q 45 wonderful years, okay. 45 years. What year did
 15 you start?
 16 A 1956.
 17 Q 1956. And have you been working since 1956 with
 18 Mr. Tokus?
 19 A No, not that I'm aware of. I don't know when he
 20 started with the City.
 21 Q That would be painful. I mean with any lawyer,
 22 hanging around any lawyer would be painful. I
 23 didn't mean with him personally.
 24 And have you worked for 45 years within the
 25 Mayor's office?

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1 that she can get my entire question, and then I've
 2 got to give you a chance so she can get your entire
 3 answer. Is that okay?
 4 A That's okay.
 5 Q We're doing fine.
 6 A Okay.
 7 Q Then you went over this document with Barb?
 8 A Yes.
 9 Q Is that correct? Did you go over each and every
 10 question?
 11 A We skimmed over the questions.
 12 Q Were there any specific questions that you felt
 13 would be relevant to your position?
 14 A Yes.
 15 Q Which questions did you find?
 16 A I don't know exactly which requests they were, but
 17 they were requests for payroll records, payment
 18 certifications.
 19 Q Where did --
 20 A Sick leave.
 21 Q What questions -- what specific number are you
 22 referring to? As I understand each question is
 23 identified by number, or by request number?
 24 A Yes.
 25 Q So which?

17

1 A Request No. 1.
 2 Q Any other request numbers?
 3 A No. 2.
 4 Q Any other one?
 5 A No. 14.
 6 Q Any other?
 7 A 16, 17. I'm not sure whether we discussed 35.
 8 Q Do you believe 35 would fall within the scope of
 9 your responsibilities or would apply to anything
 10 that you know of?
 11 A I would have personnel records of the employees in
 12 the Mayor's office, and these things would be in
 13 there, if there were things like that. No. 47,
 14 No. 50. I think that's it.
 15 Q Okay, very good. You can keep that in front of you.
 16 Is it Stawicki or Stawicki?
 17 A Stawicki.
 18 Q Stawicki. If I somehow massacre your last name, I
 19 apologize.
 20 A Okay.
 21 Q Very often witnesses are placed in a difficult
 22 predicament because unfortunately as a result of
 23 their job, their employment they may become
 24 witnesses in a case. And I usually advise most of
 25 these folks that are not parties to the lawsuit not

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1 to get caught in the litigation. And the way to not
 2 get caught is just by simply telling me what you
 3 know while you are under oath. Is that fair?
 4 A Correct.
 5 Q Are you a civil service employee or are you
 6 politically appointed?
 7 A I'm a civil service employee.
 8 Q So you do not serve at the pleasure of the Mayor to
 9 the extent that he can fire you without going
 10 through the civil service system?
 11 A That's correct.
 12 Q You have your protections?
 13 A Right.
 14 Q Is that correct? And I suspect you enjoyed your
 15 experience with former Mayor Ziegler?
 16 A Yes.
 17 Q How long did you serve for him? Or how many terms
 18 did he serve to be more precise?
 19 A He was finishing up I believe his last term.
 20 Q When you arrived?
 21 A Right.
 22 Q When you got your first job with the City of
 23 Milwaukee, was this pursuant to a recruitment
 24 system, or were you assigned or given a job by any
 25 of the mayors?

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1 A No. It was -- I took an exam and I placed among the
 2 first three.
 3 Q Wonderful.
 4 A And I went for an interview.
 5 Q Wonderful. So mayors may come and go, but your job
 6 has continued with the City within the Mayor's
 7 office?
 8 A Yes.
 9 Q And would it be fair and accurate to say that you're
 10 well familiar with practices within the Mayor's
 11 office?
 12 A Yes.
 13 Q Would it be also fair and accurate to say that you
 14 are well familiar with procedures, rules, policies
 15 of the City as they pertain to your job?
 16 A There may be some that I don't know about. I can't
 17 say for sure.
 18 Q We'll go into some of that.
 19 A Okay.
 20 Q I suspect it would also be fair and accurate to say
 21 that you're well familiar with how the Mayor runs
 22 all the paperwork within the office, at least as far
 23 as your job is concerned?
 24 A As far as my job is concerned.
 25 Q What about former Mayor Henry Maier? How long did

20

1 Q Political consultant?
 2 A I don't know.
 3 Q What type of consultant do you believe he is?
 4 A I really don't know.
 5 Q To your knowledge, is Mr. Christofferson still
 6 associated with Mayor Norquist's political campaign?
 7 A I think he is.
 8 Q Wonderful.
 9 A I'm not positive.
 10 Q What years do you believe Mr. Christofferson was the
 11 chief of staff for Mayor Norquist?
 12 A I believe it was the first year that the Mayor took
 13 office.
 14 Q Any other time?
 15 A Not that I can recall.
 16 Q You look very wonderful and I don't know how old you
 17 are, but -- and you are very eloquent. Are you
 18 under the influence of any medication that may
 19 inhibit or affect your ability to remember?
 20 A Not that I'm aware of.
 21 Q Okay.
 22 A I take blood pressure drugs.
 23 Q Do they in any way affect you?
 24 A No.
 25 Q How did you happen to volunteer to work on

25

1 anywhere between January and April; is that correct?
 2 A That I worked in the phone bank?
 3 Q Right.
 4 A Right.
 5 Q Do you remember if it was January or February?
 6 A I don't remember.
 7 Q March? Do you remember when Ms. Marilyn Figueroa
 8 left the Mayor's office?
 9 A I don't remember the exact date.
 10 Q Do you remember the month?
 11 A I believe it was January.
 12 Q Now using that month, do you recall whether or not
 13 you worked on Mayor Norquist's political re-election
 14 before Ms. Figueroa left or after she left?
 15 A I don't know.
 16 Q If I were to tell you that the records indicate that
 17 the last day at the Mayor's office was January 4th
 18 of the year 2000, would that help you to remember
 19 whether you worked for the Mayor's re-election
 20 campaign before January 4th or after January 4th?
 21 A No, I -- it would not help.
 22 Q Well, how many days did you work in the phone bank?
 23 A One.
 24 Q One day?
 25 A One.

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1 Mayor Norquist's political campaign? Did somebody
 2 ask you, given that you did not participate before?
 3 A I really don't remember.
 4 Q Did any other member of your family work on the
 5 political campaign of Mayor Norquist?
 6 A My husband brought me to the phone bank, and instead
 7 of just waiting for me he folded some letters.
 8 Q And this happened what year when you worked?
 9 A It was the last election, so it would have been I
 10 believe 2000.
 11 Q The year 2000?
 12 A Yes.
 13 Q Do you remember the month approximately? It should
 14 have been before his re-election; right?
 15 A Shortly before his re-election.
 16 Q Do you know exactly when he was re-elected, the
 17 date? Was that April 4th?
 18 A I don't know.
 19 Q Are you good with dates, numbers? You sound like
 20 you are.
 21 A Not with dates.
 22 Q Good with numbers but not with dates?
 23 A Well -- I'm not sure.
 24 Q We'll find out. So if you worked in his political
 25 campaign in the year 2000, it would have happened

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1 Q How many hours did you put in?
 2 A I'm going to guess two.
 3 Q Two. Was this your first political experience, at
 4 least in political campaigns?
 5 A No.
 6 Q Had you done political work before?
 7 A I made phone calls during the Maier administration.
 8 Q What about during the Norquist administration, do
 9 you recall any other time?
 10 A No.
 11 Q Other than the one for the year 2000?
 12 A No, I don't.
 13 Q This was the only time?
 14 A Yes.
 15 Q Is that correct? I suspect since you are a civil
 16 service employee you're not really required to?
 17 A That's correct.
 18 Q Is that the way you felt?
 19 A That's right.
 20 Q All right, very good. During all of your years
 21 working for the Mayor's office do you recall any one
 22 time when you received a demotion or any type of
 23 suspension?
 24 A Me personally?
 25 Q Yes, we're talking about you.

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1 Q Is the doctor required to sign any of the forms that
2 you referenced here?
3 A I can't recall.
4 Q If Ms. Florence Dukes testified that a form is
5 needed to be signed by the doctor, would you have
6 any contention with that?
7 A No, I would not.
8 Q Do you know Ms. Florence Dukes?
9 A I know who she is.
10 Q How long have you known her?
11 A Since she's been in employee relations I've known of
12 her.
13 Q Do you know what her job title is?
14 A I believe she's directly under Jeff Hansen, which
15 would make her I'm guessing assistant director of
16 personnel.
17 Q Do you know what her specialty is as an assistant
18 director to employment relations?
19 A No.
20 Q Would she be someone that you would consult if you
21 have any questions on family leave?
22 A I don't think I would call her personally.
23 Q Who would you call?
24 A I probably would call -- I can't think of any names
25 right now, but I wouldn't go to the top. I would

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1 call clerical.
2 Q Who do you usually deal with for these types of
3 requests? Do you have any one person, or would you
4 just send the request to the employment relations
5 office? You tell me your procedure.
6 A I'm not sure.
7 Q Do you believe that Ms. Florence Dukes would be
8 knowledgeable on employment relations matters?
9 A I don't know.
10 Q You say she is a higher up. She's considered one of
11 the top administrators within employment relations?
12 A Yes.
13 Q Very good. Now, tell me with respect to
14 Ms. Ruth Wytenbach what specific procedure did you
15 follow when she requested family leave?
16 A I don't know. I can't remember.
17 Q What about Ms. Marshall?
18 A I don't remember.
19 Q If somebody -- let's assume based on the practice
20 that you have implemented in your office, if
21 somebody calls and says I need family leave, what
22 would then be your first step to follow?
23 A I don't think they would talk to me first.
24 Q Let's assume that you know that somebody wants to
25 have family leave.

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1 A Okay. I would call employee relations, see what I
2 needed to do to get them on family leave and then do
3 whatever they tell me.
4 Q Send them the forms?
5 A Yes.
6 Q And let them know what is required?
7 A Yes.
8 Q All right. Tell me a little bit more about these
9 forms. What do they contain? What kind of
10 information do they contain?
11 A I'm not really positive. It asks, I believe it asks
12 why you require the family leave, the length of time
13 you are requiring it, and possibly whether you want
14 it taken off the vacation or sick leave or unpaid
15 time. But I'm not positive if that's what it
16 contains.
17 Q And are these forms required to be signed by the
18 employee?
19 A Yes, I believe they are.
20 Q Are they required to be signed by the doctor?
21 A I'm not positive.
22 Q You don't recall?
23 A No.
24 Q But you basically use the same forms --
25 A Yes.

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1 Q -- all the time? This form that inquires as to the
2 type of leave and the reasons why a medical leave is
3 being requested, are these forms required? Are they
4 a must --
5 A Yes.
6 Q -- in order to process family leave?
7 A Yes.
8 Q And then what do you do with those forms?
9 A One is generally in their file, and I believe one is
10 sent to Department of Employee Relations.
11 Q When somebody -- tell me usually the procedure that
12 takes place within the Mayor's office when somebody
13 requests family leave. Who do they go to?
14 A I would assume they would go to their supervisor.
15 Q And then --
16 A Their supervisor in turn would tell me that they
17 have requested it.
18 Q And then you obtain the package?
19 A Yes.
20 Q And the package would contain the forms; true?
21 A Yes.
22 Q The instructions on how to meet City requirements
23 for family leave?
24 A I'm not sure.
25 Q Would you be the person to provide instructions to

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1 what he says.
 2 MR. ARELLANO: She is doing super
 3 fine. You're just annoying her.
 4 (Last two questions and answer
 5 read)
 6 A I don't really understand the question.
 7 Q Okay, that's fair, that's fair. When you requested
 8 the forms, I suspect your objective was to comply
 9 with City policy; correct?
 10 A Yes.
 11 MR. TOKUS: Objection. That's not
 12 the state of the record.
 13 Q Let me provide you with some assistance here,
 14 Ms. Stawicki, okay? The state of Wisconsin has a
 15 law that protects witnesses from retaliation. So in
 16 order for the witness not to commit perjury and face
 17 consequences, the law protects that employee. And
 18 so it's improper for any employer or attorney to try
 19 to create fear or tension simply because you're
 20 testifying under oath. I believe you're telling me
 21 the truth. And I believe you're answering
 22 truthfully. So just so you don't get caught between
 23 this fire, all you've got to do is just keep telling
 24 us the truth as you're under oath. Is that okay?
 25 A Okay.

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1 Q Any person that later on faces consequences, that
 2 employee has a right and a remedy because nobody
 3 shall influence that employee not to tell the truth.
 4 So if you stick to that truth, that's all you've got
 5 to do. Is that okay?
 6 A Okay.
 7 Q What I am trying to understand is the chronology and
 8 what your intentions were, okay? And you have
 9 already testified that with respect to Ms. Figueroa
 10 after she left on January 4th of the year 2000, you
 11 sent a request for the family leave package;
 12 correct?
 13 MR. TOKUS: Objection, that is not
 14 the state of the record.
 15 Q Is that correct, Ms. Stawicki? He's just
 16 registering that for the record.
 17 A Oh.
 18 Q He's not telling you not to answer.
 19 A Can you repeat that again, please?
 20 Q Yes, yes. You made a request for the family leave
 21 forms to employment relations; correct?
 22 A Yes.
 23 Q And you received a response, that, as I understand
 24 they told you -- well, you tell me in your own words
 25 what they told you.

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1 A They told me that they could not process the request
 2 without this doctor's, I believe it was a doctor's
 3 okay or excuse, whatever.
 4 Q And then you then testified that at some point you
 5 did give Marilyn's supervisor the required forms; is
 6 that correct?
 7 A No.
 8 Q What did you do?
 9 A I said I wasn't sure.
 10 Q But you believe you may have?
 11 MR. TOKUS: Objection, that's not
 12 the state of the record.
 13 Q It's already on the record.
 14 A I might have.
 15 Q Okay.
 16 A I'm not sure.
 17 Q So as far as you know, no one has informed you
 18 whether or not Marilyn Figueroa ever received the
 19 required forms in order to obtain family leave; is
 20 that correct?
 21 A I think so.
 22 Q And at least as I understand what you're telling me,
 23 you tried to obtain them for Marilyn Figueroa;
 24 correct?
 25 MR. TOKUS: Objection. That's not

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1 the state of the record.
 2 Q Is that correct?
 3 A Yes.
 4 Q But somebody told you, no, you cannot proceed; is
 5 that correct?
 6 A Right.
 7 Q Do you know who told you that?
 8 A Yes.
 9 Q Who?
 10 A Marie Pettigrew.
 11 Q Had you dealt with Ms. Pettigrew before?
 12 A Many times.
 13 Q Do you recall any other occasion when she made the
 14 same demand?
 15 A No.
 16 Q In your experience how many times have you requested
 17 those forms, family leave forms from Ms. Pettigrew
 18 in the past?
 19 A I'm not sure.
 20 Q More than 10?
 21 A Oh, no.
 22 Q More than five?
 23 A No.
 24 Q More than two?
 25 A Two or three. And I don't know if I requested them

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1 Q -- that form.
2 A Here's the one I put on the computer.
3 Q Let me see that. Thank you. I'm going to approach
4 you so the two of us have access to this record.
5 A Okay.
6 Q Is that okay? I promise to be respectful; all
7 right? I'm looking at a document which is a part of
8 Exhibit No. 2 of your deposition, Soika's 24. And
9 you directed me to a form which is in a computer
10 printout; is that correct?
11 A Correct.
12 Q Can you tell us for the record what's this form all
13 about?
14 A This is a form which is used to request a leave of
15 medical unpaid leave, FMLA, medical unpaid.
16 Q And walk me through this form. This form was
17 completed by you?
18 A I believe it was.
19 Q And I believe in the center area of this computer
20 printout which you have identified as the family
21 leave processing form; is that correct?
22 A Yes.
23 Q It addresses Marilyn Figueroa at the top; is that
24 correct?
25 A Yes.

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1 Q And then there is an I.D. number; is that correct?
2 A Yes.
3 Q What is the significance of that I.D. number?
4 A The I.D. number is like a payroll number.
5 Q And then there is another symbol in here,
6 employment --
7 A The number of records. I believe that's what it
8 means, employed record.
9 Q And what is the significance of that?
10 A Sometimes you might put two or three records through
11 in a day.
12 Q And on that particular occasion you only sent this
13 form?
14 A It looks like that.
15 Q And least that's what the record seems to reflect.
16 A Yes.
17 Q Is that correct?
18 A Yes.
19 Q And then it talks about the effective date; is that
20 correct?
21 A Yes.
22 Q If you know, who printed that date in there?
23 A I did.
24 Q And that would be January 22nd of the year 2000?
25 A Yes.

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1 Q Is that correct?
2 A Uh-huh.
3 Q Who, if anyone, directed you to use January 22nd?
4 A Okay. What happened is I was directed at one point
5 to use up all Marilyn's vacation time, to use up all
6 her sick leave. And then when she had no more
7 balances, I was to put her on this family medical
8 leave.
9 Q Okay, very good. Who directed you to do that?
10 A Mr. Soika.
11 Q What's the most -- what's the extent of a family
12 medical leave under City policy? How many weeks?
13 A I'm not positive. I'll say six or 12 weeks. I'm
14 not sure.
15 Q Did Mr. Soika instruct you as to how long --
16 A No.
17 Q -- she would be on medical leave?
18 A No.
19 Q Was it left indefinite?
20 A He did not give me a date.
21 Q And so you placed Marilyn Figueroa on family medical
22 leave as instructed by Mr. Soika?
23 A Right.
24 Q On 1/22/00; is that correct?
25 A Yes.

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1 Q And then the next thing is action or reason; is that
2 correct?
3 A Leave of absence.
4 Q Leave of absence?
5 A Right.
6 Q Who instructed you to place Marilyn under leave of
7 absence; Mr. Soika?
8 A Yes.
9 Q And then we continue on the next little block or
10 square here. What is that? CL?
11 A It's when you put your cursor on here it brings down
12 a block and whatever this number is. I can't read
13 it. It looks like C4L or something.
14 Q What's the significance?
15 A Means this comes on there then, this FMLA medical
16 unpaid leave.
17 Q It's a code?
18 A Yes.
19 Q For this particular type of action; is that correct?
20 A It's a code.
21 Q So then you placed it on FMLA?
22 A Yes.
23 Q Dash medical?
24 A Unpaid leave.
25 Q Unpaid leave action date?

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1 the shortest route here, assuming that she was on
 2 medical leave for six weeks, when would she have to
 3 have returned?
 4 MR. TOKUS: Objection, that's not
 5 the state of the record.
 6 MR. ARELLANO: That's not even a
 7 record. It's just a question. You're just
 8 instructing her. Let's go back to my original
 9 question subject to his objection.
 10 MR. TOKUS: Make sure you
 11 understand the question.
 12 Q Yes. My question is, it's a mathematical question.
 13 It's simple. If she went on family leave according
 14 to your notes on January 22nd, 2000, let's take six
 15 weeks pursuant to City policy as opposed to 12, when
 16 was she due to return?
 17 A I don't know the exact date.
 18 Q Well, six weeks would be when, do you think?
 19 A I'm guessing March.
 20 Q Okay, March 22nd?
 21 A That's only a guess.
 22 Q I understand that. We're not holding you to
 23 anything. That would have been March 22nd
 24 approximately?
 25 A No, no. Six weeks, February has four weeks, and
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1 there's probably one more week left in January.
 2 That would be five. The six-week --
 3 Q About March 10?
 4 A Around that time.
 5 Q And if she were to be given 12 weeks according to
 6 City policies, when do you think she would have
 7 returned?
 8 A The second or third week of April. That's a guess.
 9 Q And to your knowledge, if Marilyn -- let me ask you
 10 to assume just one second, ma'am. And keep that in
 11 front of you because I may ask you some more
 12 questions.
 13 Let me ask you to assume for just one second
 14 that her doctor placed Marilyn on indefinite medical
 15 leave.
 16 A Yes.
 17 Q And the 12 weeks that she's entitled under City
 18 policy has expired. Under City policy can she still
 19 apply for unpaid leave?
 20 A I don't know.
 21 MR. TOKUS: Objection. That's not
 22 the state of the record.
 23 A I don't know.
 24 Q Do you know if the City offers as one of the many
 25 benefits unpaid leave privileges?
 58

1 A They do offer unpaid leave.
 2 Q So they do exist, but you're not able to
 3 determine --
 4 A I don't know how long.
 5 Q -- how long, okay. But that is one additional
 6 benefit, true, unpaid leave?
 7 A Yes.
 8 MR. TOKUS: Now make sure he
 9 finishes his question before you start to
 10 answer; okay?
 11 THE WITNESS: Okay.
 12 Q Because so far I haven't heard any really valid
 13 objection, in all fairness to you. When he says
 14 that is not the state of the record, he's just
 15 trying to influence you. And that can push you into
 16 the perjury side. So don't listen to that. He will
 17 make his record. We'll let the record speak for
 18 itself, and you just concentrate on the question.
 19 Is there a difference between --
 20 MR. TOKUS: I object to your also
 21 telling the witness about being pushed into
 22 perjury side.
 23 MR. ARELLANO: Well, there is a
 24 potential if she starts paying attention to
 25 your coaching which I think is totally unfair
 59

1 to her and unnecessary. Let's move on.
 2 MR. TOKUS: I object to your
 3 telling the witness false information.
 4 MR. ARELLANO: I'm not telling the
 5 witness. I'm telling you, Mr. Tokus.
 6 MR. TOKUS: I object to you telling
 7 me false information, and I will not being
 8 lectured to by you.
 9 MR. ARELLANO: You're doing all
 10 this intentionally to distract the witness.
 11 She's got a duty to answer truthfully and
 12 she's doing it. Let's go.
 13 Q Is there a difference between unpaid leave versus
 14 leave of absence in your opinion?
 15 A I don't know.
 16 Q But both are benefits that City employees have
 17 available upon approval; correct?
 18 A I believe so.
 19 Q All right, all right. I'm going to approach you
 20 just one more time. Do you recall there is a record
 21 here written to you from Mr. Soika? He sent you
 22 that on January 14th.
 23 A Yes.
 24 Q Where he's notifying you that Marilyn had called
 25 Deanna or Deanna?
 60

1 THE WITNESS: No.
 2 Q Well, let me ask you to pay attention to the
 3 question and tell me what is it that you didn't
 4 understand; okay?
 5 A Okay.
 6 Q Because I notice he's slowly pushing you into
 7 playing these games; okay. Go ahead.
 8 (Question read)
 9 A I don't know.
 10 Q Did you ever tell Mr. Soika that you had already
 11 processed Marilyn Figueroa and placed her on medical
 12 leave?
 13 A Yes, I told him.
 14 Q And when did you tell him that?
 15 A I don't know.
 16 Q I suspect it was after you had --
 17 A After.
 18 Q -- done it?
 19 A Yes.
 20 Q And what, if anything, did he tell you?
 21 A I don't remember.
 22 Q After you processed this matter did Mr. Soika ever
 23 tell you to revoke?
 24 A No.
 25 Q So this went into the record as you had prepared it?

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1 Q Did anyone ask you to do that?
 2 A No.
 3 Q Now, did you know Marilyn Figueroa well?
 4 A I knew Marilyn. I worked with her.
 5 Q Was she a nice person to you?
 6 A Yes.
 7 Q Was she respectful?
 8 A To me? Yes.
 9 Q Did you think she was a hard working person?
 10 A I don't know. She didn't do any work for me.
 11 Q Did you, based on your observation, did you think
 12 she was a hard working person?
 13 A I really don't get into that. I'm in the clerical
 14 section so I don't see what's going on.
 15 Q Do you know anyone who may have said negative things
 16 about Ms. Figueroa while in your presence?
 17 A No.
 18 Q After Marilyn Figueroa left --
 19 A Yes.
 20 Q -- the office, do you know if any records were
 21 destroyed, as you sit here telling me testimony
 22 under oath?
 23 A I did not destroy any.
 24 Q Do you know if anyone did?
 25 A I don't know.

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1 A It went into the record, and then Marie Pettigrew
 2 called me and told me she could not process it
 3 without the doctor's excuse.
 4 Q And when she told you that, what did you do?
 5 A I told Mr. Soika.
 6 Q What did you tell him?
 7 A I told him what Marie had told me, that it couldn't
 8 be processed without the doctor's excuse.
 9 Q And what did he say?
 10 A I don't know.
 11 Q Do you remember when you spoke to Mr. Soika about
 12 that?
 13 A No, no.
 14 Q Do you know when Ms. Pettigrew sent you that email?
 15 A I believe she called me. I don't know.
 16 Q What did she tell you?
 17 A She told me they could not process it without the
 18 doctor's excuse.
 19 Q All right. Did you follow up on that with
 20 Marilyn Figueroa?
 21 A No.
 22 Q Did you send her an email or a letter?
 23 A Marilyn?
 24 Q Yes.
 25 A No. I didn't.

66

1 Q Are you the person who has control of the personnel
 2 files? Are they kept within your jurisdiction?
 3 A They're at my desk. They're not a locked file.
 4 Q So anybody would have gotten into those files
 5 without your presence, outside your presence?
 6 A I don't know.
 7 Q When was the very first time that you learned that
 8 Marilyn Figueroa was on medical leave?
 9 MR. TOKUS: Objection. That's not
 10 the state of the record.
 11 MR. ARELLANO: Strike that.
 12 Q That she was not coming back?
 13 A I don't know.
 14 Q Did there come time when you learned that she was
 15 not coming back?
 16 A No.
 17 Q Obviously you know now that she is not back?
 18 A Yes.
 19 Q Is that correct?
 20 A Right.
 21 Q You brought some records with you today.
 22 (Exhibit No. 3 marked for
 23 identification)
 24 Q Let me show you what has been marked as
 25 Exhibit No. 3 of your deposition.

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1 A They would be in the personnel file.
 2 Q And they meaning what? What are you referring to?
 3 A It says produce a true and complete certified copy
 4 of personnel files of each and every supervisor that
 5 supervised the complainant during her employment as
 6 a staff assistant to Mayor John Norquist. Those
 7 should be there, all the personnel files.
 8 Q Including Mr. Soika's file?
 9 A Yes.
 10 Q Okay, very good. We're getting there. We're moving
 11 to request No. 50 I believe you identified.
 12 A 50? If I have any of these records pertaining to
 13 Marilyn's leave, they would be in her personnel
 14 file. I think there might have been a letter, in
 15 fact I think there's a letter terminating her
 16 employment in there.
 17 Q Very good. Thank you. Let me ask you, ma'am, did
 18 you place every email that you received from
 19 Mr. Soika regarding Marilyn Figueroa or anything
 20 related to Marilyn Figueroa after January 4th in her
 21 personnel file?
 22 A I don't know.
 23 (Exhibit No. 4 marked for
 24 identification).
 25 MR. ARELLANO: Just so the record is

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1 MR. ARELLANO: And I am referring,
 2 counsel, for your information to Exhibit No. 5
 3 which I would like to have before Mr. Hansen's
 4 deposition, which I believe should have been
 5 submitted some time ago.
 6 MR. TOKUS: You're entitled to your
 7 belief, counsel.
 8 Q Did you ever have any contact with employment
 9 relations regarding Marilyn Figueroa in any other
 10 manner other than submitting this form which has
 11 been marked as Exhibit No. 5?
 12 A Yes.
 13 Q Tell me the very first time that you had any
 14 contacts with employment relations for the purposes
 15 of discussing Marilyn Figueroa.
 16 A I'm not sure of the very first time. I would say I
 17 probably contacted them to find out what I had to
 18 do.
 19 Q Tell me what did you do?
 20 A Called employee relations. I don't know who I spoke
 21 with.
 22 Q Okay.
 23 A And then I submitted this per instructions.
 24 Q I understand. Let's not move yet from the first
 25 contact or the contact --

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1 clear as we approach a time to deal with
 2 documents, I would request, counsel, that
 3 these forms that were processed by
 4 Ms. Stawicki regarding Marilyn Figueroa be
 5 produced tomorrow before the deposition of
 6 Mr. Hansen.
 7 MR. TOKUS: Which forms do you have
 8 in mind, counsel?
 9 MR. ARELLANO: The ones that we
 10 have been discussing with Ms. Stawicki, the
 11 form that she tried to process. In fact, I'm
 12 going to mark that as a separate exhibit.
 13 (Exhibit No. 5 marked for
 14 identification)
 15 Q Let me show you what has been marked as
 16 Exhibit No. 5 of your deposition, ma'am. Is that
 17 the form that we've been discussing, the form that
 18 you prepared and sent to the Department of
 19 Employment Relations indicating that
 20 Marilyn Figueroa was placed on unpaid medical leave
 21 pursuant to Mr. Soika's direction?
 22 MR. TOKUS: Objection. That's not
 23 the state of the record.
 24 Q Go ahead, ma'am.
 25 A Yes.

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1 A Okay. I'm not sure whether that was the first
 2 contact.
 3 Q Even though you may not remember the sequence --
 4 A Okay.
 5 Q -- I want to talk about the number of contacts that
 6 you had with employee relations. You have
 7 identified one contact when you called an employee
 8 from employee relations; correct?
 9 A I specifically recall -- I don't specifically recall
 10 that, but that's what I generally would have done.
 11 Q Tell me what you recall with respect to that --
 12 A Okay.
 13 Q -- contact.
 14 A To the one that I think I might have done?
 15 Q Right.
 16 A I called DER. They told me what I had to do and I
 17 started to do it.
 18 Q What did they tell you to do?
 19 A I don't know.
 20 Q Well then, what did you start doing?
 21 A Okay. I know I did this on the computer requesting
 22 the family leave.
 23 Q You filled the family leave form?
 24 A Yes.
 25 MR. TOKUS: Objection. That's not

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1 Mr. Soika informed you that Marilyn had requested
2 vacation?
3 A No.
4 Q Did Mr. Soika ever report to you whether or not
5 Marilyn had requested comp time?
6 A No.
7 Q All right, very good. Did Marilyn ever talk to you
8 to request vacation after January 4th?
9 A No. I didn't have any contact with Marilyn.
10 Q To your knowledge -- let me show you these records.
11 Was Marilyn Figueroa on vacation after January 4th
12 of the year 2000?
13 A According to this record, for the pay period ending,
14 okay, after January 4th there were three days of
15 vacation.
16 Q For January 4th?
17 A No. January 5th, 6th and 7th were days of vacation.
18 Q And then? Let's talk about the rest of the month.
19 A Pay period two, vacation January 10th, January 11th,
20 7.6 hours on January 12th, then she went to sick
21 leave January 12th .4 of an hour, January 13th
22 and --
23 Q Hold on a second. She went on sick leave on what
24 date?
25 A January 12th. The date that her vacation,

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1 everything ended. I mean she didn't have any more
2 vacation time. Then I put her on sick leave for .4
3 of an hour on January 12th to make up the eight-hour
4 day. Then 13th and January 14th each eight hours.
5 Q Hold on. January 13 and January 14?
6 A Yes, sick leave.
7 Q Sick leave.
8 A Both eight hours.
9 Q That she was entitled to?
10 A Yes. There was a holiday January 17th.
11 Q Hold on. Holiday January 17th.
12 A Which was Martin Luther King Day. Then sick leave
13 on the 18th, sick leave --
14 Q Hold on, 18th.
15 A Sick leave on the 19th, sick leave on the 20th. And
16 2.9 of an hour sick leave on the 21st of
17 January. And that was her last day on the payroll.
18 Q Let's go back to that. Let's go back to that.
19 A This one?
20 Q An employee can only take sick leave if they are
21 entitled to that; correct?
22 A Correct.
23 Q So the dates that you gave me for sick leave, those
24 dates she was entitled to take sick leave?
25 A She had time coming to cover those days.

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1 Q So she had sick leave all the way to January 21st?
2 A Sick leave and vacation.
3 Q And vacation, okay. And then she ran out of sick
4 leave on January 21st?
5 A That's correct. She ran out of vacation and sick
6 leave. And after January 21st she was no longer on
7 the payroll, pay period three.
8 Q January 22nd?
9 A January 22nd was -- January 21st was her last day on
10 the payroll. She had 2.9 hours of time.
11 Q And so January 22nd?
12 A 22nd is a Saturday.
13 Q So she was terminated on that Saturday? That was
14 her last day?
15 A Probably at the close of business on the 21st. I
16 don't know.
17 Q Did Mr. Soika ever tell you when she was supposed to
18 be terminated?
19 A I believe there might have been a letter that he
20 sent to her. I'm not positive.
21 Q So from January 4th through January 21st Marilyn was
22 enjoying the benefits that the City provides
23 pursuant to vacation and sick leave; correct?
24 A Correct.
25 Q Now --

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1 A There was one day in there -- oh, wait. From
2 January 4th I have that she worked. So starting the
3 5th of January.
4 Q During all of the years that you have been working
5 for Mayor Norquist's administration --
6 A Yes.
7 Q -- was comp time ever used by any of the staff?
8 A It never was recorded.
9 Q But it was used as a matter of practice?
10 A Yes.
11 Q And how would you in your difficult job in payroll
12 in time record keeping, how would you keep track of
13 comp time?
14 A I did not keep track of their comp time.
15 Q Who would be required to keep track of comp time?
16 A I don't think anyone.
17 Q The employees would?
18 A Their job is different. They work nights, sometimes
19 weekends. They accompany the Mayor. And --
20 Q So how do they take comp time when they do?
21 A When they need time, they would go into their
22 superior and request time. And he would, he or she
23 would say okay. And then at that point they would
24 tell me I'm going to mark eight hours for, that I
25 worked, but that really is comp time because they

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1 A Correct, vacation time.
 2 Q She was on vacation time?
 3 A Yes.
 4 Q Again, do you recall if he reminded you of any
 5 specific conditions or limitations?
 6 A No, he did not.
 7 Q All right, good. Then she was placed on sick leave
 8 I believe on January 4th for I believe some time.
 9 A January 4th? No.
 10 Q Excuse me, January 12th. Is that correct?
 11 A January 12th for .4 of an hour.
 12 Q And then again on January 13th, 14th; is that
 13 correct?
 14 A Uh-huh, correct.
 15 Q Sick leave; true?
 16 A Yes.
 17 Q Did he impose any conditions or limitations?
 18 A No.
 19 Q Did he give you any special instructions?
 20 A No.
 21 Q And then on January 17th?
 22 A Was a holiday. I gave her eight hours pay.
 23 Q So she was allowed to do that?
 24 A Yes.
 25 Q January 18th, 19th, and 20th?

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1 A Eight hours each day.
 2 Q Of sick leave?
 3 A Right.
 4 Q Any special instructions or conditions?
 5 A No, no.
 6 Q And then January 21st was her last day of sick
 7 leave?
 8 A She put in -- or she had coming to her 2.9 hours.
 9 Q During this entire period, Ms. Stawicki, did
 10 Mr. Soika or anyone in the Mayor's office give you
 11 any status report of Marilyn Figueroa?
 12 A I don't recall one.
 13 Q During this entire period did anyone ever tell you
 14 to obtain from Marilyn Figueroa any specific forms
 15 in order to be in compliance with City policies?
 16 A I don't recall them telling me.
 17 Q Did anyone report to you the status of her medical
 18 leave before she was terminated?
 19 A I don't think so.
 20 Q Okay, very good.
 21 MR. ARELLANO: Let's take a couple
 22 minutes break. Would you like a little break?
 23 THE WITNESS: No.
 24 MR. ARELLANO: No? Do you want to
 25 keep on going? You're a hard working lady.

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1 THE WITNESS: Unless somebody else
 2 needs a break.
 3 MR. ARELLANO: I can see it in your
 4 eyes. Don't use me as a reason to take a
 5 break. I'm ready to go. All right. Very
 6 good.
 7 THE WITNESS: I'd rather get it
 8 over with.
 9 Q Now, the records that you have in front of you,
 10 let's go to the package that you produced today
 11 which I believe has been marked as Exhibit --
 12 A I don't think that's the whole package. That's just
 13 clerical.
 14 Q Don't be scared. Your only duty --
 15 A I know.
 16 Q Your only duty is to the sworn record, not to any
 17 other politician. Now, the record that you produced
 18 does not contain the entire record; is that correct?
 19 A This is only the clerical. There should be other
 20 records there that I -- I don't know, do you have
 21 the other ones?
 22 Q While you're on the record, you can only talk to the
 23 record; all right?
 24 A I'm sorry. There were other records. They're not
 25 here.

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1 Q Records that belong to who?
 2 A To the staff, staff assistants and the Mayor's
 3 staff.
 4 Q And you did not bring those with you?
 5 A I didn't bring anything personally with me except
 6 this piece of paper.
 7 Q Were you asked to produce any records for today?
 8 A Yeah. I thought they were going to be here.
 9 MR. ARELLANO: Do you have any
 10 additional records for me today, Mr. Tokus?
 11 MR. TOKUS: No. You have all of
 12 them, Mr. Arellano.
 13 MR. ARELLANO: I certainly object
 14 to such characterization, but we'll get to
 15 that.
 16 (Exhibit No. 7 marked for
 17 identification)
 18 Q Let me show you what has been marked as
 19 Exhibit No. 7 of your deposition. And after giving
 20 you an opportunity to review those records, tell me,
 21 can you identify those records for --
 22 A Yes.
 23 Q -- the record?
 24 A Yes. They're Marilyn Figueroa's payroll records.
 25 Q Okay, very good. Those are records that would be

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1 Q What would they show?
 2 A They would show -- it would be a sheet like this
 3 that would show vacation, sick leave. This goes
 4 hand in hand with this.
 5 Q With that. Very good, excellent.
 6 A Correct.
 7 Q I'm learning. Do you know if when someone calls
 8 ill --
 9 A Yes.
 10 Q -- is the practice to record what type of illness?
 11 A I don't.
 12 Q Do you --
 13 A No.
 14 Q Do you know if anyone does?
 15 A I don't know that.
 16 Q So if I were to ask you do you know what kind of
 17 illness was affecting --
 18 A I would not know.
 19 Q You've got to -- we're doing fine but -- and she
 20 knows because she's quite good, but we are talking
 21 at the same time sometimes.
 22 A I'm sorry.
 23 Q That's fine. For this -- now obviously if somebody
 24 were to request family leave or be forced to produce
 25 medical authorization, you would know; right?

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1 A At some point someone should tell me.
 2 Q All right. And obviously you would make that part
 3 of the personnel file?
 4 A Yes.
 5 Q Do you recall, Ms. Stawicki, whether or not Marilyn
 6 produced any medical authorization for those five
 7 days?
 8 A I don't know.
 9 Q What is your understanding of the medical -- of the
 10 medical leave policy for the City of Milwaukee? At
 11 what point are they required to produce medical
 12 absence?
 13 A It used to be at the discretion of the department
 14 head and after, if you wanted -- if the department
 15 head required it after three days, you filled -- we
 16 had to bring in a slip from your doctor stating the
 17 reason why you were sick. And it got sent up to the
 18 Department of Employee Relations.
 19 Now I think it probably is that after three
 20 days you bring in a slip, but it no longer goes up
 21 to Department of Employee Relations. It's kept in
 22 the person's file.
 23 Q And is that the practice of the Mayor's office?
 24 A Not always.
 25 Q It's not consistent?

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1 A In all the years that I've been with the Mayor's
 2 office, because of the fact that people work on and
 3 off their overtime hours, let's call them
 4 compensatory time, I've never had anybody turn in a
 5 slip that they were sick or has -- I don't think
 6 anyone ever requested one of them. To be quite
 7 frank with you, most of our people aren't sick.
 8 Q They just take sick leave?
 9 A No. They take maybe three days a year. Most people
 10 do.
 11 Q You mentioned that there were some changes with
 12 respect to the sick leave --
 13 A Uh-huh.
 14 Q -- within the Mayor's office?
 15 A No. Within the whole City system.
 16 Q The policy?
 17 A Yes.
 18 Q When did that change take place?
 19 A I don't know.
 20 Q What year?
 21 A I don't know.
 22 Q Was it -- what was the policy in 1999?
 23 A I believe it was after three days.
 24 Q Then you needed a medical authorization?
 25 A I don't know if it was mandatory. Let's put it that

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1 way. It no longer -- I think you were supposed to
 2 bring one in, but it was no longer required to be
 3 sent up to employee relations. It was just for the
 4 department.
 5 Q So the policy of producing a medical authorization
 6 never changed; the only thing that changed was not
 7 sending it to the employment relations department?
 8 A Correct.
 9 Q But in essence, the requirement remained the same?
 10 After three days you were supposed to bring one?
 11 A Correct, correct.
 12 Q Very good.
 13 A The only thing that changed was previous to a
 14 certain year, and I don't know which year it was, it
 15 was at the discretion of the department head to ask
 16 for this.
 17 Q In 1999 who was the chief of staff for the Mayor's
 18 office?
 19 A I don't know. I'm sorry.
 20 Q Are you sure you don't need a break?
 21 A Maybe I do need a break. He went up to DOA. I can
 22 picture him and I can't think.
 23 Q Was it Mr. Soika?
 24 A Well, it might have been Mr. Soika.
 25 Q Was it Mr. Rowen?

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1 than three days of sick leave they are required to
2 provide a medical authorization, even though it has
3 not been applied?

4 MR. TOKUS: Did you understand the
5 question?

6 THE WITNESS: No, I don't.

7 Q Let me ask you that question again. My
8 understanding is, based on your sworn testimony
9 here --

10 A Yes.

11 Q -- that the policy and practice of the Mayor's
12 office and the City of Milwaukee is to request a
13 medical authorization every time somebody takes more
14 than three days of sick leave. Is that correct?

15 A I believe it is.

16 MR. ARELLANO: Let's take a break.
17 (Recess for lunch)

18 By Mr. Arellano:

19 Q By looking at Marilyn Figueroa's personnel file, are
20 you able to tell me whether or not there is in that
21 file any medical authorization filed by
22 Marilyn Figueroa or any doctor?

23 A Do you want me to look through it?

24 Q Yes.

25 A Can I take this?

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1 Q Sure, sure.

2 A This might take a little while.

3 Q That's all right.

4 (Exhibit Nos. 8 and 9 marked for
5 identification)

6 (Witness looking at exhibit)

7 A I don't see any.

8 Q All right. And you have reviewed Marilyn Figueroa's
9 personnel file; correct?

10 A I looked through it, yes.

11 Q As you looked through that personnel file, did you
12 see any records missing that you would identify as
13 missing?

14 A I don't think so.

15 Q Okay. Now you can put it back together. Now, when
16 you were notified by employer relations or employee
17 relations that you could not process
18 Marilyn Figueroa's medical leave until she received
19 a medical or doctor's release, did you report that
20 to Mr. Soika?

21 A Yes.

22 Q What did you tell him?

23 A I told him that I had tried to process it and I was
24 told that Marilyn had to submit a doctor's excuse
25 before DER could go ahead.

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1 Q Do you recall approximately when you spoke to
2 Mr. Soika?

3 A No, I don't.

4 Q Do you recall what Mr. Soika said?

5 A I believe he told me to call Jeff Hansen.

6 Q And did you do that?

7 A Yes, I did.

8 Q What did you tell him?

9 A I told him exactly what Marie Pettigrew had told me,
10 which was I needed a doctor's excuse and that
11 Marilyn had said she was going to send it but I had
12 not received it. And he said I'll take care of the
13 matter. He said, if anyone questions you, tell them
14 to contact me.

15 Q Is that all Mr. Hansen said to you?

16 A I believe so.

17 Q Did you write any notes with respect to your
18 communication with Mr. Hansen?

19 A Yes.

20 Q What did you do?

21 A I told Mike Soika what he had said.

22 Q Did you send -- how did you notify Mr. Soika?

23 A I can't remember if it was in writing or verbal.

24 Q Did you have any further contacts with Mr. Hansen?

25 A I don't think so. Not after that time.

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1 Q Did you have any further contacts with anyone from
2 employee relations?

3 A I don't think so.

4 Q When Mr. Hansen told you that he would take care of
5 it, what did you understand he was telling you?

6 A He would handle the matter. That I thought he was
7 going to talk to Marie and say just keep it on the
8 books because this medical excuse is coming through.
9 That's what my assumption was.

10 Q Obviously you felt that he would take care of it?

11 A Yes.

12 Q He never told you anything else than what you just
13 told me?

14 A Not to my knowledge.

15 Q You didn't feel he was denying the medical leave by
16 virtue of his --

17 A Jeff? No. He didn't say he would deny it.

18 Q In fact, you felt comfortable that he would process
19 the rest?

20 MR. TOKUS: Objection, that's not
21 the state of the record.

22 A I thought it would be taken care of.

23 Q Do you know if it was ever taken care of?

24 A I don't know.

25 Q During -- from January 4th until Marilyn was

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1 told you, I mean what I say. Don't let him portray
 2 me as not being genuine. I would tell you he knows
 3 that. When a witness is not telling you the truth,
 4 they'll know it because I'll let them know.
 5 You wrote on this document Exhibit No. 8 17
 6 days. Are you able to tell me what's the
 7 significance?
 8 A I have no idea.
 9 Q And obviously the information that you received in
 10 this exhibit, when you wrote on this Exhibit No. 8
 11 established at least for your knowledge that
 12 assuming Marilyn Figueroa would have been granted
 13 medical leave, she would have been entitled to 12
 14 weeks and not six as you stated before; correct?
 15 MR. TOKUS: Objection. That's not
 16 the state of the record.
 17 Q All right. Whatever. On top of that Exhibit No. 8
 18 on the left margin, can you read to me what that
 19 first sentence states way at the top, left margin?
 20 A Left margin?
 21 Q On top.
 22 A Here?
 23 Q Next. Down.
 24 A "Entitled to 12 weeks of unpaid leave."
 25 Q Is that what they explained to you from employment

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1 relations?
 2 A I would say yes, but I'm not positive.
 3 Q But you are positive of what you wrote; correct?
 4 A About due --
 5 Q And that is the 12 weeks up here?
 6 A Oh, yes, it says that, yes.
 7 Q And this information, this information that you
 8 obtained as you were trying to determine
 9 Marilyn Figueroa's status with the City; correct?
 10 A I believe so.
 11 Q All right. They also told you that Marilyn Figueroa
 12 would have been entitled to be placed on regular
 13 leave of absence if the doctor's statement was not
 14 issued. Did I read that correctly?
 15 A If the doctor's statement is not issued, the
 16 employee must request a regular leave of absence.
 17 That's what's on there.
 18 Q So that would be another option Marilyn Figueroa
 19 would have had under City policies; correct?
 20 A It would seem like that.
 21 Q All right. And you also wrote pursuant to your
 22 discussion with employment relations that, on the
 23 second paragraph last sentence, "On a regular leave
 24 of absence, a form CBP 129 must be filled out."
 25 A Okay.

114

1 Q Did I read that correctly?
 2 A Yes, it's on there, correct.
 3 Q And did you give Mr. Soika a copy of this memo,
 4 ma'am?
 5 A I do not know.
 6 Q Did you notify Mr. Soika that if no medical
 7 statement would be forthcoming, a form CBP 129 would
 8 be required if she were to be --
 9 A I do not know.
 10 Q Did you ever send Marilyn Figueroa form CBP 129?
 11 A I don't recall sending Marilyn anything, but I'm not
 12 positive.
 13 Q Have you ever seen a form CBP 129?
 14 A I don't know what it is, but I'm sure I've seen one.
 15 Q What does it contain?
 16 A I don't know.
 17 Q I suspect the purpose is to obtain information?
 18 A It's probably just a request for a regular leave of
 19 absence.
 20 Q And that would be another thing that would fall
 21 within your --
 22 A Yes.
 23 Q -- the purview of your responsibilities; correct?
 24 A Uh-huh.

MR. TOKUS: You're going to have to

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1 let him finish before you answer.
 2 Q You are fine. Do you have any information as to
 3 whether or not Mr. Soika ever, was ever notified
 4 that Marilyn had given a medical leave authorization
 5 to the Mayor's attorney, Anne Shindell?
 6 A I know nothing of that.
 7 Q Let me represent to you, Ms. Stawicki, that
 8 Mr. Soika testified under oath that after
 9 Marilyn Figueroa was terminated he learned that her
 10 doctor had issued a medical authorization on
 11 January 21st. Did he ever tell you that?
 12 A No.
 13 Q To this date did Mr. Soika ever disclose to you that
 14 Anne Shindell, the Mayor's attorney, had received a
 15 medical release from Marilyn's doctor?
 16 A I don't believe so.
 17 Q If that medical release would have been received by
 18 you, what would have been the next step for you to
 19 do?
 20 A I would have taken it to Mr. Soika if it was
 21 addressed to me and I would have showed him.
 22 Q But as far as requesting the medical leave, you
 23 would have completed --
 24 A Yes.
 25 Q -- the medical leave and sent it to employment

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1 Q Is that an accurate representation of what happened?
 2 A As far as I know.
 3 Q Okay. Now, on January 27, going back to the first
 4 sentence, you had placed Marilyn on unpaid family
 5 leave; is that correct?
 6 A According to here, to the paper.
 7 Q Right. And I suspect you placed her on family leave
 8 on January 27th at the direction of Mr. Soika?
 9 Correct?
 10 A I would say so.
 11 Q Well, he is the one who would have to approve it;
 12 true?
 13 A I wouldn't place her on that myself.
 14 Q That's what I'm saying. Mr. Soika told you to place
 15 her on family leave on January 27th; correct?
 16 A I don't know about the date.
 17 Q I understand that. But what you're telling me here
 18 under oath is that what you wrote here is factually
 19 correct based on what you know happened; true?
 20 A Yes.
 21 Q How soon after January 27th did you talk to
 22 Marie Pettigrew?
 23 A It must have been the same day or the day after
 24 because Marie then checks the screens, the computer
 25 screens and she called me.

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1 Q So at what point did you talk to Jeff Hansen about
 2 Marilyn Figueroa being on medical leave?
 3 A I can't be sure about the exact date. It was after
 4 I talked to Marie and Mike Soika.
 5 Q But my question is did you talk to Mr. Hansen the
 6 next day after you talked to Ms. Pettigrew?
 7 A I don't know. It might have been the same day. I
 8 don't know.
 9 Q Well, do you remember the time when --
 10 A No, I don't.
 11 Q Hold on a second. Let me finish my question. Do
 12 you remember the time when you talked to
 13 Marie Pettigrew?
 14 A No, I don't.
 15 Q Was it in the morning, before lunch, after lunch?
 16 A I don't know.
 17 Q Do you recall when you talked to Mr. Hansen, in the
 18 morning or in the afternoon?
 19 A I don't know.
 20 Q But if we follow the sequence of your memory, it is
 21 clear that you spoke to Mr. Hansen after you spoke
 22 to Marie Pettigrew?
 23 A Correct.
 24 Q And Mr. Soika; correct?
 25 A Yes.

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1 Q And just so we can help you to understand when you
 2 typed this record, you must have typed this record
 3 after January 27th by virtue of the fact that you
 4 wrote it after that date; correct?
 5 A It could have been January 27th.
 6 Q Not before obviously?
 7 A I don't know.
 8 Q Very interesting. Let me show you now what has been
 9 marked as Exhibit No. 4 and I'll trade with you.
 10 Are you familiar with this?
 11 A Looks like an email from Mike Soika to me.
 12 Q Did you receive it?
 13 A I don't know.
 14 Q By reading the contents?
 15 A I would say by reading the contents I did receive
 16 it.
 17 Q It refreshes your recollection; correct?
 18 A Yes.
 19 Q Now, let me take a look at that. Here again you
 20 would agree with me, would you not, that Mr. Soika
 21 was advised by Mr. Hansen to place Marilyn Figueroa
 22 on medical unpaid leave; is that correct? Read it
 23 carefully.
 24 (Witness looking at document)
 25 Q Is that accurate? Do you want the question read

123

1 back again?
 2 A No.
 3 Q Is your answer yes?
 4 A Yes.
 5 Q And at the bottom of that particular email which has
 6 been marked as Exhibit No. 4, I believe Mr. Soika
 7 directs you to refer any questions regarding
 8 Marilyn Figueroa to Mr. Hansen; is that correct?
 9 A Right.
 10 Q Did you ever direct any questions to Mr. Hansen
 11 regarding Marilyn Figueroa?
 12 A Yes, I did.
 13 Q What did you do?
 14 A After, I believe after Marie Pettigrew called me I
 15 called Jeff.
 16 Q Is that the only time when you referred any
 17 questions to Mr. Hansen?
 18 A I can't be sure but I think so.
 19 Q That's the only one that is in your mind?
 20 A That I can -- correct.
 21 Q All right, very good. Up to that point,
 22 Ms. Stawicki, did you have a sense that this was a
 23 rather touchy matter by virtue of the people that
 24 were involved and how it was being handled?
 25 A I don't know what I thought.

124

1 A Yes.
 2 Q All right. Were there some years when she was
 3 moodier than others?
 4 A I wouldn't say it went in years. It went in days.
 5 Some days she would be fine. Other days she would
 6 be a little sad.
 7 Q I suspect your recollection of Marilyn is fresher in
 8 1999 than it would be in 1995?
 9 A I don't know that.
 10 Q Your mind works backwards?
 11 A No.
 12 MR. TOKUS: Objection.
 13 Q I just want to understand you because you're
 14 telling -- so your recollection of her moodiness,
 15 did that -- did you observe that in 1999?
 16 A I can't say for sure.
 17 Q Well, what about --
 18 A I would --
 19 Q Go ahead. You would say?
 20 A Probably, probably.
 21 Q What about 1998?
 22 A I don't know.
 23 Q You don't recall that year?
 24 A No.
 25 Q What about 1997?

129

1 A I can't recall what year.
 2 Q
 3
 4 A
 5
 6
 7 Q Did you ever hear any rumors about Ms. Figueroa and
 8 Mayor Norquist before January 4th of 2000?
 9 A No. I don't think I --
 10 Q Did Marilyn ever complain to you about the Mayor?
 11 A She never said anything other than she was working
 12 too hard. He expected a lot.
 13 Q Did she ever tell you that she didn't feel
 14 comfortable around the Mayor?
 15 A I don't believe so.
 16 Q Do you recall any one time when she said to you that
 17 she didn't want to be alone with the Mayor?
 18 A She never told me that.
 19 Q No? When was the very first time that you learned
 20 that there were some rumors about Mayor Norquist and
 21 Marilyn Figueroa?
 22 A I can't name an exact date.
 23 Q Was it before she left or after?
 24 A Before.
 25 Q You had heard some rumors?

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1 A Yes.
 2 Q Did you ever see the two of them together, other
 3 than working --
 4 A In the office? Never.
 5 Q When people went to see the Mayor, are they required
 6 to sign in and sign out?
 7 A Let me think about that. At one time we had a guest
 8 book where they did sign in and out. I don't
 9 believe that's the practice now.
 10 Q When did that practice stop?
 11 A I don't know. You'd have to ask the receptionist.
 12 I don't know.
 13 Q Okay, I will. Did you have contact with
 14 Mayor Norquist on a daily basis?
 15 A Not on a daily basis. I would see him coming into
 16 the office or leaving the office. Sometimes I
 17 didn't see him at all.
 18 Q If Marilyn or the Mayor were to testify -- strike
 19 that. If Marilyn were to testify that the Mayor
 20 summoned her into the office on a weekend to engage
 21 in sexual acts, do you believe Marilyn would be
 22 lying?
 23 A I don't know what I would believe.
 24 Q Would you have any reason to believe that she would
 25 lie?

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1 A No.
 2 Q Have you ever heard, do you have any experience --
 3 strike that. Has Marilyn Figueroa ever lied to you?
 4 A I don't believe so.
 5 Q Have you ever seen Marilyn Figueroa act in any
 6 promiscuous manner in front of you?
 7 A I don't know what you exactly mean by that. It
 8 always struck me weird like when some people came
 9 into the office, she was -- she hugged them. I just
 10 felt it was kind of strange to do this in a business
 11 office. I'm not saying only men, sometimes women.
 12 But I --
 13 Q I promise to stop that practice in my office.
 14 A Okay.
 15 Q There's one guy I will never hug. That's for sure.
 16 So you felt that her approach was unusual?
 17 A Yes.
 18 Q Other than -- you mean she would hug men and women
 19 alike?
 20 A Sometimes it would be a woman, she'd come in and
 21 she'd hug her. Sometimes it was a man, you know,
 22 right out in the open. And I just thought this
 23 is -- well, I'm sure she knew the people and they
 24 were friends of hers, but it just struck me odd that
 25 somebody would display this in an office.

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1 A I don't believe so.
 2 Q So what about Linda Huerta? What did she tell you
 3 about Marilyn Figueroa's conduct?
 4 A About the same as Daisy.
 5 Q When was the first time that Ms. Huerta opened up to
 6 you with that kind of information?
 7 A A couple of years ago.
 8 Q How did that happen?
 9 A I think in gossip in the office.
 10 Q Who was present when that occurred?
 11 A I'm not sure. Probably Patty Marshall and me. I'm
 12 not positive.
 13 Q Is this a close group, Patty Marshall?
 14 A It's the clerical section.
 15 Q Did anyone else say anything when Linda Huerta
 16 disclosed that opinion about Marilyn Figueroa?
 17 A No, I don't think so.
 18 Q Did Linda Huerta mention names of men that she knew?
 19 A I'm not sure.
 20 Q When you say you're not sure --
 21 A I couldn't name anybody.
 22 Q But did she mention names of people when she was
 23 describing Marilyn as someone that slept around?
 24 A She might have. I am really not sure.
 25 Q Two years ago what prompted -- I suspect that was

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1 before -- was that before Marilyn left?
 2 A Oh, yes.
 3 Q Long before Marilyn left?
 4 A Yes.
 5 Q What prompted the discussion about Marilyn when
 6 Linda Huerta made the statements that she slept
 7 around?
 8 A I don't know.
 9 Q What was the reaction of Patty Marshall to that?
 10 A I think both Patty and I kind of laughed and
 11 thought, oh, Linda, you're silly. Disbelief I
 12 think.
 13 Q Do you know -- how old is Linda Huerta?
 14 A I'm going to take a guess, maybe 42, 43.
 15 Q Is she a tall woman?
 16 A No. She's a very short, heavyset woman.
 17 Q Married?
 18 A Yes.
 19 Q Have you ever heard anyone say whether or not
 20 Linda Huerta sleeps around?
 21 A No.
 22 Q What about Daisy Cubias?
 23 A No.
 24 Q Again I'm trying to understand what prompted the
 25 discussion on Marilyn Figueroa's behavior.

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1 A I don't honestly know. I can't tell you.
 2 Q What about Daisy Cubias? What prompted the
 3 discussion on Marilyn Figueroa?
 4 A I honestly can't tell you.
 5 Q Anyone else that you may have heard discussing
 6 Marilyn's behavior?
 7 A No.
 8 Q All right. And is it your sworn testimony that
 9 before Marilyn Figueroa left you did not know
 10 anything about her sexual interaction with
 11 Mayor Norquist?
 12 A I did not know anything until we were called into
 13 the Mayor's office and Mike Soika told us. Prior to
 14 that everything we heard was rumor.
 15 Q What did Mike say?
 16 A At that time I believe he handed us a statement. I
 17 don't remember what was on the statement. And then
 18 he said the Mayor had had a consensual relationship
 19 with Marilyn.
 20 Q Did he disclose that Marilyn was going to be filing
 21 a claim at that time?
 22 A No. I don't believe so.
 23 Q Were you ever at any meetings where Mr. Soika
 24 disclosed that Marilyn was going to be filing a
 25 discrimination complaint?

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1 A No.
 2 Q Did anyone ever tell you that Mr. Soika had notified
 3 the staff that Marilyn was going to be filing a
 4 claim against the City?
 5 A I probably learned through gossip again in the
 6 office. And I don't know who told me.
 7 Q About what time did you learn that?
 8 A I don't know.
 9 Q Was it the first week after she left, first day,
 10 second day?
 11 A I don't know.
 12 Q What did you learn?
 13 A I believe Marilyn was going to file some kind of
 14 claim against the City or the Mayor. I don't know
 15 which one. I really don't.
 16 Q You learned that before she was terminated I
 17 suspect?
 18 A I believe so, but I'm not positive.
 19 Q Did you ever discuss with Mr. Soika or anyone from
 20 the Mayor's office the information that you received
 21 from Linda Huerta --
 22 A No.
 23 Q -- regarding Marilyn Figueroa?
 24 A No.
 25 Q What about the information that you got from

140

1 that by the time Marilyn was issued this letter of
 2 January 14th, 2000 she had in fact 30.5 hours of
 3 accrued sick leave remaining. And I'll come right
 4 next to you.
 5 A January 14th, so --
 6 Q Take your time because I want to make sure --
 7 A It looks like 32 hours to me. I can't be sure.
 8 Q What are you looking at in order to --
 9 A Well, I'm looking at January 14th, the date of the
 10 letter.
 11 Q Okay.
 12 A And here starting the 18th I have her down for 32 --
 13 oh, wait. 24, 25, 26 and .9, did it start the 14th?
 14 Each one of these would be eight hours, except the
 15 last one would be 2.9 hours.
 16 Q So eight hours would be?
 17 A So this would be 32, 34.9, or if it was after the
 18 14th, if he were counting this date it would be
 19 26.9.
 20 Q So she had a total of 32 --
 21 A She either had 32 or 26, and I don't know exactly
 22 where this came from. However, I'm sure I gave him
 23 this figure. He wouldn't have just grasped it from
 24 the air.
 25 Q But now that you're double checking you come to the

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1 Q Let's see if I can help you.
 2 A Okay.
 3 Q You've got this 34.9.
 4 A Okay. That's with the holiday included in there.
 5 Q That's what I --
 6 A So actually 26.9 is here. Okay. 34.9 is right
 7 here. But we're starting on the 12th. This letter
 8 was dated the 14th.
 9 Q All right. So according to your numbers, how much
 10 time she still had?
 11 A 26.9. 26.9. However, she was still accruing
 12 vacation while she was on vacation. 26.9 and 3.7 is
 13 30. I think she was accruing vacation. I'm not
 14 sure.
 15 Q So what would be the correct number?
 16 A I don't know.
 17 Q You have 34.9 in here.
 18 A No, I don't.
 19 Q You have 32 over here.
 20 A No, this 34.9 is counting the holiday with it.
 21 Q Right.
 22 A So actually here I have 26.9.
 23 Q And what about over here?
 24 A I have a total of 43.3, which if you add the 16.4
 25 and the 26.9 is 43.3.

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1 conclusion that that number on page, on Exhibit 11
 2 is not accurate?
 3 A I'm not sure.
 4 Q Well, I want to give you that opportunity.
 5 According to these records, is that 30.5 hours an
 6 accurate number?
 7 A I don't know.
 8 Q What would be required for you to know?
 9 A I would probably have to sit down with all these
 10 pages and really go through everything.
 11 Q That's what I need.
 12 A With pencil and paper.
 13 Q That's what I want you to do.
 14 A Right now?
 15 Q Yes. And I want you to break it down by sick leave
 16 entitlements and vacation and holidays.
 17 A Okay. Okay.
 18 Q Let's see if I can help you to save some time.
 19 A All right. This vacation, she has used her vacation
 20 as of the 12th. This date is January 14th. So she
 21 did not have any vacation left which she has said.
 22 You have now exhausted your accrued vacation.
 23 43.3 minus .4 minus 1 -- 43.3 minus 8.5 is
 24 what? 35 -- wait. This is .4. Do we have a
 25 pencil?

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1 Q So are you able to tell me what is the accurate
 2 number?
 3 A I would say this.
 4 Q 43.3?
 5 A After she has used this, yes. She had used all this
 6 vacation time up. So it might have been more than
 7 the 30.5 hours. It might have been a couple hours
 8 less depending on whether he took this vacation day
 9 off already.
 10 Q All right. That letter that is before you,
 11 Exhibit 11, is that something you drafted?
 12 A No, I didn't.
 13 Q Who was Mr. Soika's secretary?
 14 A Patty Marshall. But I think in a matter like this
 15 he might have given it to me to type.
 16 Q What's your recollection?
 17 A I don't remember.
 18 Q The last page -- excuse me, the last sentence. It
 19 says that, "Please also be advised that after 30.5
 20 hours are exhausted you will no longer receive
 21 compensation while on FMLA leave." Did I read that
 22 correctly?
 23 A Yes.
 24 Q Do you know when her compensation ended?
 25 A I wasn't aware she was on FMLA leave. I thought she

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1 Q Did you ever talk to Mr. Hansen at all before that
2 letter was sent?
3 A Before this letter was sent?
4 Q Right.
5 A I talked to him regarding the FMLA leave.
6 Q On the day that --
7 A Well, I don't know what day it was.
8 Q Well, do you know when you spoke to him about the
9 family leave act?
10 A I can't tell you an exact date.
11 Q In relation to the termination letter, do you know
12 when that happened?
13 A I would think before, but I'm not positive.
14 Q All right. Let me have all those exhibits. Did
15 Mr. Soika ever tell you, mention whether or not the
16 Mayor was approving the termination of
17 Marilyn Figueroa?
18 A He never mentioned that.
19 (Exhibit No. 13 marked for
20 identification)
21 Q Let me show you Exhibit No. 13, ma'am. Have you
22 ever seen that record before?
23 A Yes.
24 Q This is a memo from Linda Huerta to you; is that
25 correct?

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1 A Correct.
2 Q Does she report to you?
3 A Does Linda report to me?
4 Q Right.
5 A I don't understand.
6 Q Do you supervise her?
7 A Yes.
8 Q Who instructed Linda to notify the public that
9 Marilyn Figueroa was on medical leave?
10 A I don't know.
11 Q Did you ever tell her that Marilyn was on medical
12 leave?
13 A No.
14 Q Let me have that again. Were you -- strike that.
15 Do you know who cleaned Marilyn Figueroa's desk
16 after she left?
17 A I think Patty Marshall and I cleaned her office.
18 Q When did you do that?
19 A I don't know when.
20 Q Was it before she was terminated or after?
21 A I don't know.
22 Q Was it the same week she left or --
23 A I don't know.
24 Q Was it before she was hospitalized or after she was
25 hospitalized?

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1 A I don't know.
2 Q Who directed you to clean her desk?
3 A I can't remember.
4 Q What did you do as far as cleaning her desk was
5 concerned?
6 A Things that we thought were personal we put in a
7 box, and they're upstairs in an upper level of the
8 Mayor's office. They're still up there. I think
9 there's one or two boxes which we thought were
10 personal. City things we just kind of cleared up
11 like books and things, filed some things away.
12 Q What did you find as far as City things?
13 A Probably things Marilyn was working on before she
14 left.
15 Q Like what?
16 A I don't recall.
17 Q Projects?
18 A I don't recall.
19 Q You don't recall anything that you cleaned out of
20 Marilyn's desk?
21 A No.
22 Q Books and projects. What other things did you clean
23 or remove?
24 A Her personal things.
25 Q You told me that. Anything else?

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1 A No.
2 Q Who cleared her computer?
3 A I don't know.
4 Q As far as her personal things, what did you find?
5 A There was a painting that she had on the wall, and I
6 think it was hers, so that was taken upstairs.
7 There might have been a couple paintings. There was
8 a pair of shoes, I think one boot, coffee mug, it
9 might have been a picture of her children, things of
10 that nature.
11 MR. ARELLANO: Can we get those
12 things tomorrow, counsel? Whomever? Or do
13 you want us to go get them, or what do you
14 want us to do?
15 MR. TOKUS: Are those things under
16 subpoena?
17 MR. ARELLANO: Do you want to keep
18 them?
19 MR. TOKUS: I thought maybe you
20 wanted them personally.
21 MR. ARELLANO: Well, you may. I
22 just want to know if they will be turned over
23 to us, and if not, why not.
24 MR. TOKUS: I will look into it,
25 counsel. Now you're talking about her

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1 Q Where are they kept or who keeps them?
 2 A I keep the time cards and they're kept in a file at
 3 my desk.
 4 Q How are the time cards completed?
 5 A Okay. Each, beginning of each pay period each
 6 person is given a time card, and they are to fill it
 7 out on a daily basis and return it to me on the
 8 Thursday before the end of the pay period.
 9 Q And what do you do with them?
 10 A I compare them with the sign-in and out sheets that
 11 I get from the receptionist and make sure that
 12 whatever time is on their time card is the same as
 13 what they have on the receptionist sign in and out
 14 sheet. For instance, if somebody called in sick,
 15 the receptionist would indicate on her sheet. If
 16 they sent me a time card that said they worked that
 17 day, I look at the sheet and see there's a
 18 discrepancy, and then I would go in to that person
 19 and say you forgot that you were sick that day and
 20 they'd say, oh, yes, I forgot.
 21 Q So you verify those cards?
 22 A Yes, I do. And if there's anything that looks
 23 strange to me, I would go into a higher-up and see
 24 what they wanted done.
 25 Q Does the Mayor keep time cards?

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1 A The Mayor does not fill out a time card, no.
 2 Q What about the chief of staff?
 3 A The chief of staff does.
 4 Q Do you recall after January 4th seeing
 5 Mr. Christofferson holding meetings at the Mayor's
 6 office?
 7 A No.
 8 Q When you worked with Mr. Christofferson, do you
 9 recall ever learning that he may have fired some
 10 people within the office?
 11 A Mr. Christofferson?
 12 Q Correct.
 13 A I don't think so.
 14 Q Do you know a person by the last name of Anderson
 15 that was --
 16 A Yes.
 17 Q -- terminated?
 18 A Yes.
 19 Q Who is she?
 20 A Oh, that's Rita Anderson. I forgot about her. She
 21 was a receptionist in the Mayor's office.
 22 Q And what happened to her?
 23 A There was kind of a disturbance in the office, and
 24 Rita was pregnant at the time, and we were concerned
 25 that she was hurt in the scuffle. And it seems that

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1 if I can reconstruct this correctly, she said she
 2 was hurt and that she was under doctor's care, but I
 3 don't think she brought in any certificate either.
 4 She just didn't call in. And at the time I believe
 5 she did talk to Mr. Christofferson.
 6 Q And what happened?
 7 A I don't know. In the end she lost her job.
 8 Q Was she fired by Mr. Christofferson?
 9 A I don't know. I don't know if she was terminated
 10 or --
 11 Q Were you involved in the processing of her --
 12 A I was in it, yes.
 13 Q As far as did she take sick leave for awhile?
 14 A I believe she did. I'd have to look at her records
 15 also. I don't know if I have them right here. I
 16 don't know what year that was. Oh, it was 1996.
 17 She took 56 hours of sick leave during pay period
 18 22.
 19 Q And then what happened?
 20 A Evidently she was out of sick leave. And at that
 21 point I don't know what happened.
 22 Q Did you contact Ms. Anderson at all?
 23 A When?
 24 Q While she was taking sick leave.
 25 A I think I did, and there might be a memo in her file

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1 to that effect.
 2 Q What was the purpose of your contact?
 3 A I was trying to find out, I believe trying to find
 4 out when she thought her doctor would release her to
 5 come back to work because we really needed to know.
 6 Q Was this person needed very much at the office?
 7 A She's a receptionist, yes.
 8 Q Oh, so she was important?
 9 A Yes.
 10 Q And when you talked to her, what did she tell you?
 11 A I can't remember. I'm sorry.
 12 Q But you wrote a memo on that?
 13 A I believe I did.
 14 Q Do you recall whether or not she ever submitted a
 15 medical authorization to you?
 16 A I don't recall.
 17 Q You don't recall if she did or she didn't?
 18 A I don't recall if she did.
 19 Q Did you ever contact employment relations to address
 20 her absence?
 21 A I don't know.
 22 Q That was what year?
 23 A According to this, 1996.
 24 Q 1996.
 25 A She worked just briefly for the Mayor's office back

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

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

23 Dated March 24, 2002.

24 _____
25 Registered Diplomate Reporter
Notary Public, State of Wisconsin

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1 still want you to give me an answer regardless of
 2 his objections. Is that okay?
 3 A I'm supposed to give you an answer even though he
 4 tells me not to answer?
 5 Q No.
 6 A Is that what you said?
 7 Q That's close.
 8 MR. TOKUS: Now remember what I
 9 told you? Listen. That's not what he said.
 10 THE WITNESS: Okay.
 11 MR. TOKUS: Listen carefully to
 12 what he said.
 13 THE WITNESS: Okay.
 14 Q But you are partly correct. If he tells you not to
 15 answer --
 16 A Don't answer.
 17 Q -- don't answer. The judge will later on decide
 18 whether or not you should be forced to come back to
 19 answer the question.
 20 A Okay.
 21 Q All right? However, there will be times when he
 22 will object without telling you not to answer; all
 23 right? Once he registers his objection, I still
 24 want you to answer. Do you understand me now?
 25 A Yes.

5

1 Q All right. If for some reason you don't understand
 2 my question, please let me know.
 3 A I will.
 4 Q I want to make sure that you understand every
 5 question, and I don't have any problems in repeating
 6 my question or having the professional reporter read
 7 the question back for your convenience. I don't
 8 have any problems in modifying the question. I just
 9 want to make sure that before we try this case you
 10 and I understand each other. Is that fine?
 11 A Fine.
 12 Q And finally, and you're doing very well, she will
 13 want the two of us to answer every question verbally
 14 as opposed to nodding of the head --
 15 A Okay, yes.
 16 Q -- or making certain noises.
 17 A Yes.
 18 Q I will understand when you make noises.
 19 MR. TOKUS: Let him finish before
 20 you start speaking; okay?
 21 THE WITNESS: Okay.
 22 MR. TOKUS: Watch his lips. When
 23 his lips quit moving, then you can talk; okay?
 24 THE WITNESS: Okay.
 25 Q I'm friendlier than he is, so you don't have to have

6

1 any problems; all right? Finally, if for some
 2 reason you need to take a break, not for the
 3 purposes of discussing with counsel how you should
 4 answer but because you need a break, let me know.
 5 A All right.
 6 Q I just want to make sure you feel comfortable. Is
 7 that all right?
 8 A Fine.
 9 Q Have you ever given testimony before under oath?
 10 A No, I haven't.
 11 Q Is this your first time?
 12 A Yes.
 13 Q I suspect you are a little nervous.
 14 A A little.
 15 Q There's no need to be nervous. It's just basically
 16 a question and answer; okay? The only time when
 17 people get into trouble is when they either don't
 18 tell the whole truth or just simply lie because this
 19 is sworn testimony subject to perjury. You look
 20 such a lovely lady I don't think you would lie. All
 21 right?
 22 A All right.
 23 Q What is your education, ma'am?
 24 A I'm a high school graduate.
 25 Q Where did you go to high school?

7

1 A Pulaski High School.
 2 Q Pulaski?
 3 A Right.
 4 Q Oh, wonderful. She's my neighbor. Bonduel Bears.
 5 I just want to make sure that you realize how much
 6 we have in common. '71 in case you wanted to know.
 7 A I forgot when I graduated. '56 I believe.
 8 Q Other than high school, have you attended any other
 9 academic institution?
 10 A Yes, I have.
 11 Q Which other institutions have you attended?
 12 A Well, technical college, I took classes there.
 13 Q The Milwaukee Technical College?
 14 A Correct. They came to City Hall and offered
 15 classes, and I took some of those classes.
 16 Q Was this a benefit that the City offered to you?
 17 A Yes.
 18 Q The City paid for that as well?
 19 A Yes.
 20 Q All right. Did you achieve any type of certificate
 21 or degree?
 22 A I did get a certificate that I had completed some
 23 courses.
 24 Q And how many credits did you achieve?
 25 A I don't know.

8

1 A That's correct.
 2 Q Is that right?
 3 A Yes.
 4 Q So you have had your share of mayors?
 5 A Right.
 6 Q Is that correct? How many mayors have you worked
 7 for, directly and/or indirectly?
 8 A Frank Ziegler, Henry Maier, John Norquist.
 9 Q Before coming here today, did you do anything to
 10 prepare for this deposition?
 11 A I looked at this.
 12 Q Let me see what is that.
 13 (Exhibit No. 1 marked for
 14 identification)
 15 Q Your last response stated that you looked at the
 16 complainant's supplemental request for production of
 17 documents, subpoena duces tecum; is that correct?
 18 A If that's what that is, that's what I looked at.
 19 Q And you highlighted Pat Stawicki?
 20 A I did not highlight that.
 21 Q Somebody did that for you?
 22 A Right.
 23 Q And your sworn testimony is that you reviewed this
 24 document?
 25 A Yes.

13

1 Q Did you review the entire document?
 2 A I looked at the entire document.
 3 Q Did you understand the contents of the document?
 4 A Most of it I did.
 5 Q Did you find some of these items applicable to
 6 you --
 7 A Yes.
 8 Q -- in your capacity --
 9 A Yes.
 10 Q -- as a City employee?
 11 A Correct.
 12 Q It appears to me that you, at least somebody faxed
 13 this document to you on January 28th of the year
 14 2002. Is that an accurate reading of what I have in
 15 this document?
 16 A I got that document yesterday.
 17 Q You got this document yesterday? Are you able to
 18 tell me where this fax number belongs to?
 19 A I'm not able to, no. I don't know.
 20 Q Okay, let me take a look at this document. Did you
 21 bring any other records with you?
 22 A No.
 23 Q You have an empty envelope before you?
 24 A Uh-huh.
 25 Q Is that correct?

14

1 A Yes.
 2 Q Now, we'll go into some of these questions in a
 3 minute; okay? I just want to give you just a little
 4 more information about this deposition. Did you
 5 review any other document, videos, information with
 6 regards to this deposition?
 7 A A couple days ago I met with Mr. Tokus and --
 8 Q Who else was present?
 9 A Barbara Teipner -- I don't know her correct last
 10 name.
 11 Q Anyone else?
 12 A No. The three of us.
 13 Q The three of us meaning Mr. Tokus, yourself and
 14 Barb --
 15 A Correct.
 16 Q -- Teipner did you say? You never met Ms. Teipner
 17 before?
 18 A No.
 19 Q Did you know where she works?
 20 A She works in the City Attorney's Office.
 21 Q She's the paralegal?
 22 A Correct.
 23 Q Did you review any records during that meeting?
 24 A I did with Barbara.
 25 Q What records did you review?

15

1 A Time cards.
 2 Q Anything else?
 3 A I reviewed payment certifications.
 4 Q Payment certifications?
 5 A Yes.
 6 Q Anything else?
 7 A Payroll sheets.
 8 Q Did you review anything else?
 9 A I can't remember anything else.
 10 Q Did you go over this document during your meeting,
 11 the meeting that you are referencing?
 12 A At that meeting we did not go over the document.
 13 Q Was that another meeting where you went to --
 14 A That was yesterday, Barbara and I went over the
 15 document.
 16 Q So this is a separate meeting --
 17 A Yes.
 18 Q -- between you and Barb; is that correct?
 19 A Correct.
 20 Q And you're doing just wonderful, except that at some
 21 point she's going to let us know when we talk at the
 22 same time because she cannot take dictation of two
 23 people speaking at the same time. And so I usually
 24 make that mistake, I talk before you finish, but we
 25 both have got to give each other a little room so

16

1 you work under him?
 2 A For all of his terms.
 3 Q How many terms did he serve?
 4 A Did he have four or five terms?
 5 Q Okay.
 6 A Six? It might have been more. It was a long time.
 7 Q How was your experience under Mayor Maier?
 8 A I enjoyed working for all the mayors.
 9 Q Do you recall any time when there was lots of
 10 litigation against Mayor Maier while you were
 11 employed for his office?
 12 A I don't recall any.
 13 Q Is this the first time that you have faced
 14 litigation while working for a Mayor?
 15 A Yes.
 16 Q Did you in any way participate in some of the
 17 political campaigns for former Mayor Ziegler?
 18 A No.
 19 Q What about former Mayor Maier?
 20 A I'm not sure.
 21 Q Did Mayor, former Mayor Ziegler ever ask you to
 22 participate in political campaigns?
 23 A No.
 24 Q What about former Mayor Maier? Was it Maier or
 25 Maiers?

21

1 A I volunteered.
 2 Q Do you know anyone within his office that did not
 3 work in his, in any of his political campaigns, any
 4 one person that didn't do that?
 5 A I believe Patty Marshall did not work in any of his
 6 campaigns.
 7 Q Who is Patty Marshall?
 8 A She's one of the clerical people.
 9 Q Is she working under your jurisdiction?
 10 A Well, actually her title is higher than mine.
 11 Q Do you have any opinion as to why she is the only
 12 one that has not participated in any of the
 13 political campaigns for Mayor Norquist?
 14 A She has a family. She has four children and she
 15 doesn't have time.
 16 Q Can't spare time.
 17 A Uh-uh.
 18 Q Did you work in any other political campaigns other
 19 than the one that you just mentioned here for last
 20 year, last --
 21 A For Mayor Norquist?
 22 Q Right.
 23 A No.
 24 Q Other than you -- strike that. Who was coordinating
 25 the political work that you were doing for

23

1 A Maier. He did not personally.
 2 Q And you're not sure whether or not you ever
 3 participated in some political campaigning for
 4 former Mayor Maier?
 5 A I'm not positive.
 6 Q Have you participated in any political campaign work
 7 for Mayor Norquist since he has been in his
 8 position?
 9 A No.
 10 Q Ever done any, any type of political work on his
 11 behalf?
 12 A I worked at a phone bank.
 13 Q When was that?
 14 A It was during his last campaign I believe, two years
 15 ago.
 16 Q And what was the nature of your duties?
 17 A To call registered voters and tell them that the
 18 election was a certain date and that they should get
 19 out there and vote.
 20 Q You were just putting the pressure out there?
 21 A Right.
 22 Q To make sure they vote?
 23 A Right.
 24 Q How did you happen to work in this last campaign as
 25 you put it doing the phone calling?

22

1 Mayor Norquist?
 2 A I think it was Molly Christofferson.
 3 Q And to your knowledge, who was the chief coordinator
 4 of the political campaign when you participated in
 5 his political re-election?
 6 A I don't know.
 7 Q Was it Bill Christofferson?
 8 A It might have been, but I am not sure.
 9 Q Do you know Bill Christofferson personally?
 10 A Yes, I do.
 11 Q How long have you known Mr. Christofferson?
 12 A I've known him a few years.
 13 Q How did you meet Mr. Christofferson?
 14 A Mr. Christofferson was chief of staff at one time
 15 for the Mayor.
 16 Q Did you know him before that?
 17 A I did not.
 18 Q So you met him through the Mayor's office?
 19 A Yes.
 20 Q Is that correct? Did you ever report to
 21 Mr. Christofferson?
 22 A I might have on occasion.
 23 Q What's your understanding of Mr. Christofferson's
 24 professional business?
 25 A I think he's a consultant.

24

1 A No, no.
 2 Q Thank you. I didn't think so. Inversely, have you
 3 received any promotions since you have been employed
 4 under the administration of John Norquist?
 5 A No.
 6 Q How do -- tell me how do you get any type of
 7 promotion or increase in pay or award for your
 8 services?
 9 A In previous years I just asked for one. I asked
 10 them to reclassify my position. City Service
 11 Commission came down and looked at my duties, and
 12 they said whether or not they felt that it would be
 13 a reclassified position.
 14 Q What about pay increase? How does that occur, if it
 15 does?
 16 A You start at one level of a pay grade and every year
 17 you automatically get an increment.
 18 Q So that is a policy already in place?
 19 A Yes.
 20 Q Is that correct?
 21 A Yes.
 22 Q Do you recall any one time when you received any
 23 special awards or recognition from any of your
 24 superiors?
 25 A None.

29

1 Q Have you ever taken any type of long-term medical
 2 leave during your employment with the City?
 3 A Never.
 4 Q Do you know anyone within the Mayor's office that
 5 took more than 10 days medical leave since you've
 6 been employed there?
 7 A We had a couple people that were on maternity leave.
 8 Q Who were these individuals?
 9 A Ruth Wytenbach, Patty Marshall and I think
 10 Brenda Wood.
 11 Q And I think you're very accurate. Ms. Wytenbach
 12 did mention that she took some medical leave.
 13 A Uh-huh.
 14 Q When there is a medical leave request, how is this
 15 request processed?
 16 A Generally what I do is to call Department of
 17 Employee Relations and ask them what paperwork is
 18 necessary. I then fill out the forms.
 19 Q And then?
 20 A And I believe a doctor's excuse has to be presented
 21 at the time that the request is made.
 22 Q And anything else?
 23 A That's all I can remember.
 24 Q I suspect this is a task that falls within your
 25 duties?

30

1 A Yes.
 2 Q And I suspect the procedure that just, that you just
 3 outlined for the record pertains to the practices
 4 within the Mayor's office?
 5 A Yes.
 6 Q And I suspect this is the practice that has been in
 7 place for as long as you've been employed for the
 8 Mayor's office?
 9 A Right.
 10 Q Is that correct? You stated that you consult with
 11 employment relations; true?
 12 A Yes.
 13 Q And then you fill out the forms; correct?
 14 A Yes.
 15 Q And then a doctor's excuse is required?
 16 A Yes.
 17 Q Is that correct? Which forms are you referring to?
 18 A I don't know the name of the forms offhand. If I
 19 saw them, I --
 20 Q What's the content of the form? What's the
 21 objective?
 22 A It's for family leave, the one that I'm referring
 23 to. And it asks why the person is requesting it
 24 and the approximate dates that they're requesting
 25 the leave and whether it will be taken off I believe

31

1 vacation time or sick leave or --
 2 Q So let me see if I understand what you're telling
 3 us, okay? If you become aware that an employee
 4 requests family leave, then that triggers your
 5 action; correct?
 6 A Correct.
 7 Q You then follow the following steps: You check with
 8 employment relations; correct?
 9 A Right.
 10 Q And then you get the required forms?
 11 A Yes.
 12 Q True? You give those forms to the employee?
 13 A Yes.
 14 Q And then you demand that the employee provide a
 15 medical absence; is that right?
 16 A That's right.
 17 Q Is that what you did with Ms. Wytenbach,
 18 Ms. Marshall and Ms. Wood?
 19 A I remember doing it for Ms. Marshall and
 20 Ms. Wytenbach. I don't recall for Ms. Wood. I'm
 21 not positive. It might have been done.
 22 Q Are the procedures for mayoral assistants different
 23 than the procedures for administrative staff as far
 24 as medical leave is concerned?
 25 A No. It's the same.

32

1 that employee?
 2 A If they asked, I would find out for them.
 3 Q What happens if an employee doesn't return that
 4 form? Do you follow up as a matter of practice?
 5 A I do not, no.
 6 Q Do you know if anyone follows up?
 7 A I don't know.
 8 Q If that form is not completed, can the family leave
 9 be granted without the form?
 10 A No.
 11 Q And those forms, do you have those forms in your
 12 office, or do you usually require them from --
 13 A I might have one or two in my office. I'm not
 14 positive.
 15 Q And if you don't have them, obviously --
 16 A I would get them from employee relations.
 17 Q And do you recall any one time when anyone explained
 18 to you or informed you that those forms are not
 19 required?
 20 A No.
 21 Q So inversely, it is your understanding that they are
 22 always required?
 23 A Correct.
 24 Q When Marilyn Figueroa left in January of the year
 25 2000, do you recall ever sending any forms to
 37

1 Marilyn Figueroa, the forms that you are citing here
 2 today that are required?
 3 A I'm not positive.
 4 Q Have you looked at her personnel file to see if you
 5 sent those forms?
 6 A I glanced through her file. I don't know if I
 7 looked for that.
 8 (Exhibit No. 2 marked for
 9 identification)
 10 Q When Marilyn Figueroa left in January 4th of 2000,
 11 do you recall whether or not anyone asked you to
 12 send Marilyn Figueroa these forms that you are
 13 discussing here on the record?
 14 A I don't remember.
 15 Q Do you recall whether or not after Marilyn Figueroa
 16 left on January 4th of the year 2000, whether or not
 17 you contacted the Department of Employment Relations
 18 for the purposes of obtaining the forms that are
 19 required in order for her to obtain medical leave?
 20 A Can you say that again, please?
 21 Q Sure. She will read it back for you.
 22 (Question read)
 23 MR. TOKUS: And do you understand
 24 the question?
 25 THE WITNESS: Yes. After she left.
 38

1 A I did have contact with the Department of Employee
 2 Relations. I had put through in our computer
 3 system, our payroll system a request, and I was told
 4 that -- someone called me from employee relations.
 5 I was told that this request was no good unless I
 6 had a doctor's excuse from Marilyn's doctor.
 7 Q So in answer to my question -- well, let me
 8 follow --
 9 MR. TOKUS: Listen carefully to
 10 what he says.
 11 Q You're doing very fine, ma'am. No need for that.
 12 So as far as you know, did you ever send
 13 Marilyn Figueroa any of the required forms in order
 14 for her to apply and qualify for family medical
 15 leave?
 16 A I don't remember.
 17 Q Obviously when you made the request for those forms,
 18 were you intending to send it to Marilyn so that she
 19 could complete those forms?
 20 MR. TOKUS: Objection. That's not
 21 the state of the record.
 22 Q He does that to just --
 23 MR. TOKUS: You may answer if you
 24 know.
 25 MR. ARELLANO: Subject to his
 39

1 objection can you read her that question.
 2 Don't let the lawyers get you nervous. It's
 3 not important.
 4 (Question read)
 5 A I don't know the answer to that question. I might
 6 have given them to Marilyn's superior to give to her
 7 or to send to her.
 8 Q Mr. Soika?
 9 A It would have been Mr. Soika.
 10 Q Do you recall approximately when you did that?
 11 A No, I don't.
 12 Q But I suspect your objective was to follow City
 13 policy?
 14 A Correct.
 15 Q And that included obtaining the forms and making
 16 sure that the employee, in this case
 17 Marilyn Figueroa, would complete them as required by
 18 City policy?
 19 MR. TOKUS: Objection. That's not
 20 the state of the record.
 21 Q Now, subject to his objection, which I think is
 22 being intrusive, I want you to listen to the
 23 question, subject to his objection without any
 24 interference and answer the question. Okay?
 25 MR. TOKUS: Now listen carefully to
 40

1 directly from her. What I do is to put it into the
2 computer and somehow it goes to Department of
3 Employee Relations where they screen these things.
4 And if things aren't just correct, they let the
5 department know.
6 Q Tell me the two or three that you sent to the
7 department, what procedure did you follow in the
8 past?
9 A I called employee relations. I asked them what I
10 was supposed to do. They told me. I filled out the
11 forms. And I believe these people gave me doctors'
12 excuses. And at that time I sent them to employee
13 relations.
14 Q When you don't get a doctor's excuse, do you notify
15 the employer -- the employee?
16 A I don't personally.
17 Q Who does?
18 A I would assume their direct supervisor does.
19 Q When you were requesting the family leave forms for
20 Marilyn Figueroa --
21 A Uh-huh.
22 Q -- after January 4th, 2000, do you remember
23 approximately when you sent that request?
24 A No, no.
25 Q But nevertheless you sent it via computer?

45

1 A Correct.
2 Q Is that right? What prompted you to request those
3 forms on behalf of Ms. Figueroa?
4 A Mr. Soika asked me to.
5 Q Did you ever see any forms returned from the
6 employment relations pursuant to your request?
7 A No.
8 Q Did Mr. Soika ever mention to you whether or not he
9 received them?
10 A No, that's all he -- I think he mentioned to me that
11 he had not received the doctor's excuse from
12 Marilyn.
13 Q No, I'm talking about the forms.
14 A No.
15 Q When employment relations told you -- as I
16 understand, they told you they could not give you
17 the forms?
18 MR. TOKUS: Objection, that's not
19 the state of the record.
20 A No.
21 Q What did they tell you?
22 A They said I couldn't process this family leave for
23 her until they had a doctor's excuse.
24 Q Did you report that to Mr. Soika?
25 A Yes.

46

1 Q And what did you tell him?
2 A I told him that I couldn't -- that the City could
3 not process the forms until a doctor's excuse was
4 brought in or sent in or whatever.
5 Q And what did Mr. Soika say in response?
6 A He said Marilyn said she would send in a doctor's
7 excuse. I don't know when Marilyn, or he requested
8 this of Marilyn, whether he talked to her,
9 whether -- I think Marilyn called the office and
10 talked to the receptionist and said she would send
11 in the doctor's excuse for family leave.
12 Q Do you know if she ever sent that medical excuse?
13 A I don't know. I didn't see it.
14 Q During all of the years that you have worked for the
15 Mayor's office, have you ever received late medical
16 excuses and still accept them?
17 A No.
18 Q To your knowledge? Do you know if Mr. -- do you
19 know if Mr. Soika ever received any type of notice
20 that Marilyn had issued a medical excuse from her
21 doctor?
22 A If she had issued a medical --
23 Q Right.
24 A Or if her doctor had issued one to her?
25 Q Right.

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1 A I don't know.
2 Q Now, when the office of employment relations told
3 you that they could not process her medical leave
4 request, were you surprised by that?
5 A Yes.
6 Q Why is that?
7 A I don't know.
8 Q Did you have any forms available in your desk before
9 you requested one from employment relations? In
10 other words -- go ahead.
11 A I had the paper form in front of me. I don't know
12 if it was in front of me. It was someplace on my
13 desk. But I had put it through the computer. I
14 believe I put that through the computer first.
15 Q Had you completed it? Had you filled it out?
16 A The paper form?
17 Q Right.
18 A I don't think so.
19 Q Do you know where that form is today?
20 A It's probably in Marilyn's personnel file.
21 Q Well, let me show you what we have obtained from the
22 City's attorneys which represents to be
23 Marilyn Figueroa's personnel file. And tell me
24 whether or not you find --
25 A A form?

48

1 A Date.
 2 Q 1/27/00?
 3 A I don't think I put this number in. I'm not sure.
 4 Q Do you know who may have plugged January 27, 2000?
 5 A No.
 6 Q What is your understanding of that date as it
 7 pertains to the family leave act?
 8 A I have no idea.
 9 Q Is that the triggering date?
 10 A I don't know.
 11 Q Then we move to the next item and it's civil
 12 service. She was not a civil service employee;
 13 correct?
 14 A She was exempt.
 15 Q And then department --
 16 A That's Mayor's office department number.
 17 Q And what is this?
 18 A Mayor.
 19 Q What is on top of Mayor?
 20 A Encumbrance override. I don't know what that means.
 21 Q And you have Mayor.
 22 A Mayor, it comes up when you put in the department
 23 number. 1110 is Mayor.
 24 Q The director or head of the department would be?
 25 A No. They just call the department Mayor.

53

1 Q Okay, very good. But it identifies the section --
 2 A The office.
 3 Q -- within the City; is that correct?
 4 A Correct.
 5 Q Job code, what is the significance of that?
 6 A That would have been Marilyn's job code, and it's a
 7 code number given to the position that you hold.
 8 Q And then 05/11/1992, was that the starting date?
 9 A I would say yes of staff assistant to Mayor.
 10 Q And then location?
 11 A Again we have 111, which is the Mayor's office. 01
 12 is just a division of the Mayor's office. We don't
 13 have any division. It's one office.
 14 Q And then we have?
 15 A Mayor administration which is this number again.
 16 Q And then right here we have regular shift not
 17 applicable?
 18 A Correct.
 19 Q And then rate factor blank?
 20 A Yeah.
 21 Q Is that correct?
 22 A Correct.
 23 Q And this is the form you sent -- what did you do
 24 with this form once you completed that form?
 25 A This little box that instructs you to send it to

54

1 them. Where it is, I don't know at this point.
 2 Q So your understanding pursuant to the instructions
 3 that Mr. Soika gave you was that Marilyn would be on
 4 leave as of January 22nd, 2000?
 5 A He told me she would be on leave when all of her
 6 vacation and sick leave had run out. She would be
 7 on unpaid leave.
 8 Q And your understanding was that January 22nd, 2000
 9 is when the family leave would trigger?
 10 A Correct.
 11 Q Is that correct?
 12 A That's correct.
 13 Q Pursuant to his instructions?
 14 A Right.
 15 Q And then you wrote -- strike that. Do you recognize
 16 these notations?
 17 A Yes, that's my writing. I make a notation after I
 18 do these, and I put effective pay period 2, which
 19 would have been January 22nd, 2000, leave of absence
 20 FMLA unpaid.
 21 Q And again, who instructed you to --
 22 A To put this?
 23 Q Yes.
 24 A I do that automatically for my own benefit. Like
 25 when I look through something, I can see readily

55

1 what it is.
 2 Q And what exactly did you mean when you wrote these
 3 notes? Effective payroll?
 4 A Pay period, effective pay period 2, we're on this
 5 date, 1/22/00. Marilyn would be on an unpaid family
 6 leave of absence.
 7 Q So if Marilyn --
 8 A That was my intent.
 9 Q So that means that when would she have received the
 10 last paycheck?
 11 A Oh, I don't know without figuring it out on a
 12 calendar.
 13 Q And --
 14 A Her last paycheck probably would have been for pay
 15 period one.
 16 Q Which would have been?
 17 A I don't know. I don't know the date.
 18 Q I suspect when you use that terminology the City
 19 goes by pay period one, pay period two and so on?
 20 A Correct. There's 26 pay periods.
 21 Q And when does pay period one starts?
 22 A Sometimes it starts in December of the previous
 23 year.
 24 Q Now, let me ask you, if Marilyn was placed on family
 25 leave on January 22nd, 2000 and assuming -- taking

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1 A Deanna.
 2 Q And that she notified the department that she was
 3 ill and would provide a doctor's excuse the
 4 following week; is that correct?
 5 A Yes.
 6 Q Obviously there was no question in your mind given
 7 that email that Marilyn had notified the Mayor's
 8 office that she was ill; true? At least that's what
 9 the email said.
 10 A I believe that she called in and notified the
 11 Mayor's office she was ill.
 12 Q Do you recall, Ms. Stawicki -- let me now take a
 13 look at this record. Thank you. Do you recall,
 14 Ms. Stawicki, whether or not Marilyn ever sent a
 15 medical excuse?
 16 A I don't know.
 17 Q Do you recall Mr. Soika ever mentioning to you
 18 whether or not Marilyn had submitted a medical
 19 excuse?
 20 A No.
 21 Q Do you recall whether or not Mr. Soika instructed
 22 you at any point to follow up and remind Marilyn to
 23 submit a medical excuse?
 24 A No.
 25 Q Do you recall any one time -- and just so you

61

1 understand the record, do you recall any one time
 2 when you have called employees and told them I have
 3 not yet received your paperwork, I need it?
 4 A No.
 5 Q Would that be unusual?
 6 A For me to call them?
 7 Q Right.
 8 A I would think so.
 9 Q Why is that?
 10 A I would assume their supervisor would call them and
 11 tell them they should get that in.
 12 Q Do employees -- strike that. Are employees given
 13 these forms that you have discussed here? I'm
 14 talking about the medical leave forms. Are they
 15 given those forms regularly, or are these the forms
 16 that you have to give them when they request medical
 17 leave?
 18 A I don't know.
 19 Q Well, you testified that you have at least on three
 20 occasions --
 21 A Yes.
 22 Q -- issued those forms to other employees?
 23 A Yes.
 24 Q Is that correct? With respect to I believe you
 25 mentioned Ms. Wyttenbach?

62

1 A That's correct.
 2 Q You obtained forms and gave those forms to her?
 3 True?
 4 A Yes.
 5 Q And with Ms. Marshall you obtained those forms and
 6 gave those forms to her?
 7 A Yes.
 8 Q And obviously this is your responsibility; correct?
 9 A If they ask me for this form, I give it to them.
 10 Q Or if they ask for medical leave, you provide them?
 11 A I initiate the forms.
 12 Q So either they ask for the form, or if they just
 13 simply ask for medical leave, you then process those
 14 forms?
 15 A Correct.
 16 Q And you process those forms by giving them those
 17 forms?
 18 A Yes.
 19 Q And then they'll return those forms which are
 20 required under City policy; correct?
 21 A Yes.
 22 Q And then you process them; is that correct?
 23 A I send them to DER.
 24 Q All right, all right. With respect to Ms. Wood, do
 25 you recall when she went on medical leave?

63

1 A No. I don't even know if she was on medical leave.
 2 Q Do you know how long she was on medical leave?
 3 A No.
 4 MR. TOKUS: Objection. That's not
 5 the state of the record.
 6 Q You mentioned three people: Ms. Wyttenbach, you
 7 mentioned Ms. Marshall, and then you mentioned
 8 Ms. Stawicki?
 9 A Ms. Wood.
 10 Q Excuse me, Ms. Wood. This is his intention, to get
 11 me all confused. It's an old trick.
 12 All right. Do you know if anyone from the
 13 Mayor's office contacted Marilyn directly when those
 14 forms were not processed?
 15 A I don't know.
 16 Q If Marilyn would have processed those forms, they
 17 would have been processed ultimately by you within
 18 the Mayor's office; correct?
 19 A They would have been given to me, yes.
 20 Q All right. Do you recall getting any information
 21 regarding Marilyn's medical leave from Mr. Soika at
 22 any point after she left, other than the email that
 23 you just read in this record?
 24 MR. TOKUS: Did you understand the
 25 question?

64

1 A Okay.
 2 Q And tell me if you are familiar with those records.
 3 A Yes, I am.
 4 Q Did you bring all of the records that you identified
 5 that apply to you pursuant to the subpoena? And I
 6 believe let's go over request No. 1.
 7 A 1? Okay.
 8 Q What records do you believe apply to you under
 9 request No. 1?
 10 A If there were any job descriptions, they might have
 11 been in the personnel file. Most people don't have
 12 job descriptions. I don't think I have any
 13 performance reviews in the personnel file. There
 14 might be disciplinary actions. There might be some
 15 memoranda and notes. There might be complaints.
 16 I'm not sure.
 17 Q Anything else? Are we still under question No. 1?
 18 A Yes. It could be promotions, job reclassification
 19 information, demotions. I don't recall any of
 20 those. Suspensions, I don't recall any of those.
 21 Sick leave information might be in there. There
 22 might be a letter of commendation. Employee
 23 certifications might be in there. Workshop
 24 conference information. There might be some payroll
 25 records in there.

69

1 As I said, some people have job descriptions,
 2 so there might be revisions in there. I'm not sure.
 3 Reclassification recommendations, promotional
 4 recommendations might be in there, denials might be
 5 in there, family leave records would be in there. I
 6 don't think there's inner office -- well, there
 7 might be some interoffice and intraoffice memoranda,
 8 I'm not sure.
 9 I know there are no block grant assignments in
 10 there. I don't know if anyone ever received a
 11 performance award.
 12 Letters from public block grant recipients,
 13 no. There might be complaints from the public if
 14 the public complained about a certain person. I
 15 don't think there's any documents, notes or papers
 16 regarding communication between John Norquist and
 17 Marilyn.
 18 Q Anything else?
 19 A No.
 20 Q Let's go to request No. 2.
 21 A 2?
 22 Q What aspects would apply to you?
 23 A I only have their personnel files. Whether there
 24 are other files around, I don't know.
 25 Q Do you know of any?

70

1 A No.
 2 Q What about -- is there anything on request No. 2
 3 that would apply to you?
 4 A No.
 5 Q Let's go to request No. 14 I believe.
 6 A Yes.
 7 Q What aspects would apply to you?
 8 A The things that you gave me right now, the sick
 9 leave, vacation time.
 10 Q Okay. Anything else?
 11 A No.
 12 Q Let's go to request No. 16.
 13 A If there were any records, they would be in their
 14 personnel file.
 15 Q And you're addressing request No. 16?
 16 A Yes, I am.
 17 Q What aspects?
 18 A Medical records related to any medical leave.
 19 Q Anything else on request No. 16 that would apply to
 20 you?
 21 A No.
 22 Q Let's go to request No. 17.
 23 A Okay. I do payment certifications. So I would have
 24 those expense records if they were submitted to me.
 25 Q What is payment certifications?

71

1 A It's just authorization to repay a person for money
 2 spent for various travel or expenses that were
 3 incurred by them.
 4 Q And you would keep all of those records for anyone
 5 that works within the Mayor's office?
 6 A If they had requested reimbursement by the City.
 7 Q Anything else that would apply to you pursuant to
 8 request No. 17?
 9 A Any bill that's submitted against the City I would
 10 submit it, be it travel or it could be for services
 11 rendered.
 12 Q What about --
 13 A Postage, telephone.
 14 Q Telephone?
 15 A Telephone bill, yes, supplies.
 16 Q How long do you keep those records?
 17 A I believe that I keep them four years, current and
 18 four years or current and five years. I'm not sure.
 19 Q Anything else under request No. 17?
 20 A No.
 21 Q Let's go to request No. 35.
 22 A All of the information from A to I would be in their
 23 personnel file if it were given to me, promotions,
 24 demotions, reclassifications.
 25 Q Let's go to request No. 47.

72

1 the state of the record.
 2 Q I'm sorry, it has nothing to do with you.
 3 A I filed this form, put it on the computer.
 4 Q Let's go back before you completed that form.
 5 A Okay.
 6 Q You believe you spoke to someone at employee
 7 relations; is that correct?
 8 A I think I did.
 9 Q Do you know who you spoke to?
 10 A No.
 11 Q Do you know what the discussion was all about?
 12 A If I spoke to someone, it was to ask them what the
 13 instructions were for doing this.
 14 Q Before you -- who, if anyone, instructed you to call
 15 them?
 16 A Probably no one. I probably did it on my own.
 17 Q What prompted you to do that?
 18 A I generally always do it to make sure that I have
 19 the correct documents.
 20 Q And so what did you think you were required to do
 21 after you spoke to people from employee relations?
 22 A To file this form here.
 23 Q Okay, file the family leave form?
 24 A Correct.
 25 Q Is that correct?

77

1 A Yes.
 2 Q Was that the practice that you would be the person
 3 to complete the form?
 4 A Yes.
 5 Q And pursuant to that practice, in the past --
 6 A Yes.
 7 Q -- before filing the form did you get to talk to the
 8 employee first?
 9 A The employee always went to their superior and
 10 requested this. I didn't talk to the employee.
 11 They did not tell me specifically --
 12 Q So the practice would be that the --
 13 A Well, Ruth came to me and said, hey, I want to be on
 14 family leave, but I don't grant that authority.
 15 They have to go to whoever their superior is first.
 16 Q So the practice would be that you would get that
 17 directive from the supervisor?
 18 A Correct.
 19 Q Is that correct? And then the steps that you would
 20 follow would be to complete the form?
 21 A Well, in the past we didn't have a computer system,
 22 so it has changed a little bit. When Ruth --
 23 Q But you have forms?
 24 A Yes.
 25 Q What did you do as far as the forms were concerned?

78

1 A I filled out the forms, I gave them to the employee
 2 and they brought in a doctor's excuse.
 3 Q Okay, very good. This form that you completed,
 4 other than having now on computer, was the process
 5 pretty much the same? You fill out the form, give
 6 it to the employee and the employee will get the
 7 medical form?
 8 A I'm not sure whether they required the paper form
 9 anymore. I'm not positive. But I did file this
 10 form which I was told to file, and that's when
 11 Marie Pettigrew called me and said she could not
 12 process the form unless a doctor's excuse was
 13 submitted.
 14 Q And you testified previously that you were surprised
 15 when she told you that? Why were you surprised?
 16 A I don't know.
 17 Q It was unusual?
 18 A No.
 19 Q What caused --
 20 A I guess I was surprised that maybe I hadn't thought
 21 of this.
 22 Q When you processed that form, is it fair and
 23 accurate to say that the information that you
 24 plugged in that form is the information that
 25 Mr. Soika provided to you?

79

1 A Mr. Soika asked me when her, Marilyn's vacation and
 2 sick leave ran out. And I figured it out. I told
 3 him. And he said after that time Marilyn said she
 4 was going to send in a doctor's excuse and I should
 5 put her on family leave.
 6 Q So for how long was Marilyn Figueroa, according to
 7 your records, for how long was she on vacation?
 8 A I don't have her time card here. I don't have all
 9 the sick leave and vacation reports here either.
 10 Q Well, let me see if I can --
 11 A Do you have time cards?
 12 Q Let me see if I can help you here.
 13 (Exhibit No. 6 marked for
 14 identification)
 15 Q Ms. Stawicki, when somebody from the Mayor's office
 16 requests vacation --
 17 A Yes.
 18 Q -- who do they request the vacation from?
 19 A Their superior.
 20 Q And then the superior approves it one way or
 21 another?
 22 A Yes. If they came to me and requested vacation, I
 23 would tell them has it been cleared through whoever
 24 is their superior.
 25 Q From January 4th, 2000 do you recall whether or not

80

1 don't report comp time.
 2 Q And you as the record keeper --
 3 A Yes.
 4 Q -- do you know if Marilyn was working 40 hours for
 5 the Mayor's office, or let me strike that. Was she
 6 getting paid 40 hours from the City in January of
 7 2000?
 8 A In January of 2000? I believe she was. Let me
 9 look. Yes.
 10 Q And in December of 1999 was she getting paid
 11 40 hours?
 12 A No, no.
 13 Q What was she getting paid in December of 1999?
 14 A 60 hours per pay period.
 15 Q Does that include -- how many weeks are we talking
 16 per pay period?
 17 A Two weeks.
 18 Q Two weeks?
 19 A Yes.
 20 Q So she was working what, full-time, part-time?
 21 A She was on what they call pro rated time. She was
 22 working six hours a day approximately.
 23 Q Six hours?
 24 A Yes.
 25 Q Six hours a day?

85

1 A Correct.
 2 Q What was she doing with the other two hours?
 3 A I don't know.
 4 Q And does the City have a pro rated type of policy in
 5 place?
 6 A Yes, yes.
 7 Q Where would I find that, ma'am?
 8 A What the rate is?
 9 Q Right.
 10 A If you work eight hours a day, you get -- you
 11 accumulate 3.7 of an hour for vacation time over a
 12 two-week period. That's if you put in 80 hours. If
 13 you put in 60 hours, you don't get the 3.7. They
 14 pro rate it just on, based on the figures, the
 15 actual time you put in.
 16 Q Do you know when Marilyn went into pro rated time?
 17 A I'm going to say November 1st according to these
 18 records, November 1st, 1999.
 19 Q As of November 1st she went into the pro rated time?
 20 A Uh-huh.
 21 Q How many hours was she putting in in the month of
 22 November?
 23 A In the entire month of November?
 24 Q Right.
 25 A Counting full-time also?

86

1 Q Right.
 2 A 60, 60, 120, 126 -- I think 132 hours she worked
 3 during the month of November.
 4 Q That she worked for the City?
 5 A Yes.
 6 Q As opposed to how many hours, regular time would
 7 have been how many hours?
 8 A Oh, wait. I figured vacation time in there. I
 9 think as opposed to like 172. However, I figured
 10 some vacation time in there. I didn't deduct for
 11 holidays and vacation, but I gave her the six hours
 12 based on the pro rated time, and on the other figure
 13 I gave you the eight hours.
 14 Q Right. You gave me 132 hours of pro rated time for
 15 November 1999?
 16 A Uh-huh.
 17 Q If she had been working full-time, how many hours
 18 was she required to --
 19 A I think I said 172.
 20 Q 172.
 21 A And I'm only basing that on quickly going through
 22 this material.
 23 Q So the City would then deduct from her pay the
 24 differential of hours that she did not work?
 25 A She would only get paid for the actual hours worked.

87

1 Q Do you know who else was paying for her, the rest of
 2 her hours?
 3 A I don't know for a fact. No, I don't.
 4 Q Do you know during the years that you have been
 5 working for the Mayor's office, do you know any
 6 other time when Marilyn went into the pro rated time
 7 before?
 8 A I can't think of any just --
 9 Q No? All right.
 10 A Not off the top of my head.
 11 Q Now let me go back to the times when Marilyn was on
 12 sick leave.
 13 A Okay.
 14 Q As of January 4th -- looking at the records, I
 15 believe that January 5th, 6th and 7th she was on
 16 vacation; is that correct?
 17 A Let's find that. January 4th she put in eight
 18 hours, 5th, 6th and 7th vacation.
 19 Q And who instructed you to place her on vacation at
 20 that time?
 21 A Mr. Soika.
 22 Q Did he impose any conditions or limitations?
 23 A No, not to me.
 24 Q What about then on January 10th, 11th and I believe
 25 part of January 12th --

88

1 kept within the confines of your office?
2 A Right.
3 Q Is that correct?
4 A Right.
5 Q And as I understand, you would be the record keeper?
6 A Correct.
7 Q True?
8 A Yes.
9 Q And I believe a lot of those records are written in
10 hand or by hand; is that correct?
11 A I think all of them are.
12 Q And are those records records that you have
13 prepared?
14 A Correct.
15 Q Now, let's talk about those records as far as
16 medical leave. Do you know prior to January 4th
17 when was the last time that Marilyn requested any
18 medical leave?
19 A Before January 4th?
20 Q Let's talk about years. What about the year 1999?
21 A You want all the dates in 1999?
22 Q Yes.
23 A February 15th four hours; February 16th eight hours.
24 MR. TOKUS: Counsel, can we
25 identify what she's reading from?

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1 MR. ARELLANO: She's reading
2 Exhibit No. 7.
3 MR. TOKUS: All right.
4 A February 25th six hours, February 26th eight hours,
5 March 17th three hours, March 18th and 19th each
6 eight hours, 40 hours during March 22nd --
7 Q Hold on a second. Of 1999 we're still; right?
8 A Yes.
9 Q Hold on a second. Did you say 40 hours?
10 A Yeah, total. I'm going to give you five dates and a
11 total of 40 hours: March 22nd, 23rd, 24th, 25th,
12 26th.
13 Q That's for March of 1999?
14 A Uh-huh, yes.
15 Q And just so I understand, because I never worked for
16 the City of Milwaukee; okay?
17 A Yes.
18 Q On March -- taking you step-by-step, March 22nd, she
19 took a total of eight hours?
20 A Correct.
21 Q The same thing for March 23rd?
22 A Correct.
23 Q March 24th?
24 A Correct.
25 Q March 25th?

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1 A Correct.
2 Q March 26th?
3 A Correct.
4 Q Is that correct? Do you have any recollection as to
5 what happened on that week --
6 A No.
7 Q -- that Marilyn took?
8 A No.
9 Q At what point do you record those hours, before the
10 employee takes the time or when she returns? What's
11 your practice?
12 A I record them each day.
13 Q Okay.
14 A So if Marilyn would not have been there on the 22nd,
15 I would have put the 22nd. If she would not have
16 been there the 23rd, I would have added the 23rd and
17 so on. Unless she called in prior to that time and
18 said I'm sick, I wouldn't be in, I won't be in this
19 week or whatever.
20 Q Do you have a recollection with respect to these
21 five days, March 22nd through the 26th, whether
22 Marilyn called you directly?
23 A She did not call me directly.
24 Q When staff assistants would call sick, what would be
25 the normal procedure? Who would they call?

95

1 A I know that they call Deanna at the front desk, the
2 receptionist. I would think if they were going to
3 be gone longer than one day or for a serious
4 illness, they would speak to their superior and tell
5 them I'm going to be off for a week or two weeks or
6 a month or whatever.
7 Q But given the number of years, is Deanna pretty much
8 the person that would get the --
9 A She would get the initial call from them.
10 Q And then what would be the next step?
11 A If they were just going to be off that day, she
12 would just record it on a little slip she had, and
13 she probably would send an email to the chief of
14 staff that so and so called and they won't be in,
15 they're sick.
16 Q And then what else? What would be the next step?
17 A And then I take these slips from the receptionist on
18 a day-to-day basis and record in my book, if she
19 doesn't call me or email me personally and tell me
20 this person called in. Sometimes she forgets. But
21 I check them as I'm doing time cards.
22 Q Do you have any other records that would help you to
23 recall or recollect?
24 A In addition to these here? There's the actual pay
25 time card sheets.

96

1 A It was either Mr. Soika or Rowen; I'm not sure.
 2 Q Let's go back to what other sick leave is requested
 3 for Marilyn Figueroa.
 4 A In 1999?
 5 Q In 1999. We covered March 22nd through the 26th?
 6 A Okay. June 30th eight hours. And each of the dates
 7 that I'm going to give you is for eight hours.
 8 Q Okay.
 9 A July 1st, 2nd, 6th, 7th, 8, 9, July 19th,
 10 September 27th.
 11 Q Hold on. You're going too fast. September 27th?
 12 A Right. October 7th, October 8th. And it looks
 13 like -- I can't read but I'm sure it's December 15,
 14 16 and 17 a total of 18 hours, those three days.
 15 Q That is again December of 1999?
 16 A Yes.
 17 Q Let's go back to July 1 through the 9th.
 18 A Right.
 19 Q Just to make sure that I understand what you're
 20 telling me.
 21 A Okay.
 22 Q What I believe you are telling me is that on
 23 July 1st, 2nd, 6, 7, 8 and 9 Marilyn Figueroa took
 24 eight hours per day?
 25 A Correct.

101

1 Q For a consecutive 40 hours that week of sick leave?
 2 A Well, actually June 30th she took eight hours also.
 3 Q So we're talking about seven days of sick leave?
 4 A Yes.
 5 Q Is that correct?
 6 A Yeah.
 7 Q Consecutive?
 8 A Yes.
 9 Q Is that correct?
 10 A Well, I -- the Fourth of July, the 5th of July isn't
 11 in there. The Fourth and 5th of July aren't in
 12 there. It goes from the 1st, the 2nd, the 6th, the
 13 7th, the 8th and the 9th. So 4 and 5 is not in
 14 there.
 15 Q And again, do you see anything in your notes --
 16 A No.
 17 Q -- that may help you to tell me what type of illness
 18 she was taking?
 19 A No, no.
 20 Q All right, very good. Are you able to tell me from
 21 any of the records that you have whether or not she
 22 provided a medical leave authorization for July 1st
 23 through -- actually June 30th through July 9th?
 24 A No.
 25 Q What about, you don't know or she never did?

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1 A She did not give me one. I don't know if she gave
 2 it to someone else.
 3 Q What about March 22nd through March 26th?
 4 A I do not have it.
 5 Q What about February 15th --
 6 A No.
 7 Q -- through the 26th? What about March 17th through
 8 the 19th?
 9 A No.
 10 Q Do you recall whether or not during the year of 1999
 11 whenever she took over three years of sick leave --
 12 A Three days.
 13 Q Three days, excuse me. Do you recall whether or not
 14 you contacted the employment relations office to
 15 process sick leave?
 16 A No, I did not.
 17 Q Is there a reason why you didn't?
 18 A Because she wasn't on FMLA. The only time I have to
 19 contact them is if she's going on FMLA.
 20 Q Do you recall whether or not you demanded that she
 21 produce a medical authorization?
 22 A I did not.
 23 Q According to the practice and policy of the office,
 24 was she required to produce one after three days?
 25 A I would say no because it had been the practice, no

103

1 one ever gave me a doctor's excuse.
 2 Q And all of the years that you have been working for
 3 Mayor Norquist, is it fair and accurate to say that
 4 the first time that someone was required to produce
 5 a medical authorization was when Marilyn Figueroa
 6 left on January 4th?
 7 MR. TOKUS: Objected to the form of
 8 the question.
 9 Q Go ahead.
 10 MR. TOKUS: It's not the state of
 11 the record.
 12 A She was asked to provide it because she was going on
 13 family leave, FMLA. There's a difference between
 14 just sick leave and FMLA.
 15 Q Well, let me see if I understand this.
 16 A Okay.
 17 Q I thought you testified under oath that anyone that
 18 takes more than three days is required to provide a
 19 medical authorization according to the policy and
 20 practice.
 21 A But -- I guess I did.
 22 Q And was that still the practice that if an employee
 23 takes more than three days, regardless of whether
 24 they are going into family leave or not, as I
 25 understand the practice is that if they take more

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1 terminated I believe February of the year 2000, did
 2 you discuss with the Mayor anything related to
 3 Marilyn Figueroa?
 4 A I never discussed anything with the Mayor at all.
 5 Q Did Mr. Soika disclose any information regarding
 6 Marilyn Figueroa to you with respect to anything
 7 other than the family medical leave?
 8 A No, not that I remember.
 9 Q All right. Let me show you what has been marked as
 10 Exhibit No. 8, and I may be out of sequence. Have
 11 you ever seen this document before?
 12 A Yes.
 13 Q And do you recognize when you saw this document for
 14 the first time?
 15 A This looks like a document that I probably typed
 16 after I had talked to someone in DER regarding the
 17 medical leave.
 18 Q Who did you talk to at DER?
 19 A It doesn't say. It doesn't say and I don't
 20 remember. It mentions Devon.
 21 Q Who is Devon?
 22 A There is a Devon Brown in DER, but I can't say
 23 whether she was the person I spoke to regarding
 24 this.
 25 Q Did you prepare that document before you spoke to

109

1 exactly is it that you were attempting to address?
 2 A Do I notify employee benefits? I would say -- can I
 3 read the statement first?
 4 Q If any part of that statement helps you to place
 5 that second question in proper context, please do
 6 so.
 7 A Okay. I don't know what it means.
 8 Q Now, let me get your attention for a second. After
 9 you spoke to Mr. Hansen --
 10 A Yes.
 11 Q -- regarding Marilyn Figueroa's medical leave and
 12 some of the concerns you had after receiving a phone
 13 call from Ms. Pruitt did you say?
 14 A Pettigrew.
 15 Q Pettigrew. Did you have any additional contact with
 16 Mr. Hansen regarding Marilyn Figueroa?
 17 A After I spoke to him the first time?
 18 Q Right.
 19 A I would say no, but I'm not positive.
 20 Q After you spoke to Mr. Hansen when he told you that
 21 he would take care of it --
 22 A Yes.
 23 Q -- did you have any further contacts with employment
 24 relations regarding Marilyn Figueroa?
 25 A I don't think so.

111

1 Mr. Hansen or after?
 2 A I don't know. I would say before, but there's no
 3 date on here.
 4 Q And there are some notes at the bottom of that
 5 record; is that correct?
 6 A Uh-huh.
 7 Q Is that yes?
 8 A I wrote those.
 9 Q And can you read the very first note?
 10 A It says "do I submit a time card?"
 11 Q Who did you direct that question to?
 12 A I think it was to myself. That I needed an answer
 13 of what I was supposed to do.
 14 Q Well, what exactly did you understand you were
 15 supposed to do?
 16 A I don't know. That's why I have the note but --
 17 Q Did you ever receive a response to the first
 18 question regarding the time cards?
 19 A I don't know.
 20 Q Can you read the second note?
 21 A It says "do I notify employee benefits?"
 22 Q And who did you direct that question to?
 23 A I think again it was to myself, but I'm not
 24 positive. It might have been just a notation.
 25 Q Put that last question in proper context. What

110

1 Q So to the best of your recollection, is it fair and
 2 accurate to say that your contact with Mr. Hansen
 3 was the last contact you remember having with
 4 employment relations regarding Marilyn Figueroa?
 5 A I think so.
 6 Q Let me have that page. And it seems quite logical
 7 because in this document which has been identified
 8 as Exhibit No. 8 you wrote down the information you
 9 obtained from employment relations; correct?
 10 A That's what I would think it is.
 11 Q And then you wrote another paragraph at the bottom
 12 regarding the communication --
 13 A Right.
 14 Q -- you received from Ms. Pettigrew; correct?
 15 A Yes.
 16 Q And it was this information that you related to
 17 Mr. Hansen --
 18 A Correct.
 19 Q -- during your phone conference? Was that a phone
 20 conference or was that in person?
 21 A It was on the phone, yes.
 22 MR. TOKUS: You'll have to let him
 23 finish talking.
 24 THE WITNESS: I'm sorry.
 25 Q You're doing marvelous. Very well. And whatever he

112

1 relations?
 2 A Correct.
 3 Q And keep one in the file; correct?
 4 A Yes.
 5 Q And as you sit here under oath, is it your testimony
 6 that you have never known the fact that Marilyn's
 7 attorney gave a medical release to Anne Shindell,
 8 the Mayor's attorney?
 9 A I don't.
 10 Q All right, very good. Do you recall whether or not
 11 Mr. Soika ever directed you to send Marilyn Figueroa
 12 any type of information about the benefits the City
 13 provided to her, other than the termination letter?
 14 A I don't believe so.
 15 Q Okay, very good. Very good. Now, just so I leave
 16 this Exhibit 8 alone, what prompted you to type this
 17 particular document, ma'am?
 18 A Generally I type it so that there's proof that I did
 19 something.
 20 Q There's a record?
 21 A Yes.
 22 Q And is there a reason as to why you did not date
 23 this communication?
 24 A No, no.
 25 Q Is that your practice?

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1 A To not date something? No. Generally I date it.
 2 Q Did anybody instruct you not to date?
 3 A No, no.
 4 Q Did you feel that dating this document was important
 5 given the nature of the situation?
 6 A No. I didn't even think the document was important.
 7 Q When was the first time that you learned that
 8 Marilyn was not coming back?
 9 A I don't know.
 10 Q Did you think during this period of time as you were
 11 trying to get the medical leave act, were you a
 12 little confused about what was going on as far as
 13 Marilyn Figueroa was concerned?
 14 A Not really.
 15 Q You knew at all times what was going on?
 16 A I knew nothing.
 17 Q Well, did you know -- did you believe Marilyn was
 18 ill?
 19 A Did I believe her? I didn't have any opinion on
 20 that. I never thought of it.
 21 Q Did you ever learn that Marilyn Figueroa was
 22 hospitalized before she was terminated?
 23 A I don't know where this was, in what point of time,
 24 but I know that she was taken to the hospital for
 25 something when the Mayor said that he had had this

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1 affair with her I believe.
 2 Q Back in January of the year 2000 did you know that
 3 Marilyn Figueroa was hospitalized?
 4 A I don't know.
 5 Q Did anybody mention it to you at the office,
 6 including Mr. Soika?
 7 A I don't know.
 8 Q Go ahead.
 9 A What do you mean --
 10 MR. TOKUS: You finished, you
 11 finished your answer.
 12 THE WITNESS: Okay.
 13 MR. TOKUS: If he wants something
 14 from you, he'll ask you again.
 15 THE WITNESS: Okay.
 16 MR. ARELLANO: You're intimidating
 17 this very fine lady.
 18 Q I
 19
 20
 21 A
 22
 23 Q
 24
 25 A

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1 Q
 2 A
 3 Q
 4 A
 5 Q
 6 A
 7 Q
 8
 9 A
 10 Q All right. What did I have this paper up for? I
 11 don't know. I was taking a picture.
 12 I've got to talk to you for a second. Well,
 13 here. You take this. It's Exhibit No. 8. The
 14 bottom of Exhibit No. 8 you wrote as follows: "On
 15 January 27th I put Marilyn on unpaid FMLA leave."
 16 Did I read that correctly?
 17 A Yes.
 18 Q "According to Marie Pettigrew, I can't do that until
 19 I have received the request for medical leave from
 20 Marilyn's doctor." Did I read that correctly?
 21 A Correct.
 22 Q "I called Jeff Hansen and told him what Marie said.
 23 He said he will take care of it." Did I read that
 24 correctly?
 25 A Yes.

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1 Q Did you think it was rather delicate the way this
2 thing needed to be handled?
3 A I guess I didn't think anything about it.
4 Q You mean to tell me that nothing in the handling of
5 this matter appeared unusual to you?
6 A Well, I think probably what I thought was why isn't
7 Marilyn sending in this medical.
8 Q That wasn't my question. My question is given the
9 scenario that was developing between Mr. Hansen,
10 Mr. Soika, did you have a feeling that this thing
11 was being handled in a rather unusual way?
12 MR. TOKUS: Objection to the word
13 scenario.
14 Q Go ahead.
15 A I don't know.
16 Q Before this Marilyn Figueroa exit from the job
17 January of the year 2000, when was the last time in
18 all of your years that you recall Mr. Hansen being
19 directly involved in processing a family leave?
20 A I don't recall him --
21 Q As you were processing that family leave or
22 attempting to, because you did attempt; correct?
23 A Yes.
24 Q You had nothing against Marilyn Figueroa, did you?
25 A No.

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1 Q Did there come a time when you learned during this
2 process that Ms. Figueroa was attempting to file a
3 discrimination complaint against the City?
4 A Did I know before this?
5 Q Correct.
6 A I don't think I knew for a fact.
7 Q Did you hear rumors that --
8 A I might have.
9 Q When did you learn that, before she was terminated
10 or after?
11 A I don't know.
12 Q How did you learn some of those rumors? How did you
13 hear of these rumors?
14 A Just by people talking in the office.
15 Q What kind of rumors did you hear regarding Marilyn's
16 intent to file a discrimination complaint?
17 A I don't remember exactly.
18 Q Just tell me the gist of what you knew.
19 A That she was going to file some kind of complaint.
20 Q Against whom?
21 A I don't know.
22 Q Before Marilyn left did you ever sense a change in
23 her demeanor, attitude?
24 A She seemed happy to me before she didn't report to
25 work.

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1 Q Did she ever complain to you about depression,
2 anger, upset?
3 A She used to complain at times and I thought it was
4 due to the workload. She worked after hours.
5 Q You assumed that it was because of the workload?
6 A Correct.
7 Q But did she ever tell you exactly what her
8 complaints were?
9 A No.
10 Q Did you notice any type of sadness, depression in
11 Marilyn Figueroa?
12 A Marilyn to me always was kind of moody. I mean some
13 days she would be very, very happy. Other days
14 she'd be very sad.
15 Q Is that what you observed in 1999?
16 A I don't know when I observed this. I think from the
17 beginning when I knew Marilyn she was having
18 problems with her children. She used to tell me
19 about her ex-husband. And I contributed all this to
20 the things she was telling me.
21 Q What did she tell you about her ex-husband?
22 A That he was very difficult to get along with and she
23 was getting a divorce. She was in the midst of a
24 divorce.
25 Q Anything else?

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1 A At one time she told me that her children were in
2 Florida with her husband and she didn't know if she
3 would get them back.
4 Q Did she ever tell you that her ex-husband was
5 abusive to her?
6 A She didn't tell me personally.
7 Q Did she tell somebody else?
8 A I think I might have heard it through rumor.
9 Q What did you hear?
10 A Just what you said, that her husband was abusive to
11 her.
12 Q Do you recall a time when Marilyn was sexually
13 attacked in the streets of Milwaukee?
14 A I vaguely remember hearing something about it.
15 Q How did you hear that?
16 A Through rumor.
17 Q What did you hear?
18 A That she was attacked.
19 Q Do you remember the year when that occurred?
20 A No, I don't.
21 Q When you said that Marilyn was kind of moody, happy,
22 sad --
23 A Yes.
24 Q -- was that your recollection all the way until she
25 left the workplace?

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1 Q All right.
 2 (Discussion off the record)
 3 Q Other than observing those what you believe to be
 4 somewhat unusual displays of --
 5 A Well, I've never experienced anyone doing that in a
 6 business office before, so --
 7 Q Other than that, do you have any reason to believe
 8 that Marilyn was a promiscuous woman?
 9 A I've heard rumors.
 10 Q What rumors did you hear?
 11 A I can't name any one person, but I've heard that she
 12 was that type of person, all through rumors.
 13 Q When did you learn that?
 14 A I don't know. I think if I had to pin down a date,
 15 probably from the very beginning when she started
 16 working there. But I'm not positive.
 17 Q Did you get this information from a man or from a
 18 woman?
 19 A A woman.
 20 Q And is this a woman that is still working for the
 21 Mayor's office?
 22 A Yes.
 23 Q Is that Ms. Wytenbach?
 24 A No.
 25 Q Who is that? Go ahead.

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1 A Linda Huerta.
 2 Q How long has she been working there?
 3 A About 10 years.
 4 Q Any other person other than Linda Huerta?
 5 A I think Daisy Cubias.
 6 Q Anyone else other than Daisy Cubias?
 7 A No.
 8 Q Are these the only two people that shared rumors
 9 with you about Ms. Figueroa's behavior?
 10 A I believe so.
 11 Q Any males?
 12 A No.
 13 Q How long have you known Ms. Daisy Cubias?
 14 A I believe she started with our office maybe last
 15 year.
 16 Q Isn't she the person that replaced Marilyn Figueroa?
 17 A It's hard to say because there are six positions of
 18 staff assistant to the Mayor, and they're kind of
 19 intertwined, so we just fill positions.
 20 Q She's an assistant to the Mayor; correct?
 21 A Actually she's staff assistant to the Mayor senior.
 22 Q And how many other Hispanic persons?
 23 A Are in the office?
 24 Q Yes.
 25 A I believe there's just those two. Let me just

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1 think.
 2 Q What's Linda Huerta's position?
 3 A Administrative assistant 2, I believe.
 4 Q What are her duties?
 5 A She's a clerical person, so she types letters and
 6 things and clerical duties.
 7 Q But as far as assistants to the Mayor, Ms. Cubias
 8 would be the only one; correct?
 9 A Correct, yes.
 10 Q And before her it was Marilyn; correct?
 11 A I don't know whether she took Marilyn's position.
 12 Q That wasn't my question. My question is the
 13 previous Hispanic assistant to the Mayor would have
 14 been Marilyn Figueroa?
 15 MR. TOKUS: Objection, that's not
 16 the state of the record.
 17 A I think so.
 18 Q Let's start with -- so Daisy Cubias would have said
 19 things to you after she came on board?
 20 A No. I think it happened after this whole thing was
 21 out in the open.
 22 Q Right. After Marilyn Figueroa left the City?
 23 A I believe so.
 24 Q What did Ms. Cubias say about Marilyn Figueroa?
 25 A I don't remember exactly.

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1 Q What is the gist of what you believe she was telling
 2 you?
 3 A That Marilyn slept around.
 4 Q Did she mention names?
 5 A I don't believe so.
 6 Q Anything else --
 7 A No.
 8 Q -- that she said to you?
 9 A No.
 10 Q How did that conversation develop?
 11 A Gossip in the office.
 12 Q How did that happen? Tell me who was present.
 13 A I think probably Linda, Daisy, me.
 14 Q Anyone else?
 15 A It might have been Patty Marshall. It was just
 16 clerical.
 17 Q Anyone else?
 18 A Not that I can recall.
 19 Q And when she said that Marilyn slept around --
 20 A I don't think she said it exactly like that.
 21 Q But that's what you understood --
 22 A It was meaning -- that's what I understood it to be.
 23 Q Did she mention names of men?
 24 A I don't believe so.
 25 Q Did she tell you how many times she slept around?

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1 Daisy Cubias; did you discuss that with anyone?
 2 A No.
 3 Q Daisy Cubias was hired after Marilyn Figueroa was
 4 terminated?
 5 A I believe she was.
 6 Q Do you know who has been assigned to the tasks and
 7 duties that Marilyn Figueroa was responsible for?
 8 A I believe it's Steve Mahan. I think. I can't be
 9 positive.
 10 Q Are you familiar with the duties that
 11 Marilyn Figueroa was responsible for?
 12 A Marilyn was in the community.
 13 Q Is that what Steve Mahan does now?
 14 A I think both Steve and Daisy might be doing that.
 15 I'm not sure. One of them has school issue, and I'm
 16 not sure which one either.
 17 Q Let me show you Exhibit No. 9.
 18 A Do you want 4?
 19 Q Yes, thank you. Have you ever seen that record
 20 before?
 21 A Yes.
 22 Q When did you see that record?
 23 A Must have been January 14th, 2000.
 24 Q Before that do you know if Marilyn Figueroa had
 25 called -- before requesting medical leave?

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1 A I don't know.
 2 Q You don't know? Now, these records that we have
 3 identified, the one that is before you and your
 4 discussions with Mr. Hansen, did you ever place
 5 those records in Marilyn's personnel file?
 6 A This one?
 7 Q Yes.
 8 A I believe this came from her personnel file.
 9 Q Is that correct?
 10 A I believe it is.
 11 Q Did you place these records in her personnel file
 12 when you received them or shortly thereafter?
 13 A I believe I did.
 14 Q All right.
 15 (Exhibit No. 10 marked for
 16 identification)
 17 Q Let me show you Exhibit No. 10. I want you to read
 18 it carefully, you. He has read it plenty. I want
 19 you to read it carefully, look at the date and look
 20 at the contents.
 21 (Witness looking at exhibit)
 22 Q Have you ever seen this document before, ma'am?
 23 A I would say no.
 24 Q Is it your sworn testimony that today is the first
 25 time you've seen this document?

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1 A As far as I can recollect.
 2 Q And the document is signed by whom? Can you tell
 3 me?
 4 A Robert L. Loiben, medical doctor.
 5 Q All right. And it's dated what day?
 6 A January 21st.
 7 Q And who's the subject of that particular --
 8 A Marilyn Figueroa.
 9 Q And what is the period of time that he's placing
 10 Marilyn Figueroa on leave?
 11 A January 4th, 2000 until a date yet to be determined.
 12 Q And again, is it your sworn testimony that no one
 13 ever mentioned this record to you?
 14 A I have never seen this.
 15 Q In addition to this record, what other records or
 16 forms Marilyn would have required in order to obtain
 17 the family leave act?
 18 MR. TOKUS: Objection, that's not
 19 the state of the record at this time.
 20 Q Go ahead.
 21 A I believe this would be it.
 22 Q And then the forms would be processed by you?
 23 A Correct.
 24 Q All right. Let me have those records. Let me ask
 25 you to assume that this medical release was received

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1 by the Mayor. Did the Mayor ever discuss this
 2 medical release with you?
 3 A The Mayor never discussed Marilyn Figueroa with me
 4 period.
 5 Q Did Mr. Soika ever discuss this medical record with
 6 you?
 7 A No.
 8 Q To this date has he ever discussed this medical
 9 record with you?
 10 A As far as I can recollect, no.
 11 Q If he knew of this record and didn't tell you, would
 12 you be surprised?
 13 A Very.
 14 (Exhibit No. 11 marked for
 15 identification)
 16 Q Let me ask you to do this for me. Read this record
 17 and when you're done reading it, I have a couple
 18 questions for you.
 19 MR. TOKUS: Are we referring to
 20 Exhibit 11, counsel?
 21 MR. ARELLANO: Correct, correct.
 22 MR. TOKUS: All right.
 23 (Witness looking at exhibit)
 24 Q Take your time, take your time. Now, I want you to
 25 look at her records. And I just want you to confirm

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1 wasn't on FMLA leave. I don't know why it says "you
2 will no longer receive compensation while on FMLA."
3 Q Do you have any explanation --
4 A No.
5 Q -- as to why?
6 A Unless the wording in this is incorrect, it just
7 meant regular sick leave, accumulated sick leave.
8 Sick leave is different from FMLA.
9 Q What's the difference?
10 A I can't tell you right now because I don't know.
11 But it is different than regular accumulated sick
12 leave that you get with the City.
13 Q Do you know when she was actually considered
14 terminated from the City?
15 A I don't have the exact date. I would say according
16 to my records, January 22nd would be the last, the
17 first day she did not receive payment from the City.
18 The last day on the payroll, according to this, is
19 January 21st. And according -- I believe to -- do
20 you have the time cards?
21 Q Right here.
22 A Yes.
23 MR. TOKUS: Now the witness has
24 before her what has been marked for her
25 deposition Exhibit 6 -- excuse me. Yes,

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1 Q Confidentially?
2 A It says done.
3 Q Did you do that?
4 A Keep a copy of the signed letter, done,
5 February 2nd. Send a copy to Jeff Hansen. I did it
6 on February 2nd. Make a copy for Mr. Soika. It was
7 done on February 2nd. Everything was done on
8 February 2nd.
9 Q Do you recall during Mayor Norquist's
10 administration, do you recall ever being involved in
11 the termination of any other employee in the Mayor's
12 office?
13 A It seems vaguely Mr. Taylor. I don't know whether
14 he was terminated or what happened. I think he
15 might have been terminated, but I'm not positive.
16 Q Who was Mr. Taylor?
17 A I think his title was staff assistant to the Mayor.
18 Q Is this a white person, black person, brown person?
19 A Black.
20 Q Green?
21 A Black male.
22 Q And you believe he was terminated?
23 A I believe he was. I'm not positive.
24 Q Do you know who terminated him?
25 A Which chief of staff?

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1 Stawicki Exhibit 6.
2 A We're going over to -- this is the last -- okay.
3 Pay period 2 the last date I have her 2.9 hours of
4 sick leave, and then pay period 3 I have a blank
5 time card that says no pay, which would lead me to
6 believe that Friday, January 21st was her last day
7 being paid with the City of Milwaukee.
8 (Exhibit No. 12 marked for
9 identification)
10 Q Let me ask you to review this record,
11 Exhibit No. 12.
12 A Okay.
13 Q Have you ever seen this record before?
14 A I must have if it's addressed to me.
15 Q Let me have a look at that.
16 A Yes.
17 Q As I understand, you were requested to prepare the
18 termination letter of Marilyn Figueroa; correct?
19 A According to that, yes.
20 Q And did you do that?
21 A I don't remember.
22 Q And then you were asked to keep a letter in
23 Marilyn Figueroa's file and to send a letter to
24 Mr. Hansen; is that correct?
25 A According to that, I did.

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1 Q Right.
2 A No, I don't.
3 Q Was that Mr. Soika?
4 A No.
5 Q Was that Mr. Rowen?
6 A I don't know.
7 Q Was it Mr. Christofferson?
8 A I don't know.
9 Q Were you at all involved in processing his
10 termination?
11 A I don't know. I can't remember.
12 Q Do you know if Mr. Hansen was involved in the
13 termination of this individual?
14 A I don't know.
15 Q Were you ever asked to type the termination letter?
16 A For Mr. Taylor?
17 Q Right.
18 A I don't think so. I don't know.
19 Q Did Mr. Soika ever explain to you why he wanted you
20 to keep that letter confidential to Mr. Hansen?
21 A I think he meant that I should keep the letter
22 confidential Marilyn -- the letter to Marilyn
23 confidential and not spread office gossip. He
24 didn't want it shared with office staff, I believe.
25 That would be --

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1 personal things?
 2 MR. ARELLANO: Things that belonged
 3 to her.
 4 MR. TOKUS: Okay. I'll look into
 5 that.
 6 Q Who instructed you to clean her desk?
 7 A I don't know.
 8 Q You don't know that one either.
 9 A No, sorry.
 10 Q All right. Well, what prompted you to clean her
 11 desk?
 12 A Someone must have told me, but I don't know who it
 13 was.
 14 Q Are you the person that keeps -- strike that. Are
 15 there sign-in and sign-out sheets for the office?
 16 A Yes.
 17 Q And are you the person that keeps those sign-in --
 18 A No.
 19 Q Who keeps them?
 20 A The receptionist. Right now they're only kept on a
 21 daily basis and then they're dumped.
 22 Q For how long are they kept?
 23 A They should be kept on a daily basis, but I keep
 24 them for a two-week basis so I can compare them with
 25 time cards that are submitted. But the receptionist

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1 is the one that gets them initially. Then they go
 2 to the planning coordinator, and then he in turn
 3 gives them to me. And then after the two-week
 4 period I destroy them.
 5 Q When something comes into the office, mail, email,
 6 how do you process that?
 7 A The receptionist goes down for the mail. She opens
 8 it, puts it all together, time stamps it. Most of
 9 it goes in to Ruth Wyttenbach. If it's apparent
 10 that it goes to someone else that's working on a
 11 special project, she might take it right into that
 12 person.
 13 Q What about the emails?
 14 A Emails, it goes to whoever it's addressed to. It
 15 automatically goes on the computer.
 16 Q Are they stamped, marked when they arrive?
 17 A Emails are electronic mail through the computer.
 18 Q So they're all automatically dated?
 19 A Yes.
 20 Q Now, you also testified that staff members are
 21 entitled to take comp time but you don't keep
 22 records of this?
 23 A I don't keep records, no.
 24 Q Do you know who would keep records of time that
 25 is --

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1 A I don't think anyone in the office keeps a record.
 2 It's kind of an honor system I believe.
 3 Q Honor means that it's honor whenever somebody
 4 demands it?
 5 A No. I think people, if they work at night a
 6 three-hour period, they might go and ask or say I
 7 need a half a day off and I worked blah blah blah,
 8 and then they would say okay.
 9 Q What about time cards that -- do the time cards
 10 reflect any comp time?
 11 A No. Management employees are not permitted to get
 12 overtime, I believe.
 13 Q All right.
 14 A So it just shows they work 80 hours. If they work a
 15 hundred hours every two weeks, it doesn't reflect
 16 that on the time card.
 17 Q What about records reflected to flex time? Who
 18 would keep those records?
 19 A That would be the same as the overtime hours; no
 20 one.
 21 Q Do you recall people ever stuffing envelopes for
 22 political campaigns in the office?
 23 A No.
 24 Q Has that ever been done?
 25 A I don't recall.

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1 Q Do you remember Marilyn ever complaining to you
 2 about losing hours to political work that she was
 3 doing?
 4 A She might have, yes.
 5 Q What did she tell you?
 6 A I don't remember, I'm sorry.
 7 Q Tell me in a summary fashion what is the extent of
 8 your duties and responsibilities within the Mayor's
 9 office.
 10 A I do budgetary work. I do the ordering of supplies,
 11 paying of all the bills, preparing the budget,
 12 monitoring budgetary accounts, payroll, kind of
 13 supervisor over clerical and other various duties
 14 that I might be assigned to like typing somebody's
 15 letter or whatever. I don't have any one person
 16 that I'm assigned to. If somebody's busy, I'll take
 17 a letter and type it for them or whatever.
 18 Q Does your office keep track of time records as well?
 19 A I'm sorry, I don't understand.
 20 Q Time cards.
 21 A Does my office keep track of the time cards?
 22 Q Right.
 23 A Look at each one of them?
 24 Q Right.
 25 A No.

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1 on September 30th I believe through October 23rd or
2 something like that.
3 Q Did she notify your office before she took sick
4 leave? Did she call and say I'm going to be on sick
5 leave?
6 A I don't think so. I'm not sure.
7 Q So she never called or anything?
8 A I'm not positive about any of that.
9 Q Do you know if anyone called her doctor?
10 A I believe at one point someone did call her doctor.
11 I don't know who it was.
12 Q Do you know what the findings were after talking to
13 her doctor?
14 A No, I don't. It might be in her payroll file. I'm
15 not sure.
16 Q Any other person that you recall that was terminated
17 because of sick leave problems?
18 A No.
19 Q All right, very good. So if anyone was involved in
20 doing political campaign work, you would not keep
21 those records, would you?
22 A No.
23 Q If anyone was involved in political campaign work on
24 behalf of the Mayor, who would keep records of that,
25 if you know?

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1 A I don't know. Generally when somebody's going to be
2 out doing campaign work they take vacation time.
3 Q You testified that two people spoke poorly about
4 Marilyn Figueroa's conduct; correct?
5 A Yes.
6 Q Have you told me everything that you know about
7 Marilyn Figueroa's conduct?
8 A I don't know if what they said is true. I don't
9 know it to be a fact.
10 Q But you personally have never witnessed Marilyn
11 engaging in any type of sexual misbehavior?
12 A No, no, not at all.
13 Q All right. Did you get to see Marilyn Figueroa on a
14 regular basis when she was working for the City?
15 A Yes.
16 Q How would you describe your relationship with
17 Marilyn Figueroa?
18 A Friendly.
19 Q Was she respectful towards you?
20 A Oh, yes.
21 Q Are there other memos or emails, messages, faxes
22 related to Marilyn Figueroa that may not be in her
23 personnel file?
24 A I don't know.
25 Q Do you know of any?

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1 A Not offhand, no.
2 Q Before Mr. Soika asked you to prepare the letter of
3 termination of Marilyn Figueroa, did he ever talk to
4 you and tell you what his plans were with respect to
5 Marilyn Figueroa?
6 A I don't think so.
7 Q No? Okay. Before coming here today, did you review
8 any transcript testimony of other witnesses?
9 A No.
10 Q Did anyone talk to you about what other witnesses
11 testified in this case?
12 A What they testified?
13 Q Correct.
14 A No, no.
15 Q What about Ms. Wytttenbach? Has she spoken to you
16 about her testimony?
17 A What she said in her testimony?
18 Q Right.
19 A No.
20 Q What happened in this deposition?
21 A No.
22 Q Did she tell you that she had come to a deposition?
23 A I knew she had.
24 Q My question is did she tell you that?
25 A Maybe not me personally, but I found out through the

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1 receptionist as she was leaving. She said she's
2 going.
3 Q Have you attended any meetings where the subject of
4 Marilyn Figueroa was discussed?
5 A No.
6 Q Back after she left on January 4th of the year 2000,
7 do you recall any meetings held in the office where
8 Marilyn Figueroa was discussed?
9 A I don't know of any meetings.
10 Q After Marilyn Figueroa left in January of 2000, did
11 you ever see Mayor Norquist's wife, Christofferson,
12 Soika, Attorney Shindell in the office?
13 A At one time?
14 Q Yes.
15 A I don't -- I don't think so.

16 MR. ARELLANO: We're going to
17 review all other files, and if we need to talk
18 to you again, we will let your attorneys know.
19 Is that okay with you?

20 THE WITNESS: That's fine.

21 MR. ARELLANO: We'll let you go
22 earlier. Nice meeting you, ma'am. Those
23 records will be kept here with the
24 professional reporter.

25 (Adjourning at 2:30 P.M.)

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