

**From:** [Cote, Larry](#)  
**To:** [Luke Berg](#)  
**Subject:** RE: Meeting Wednesday  
**Date:** Monday, June 13, 2022 1:38:53 PM

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Good Afternoon:

As I stated in my prior email it is a Conference and the provision I provided describes a Conference. The Scheduling letter is the standard notice we provide in advance of a Conference. As I stated in my previous email, the packet will be provided 10-15 minutes prior to the start of the Conference. The Packet will be reviewed as part of the Conference and you and your client will have an opportunity to respond to what is presented. This is the procedure we follow for all Conferences.

Sincerely,

**Larry R. Coté, Jr., JD**

Employment Relations Specialist III, Department of Employment Relations  
Office of Human Resources  
Milwaukee Public Schools  
5225 W. Vliet Street, Room 116  
Milwaukee, WI 53208  
[cotelr@milwaukee.k12.wi.us](mailto:cotelr@milwaukee.k12.wi.us)  
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**From:** Luke Berg <luke@will-law.org>  
**Sent:** Monday, June 13, 2022 1:29 PM  
**To:** Cote, Larry <cotelr@milwaukee.k12.wi.us>  
**Cc:** King, Ophelia T <kingot@milwaukee.k12.wi.us>  
**Subject:** RE: Meeting Wednesday

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Thank you. The handbook section you quote refers to two different types of meetings – an “informal discussion” with the immediate supervisor to resolve concerns about the employee’s conduct and, second, a conference at which the District presents evidence substantiating allegations of misconduct. Is the meeting on Wednesday the former or the latter?

As to the allegations, the letter provided to Marissa contains a list of rules and policies she allegedly violated, but does not describe any conduct by her that violated any of these. That’s all I’m asking for – what conduct will we be discussing? Marissa cannot reasonably respond or participate without



notice as to what she is alleged to have done. If the District intends to provide that in the packet you describe, 10-15 minutes before the meeting is not enough time to meaningfully prepare her response.

We just want this to be a productive meeting. Thanks!

- Luke

Deputy Counsel  
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**From:** Cote, Larry [<mailto:cotelr@milwaukee.k12.wi.us>]

**Sent:** Monday, June 13, 2022 1:13 PM

**To:** Luke Berg <[luke@will-law.org](mailto:luke@will-law.org)>

**Cc:** King, Ophelia T <[kingot@milwaukee.k12.wi.us](mailto:kingot@milwaukee.k12.wi.us)>

**Subject:** RE: Meeting Wednesday

Dear Attorney Berg:

The Scheduling Letter that was hand delivered, emailed, and mailed to Ms. Darlingh contains the alleged rule and policy violations. A Misconduct Conference Packet will be emailed to the Conference participants 10 – 15 minutes in advance of the conference beginning. Attendees of the Conference are you and your client, Ms. Ophelia King, Manager, and Therese Freiberg, Director/representative of Employment Relations. This Conference is being held pursuant to the following section of the Employee Handbook:

## **B. DISCIPLINE**

Applicable Group(s) A, B, C, D, E, I:

Generally, discipline is progressive in nature and requires communication with employees and/or their representatives. Disciplinary action may include: written reprimand, suspension, demotion, or termination of employment. Specific disciplinary actions will depend on the behavior and frequency of occurrences. Non-probationary employees shall only be disciplined or discharged for just cause, except those employees who otherwise serve at the pleasure of the Board or Superintendent. The District may discipline an employee when the employee violates a policy or rule. Any particular

concern related to an employee's conduct may be settled by informal discussion with the immediate supervisor. The employee may have a representative of his/her own choosing present for any discussion which may lead to discipline.

The District may initiate an administrative investigation when an allegation(s) of misconduct is made. Upon completion of the investigation, if evidence substantiates the allegation(s), the District shall specify the allegation(s) against the employee. The District shall then hold a conference at which the District presents evidence substantiating the allegation(s). The employee and/or his or her representative may respond to the allegations at the conference.

If the District finds just cause, the District may assess and implement appropriate discipline. All school/departamental issued disciplinary actions will undergo administrative review before implementation occurs.

The District reserves the right to place the employee on immediate suspension during the investigation without loss of pay for the first three workdays. If the charges are ultimately dropped, the employee will be compensated in full for all lost salary during the time of suspension, minus any interim earnings or wage loss benefits. For employees in Group D that are in long term assignments, the immediate suspension pending investigation will be unpaid. If the charges are dropped the employee will be reimbursed for the suspension days served. The provisions in this final paragraph do not apply to employees in Group E.

Sincerely,

**Larry R. Coté, Jr., JD**

Employment Relations Specialist III, Department of Employment Relations  
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**From:** Luke Berg <[luke@will-law.org](mailto:luke@will-law.org)>

**Sent:** Monday, June 13, 2022 12:46 PM

**To:** Cote, Larry <[cotelr@milwaukee.k12.wi.us](mailto:cotelr@milwaukee.k12.wi.us)>; King, Ophelia T <[kingot@milwaukee.k12.wi.us](mailto:kingot@milwaukee.k12.wi.us)>;  
Blandon, Fritz A <[blandofa@milwaukee.k12.wi.us](mailto:blandofa@milwaukee.k12.wi.us)>

**Subject:** Meeting Wednesday

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Fritz, Ophelia, and Larry,

Can you please let us know (today, or at the latest early tomorrow), what conduct we will be discussing on Wednesday that allegedly violated the policies in your notice letter? Can you also let us know who will be present at the meeting and what the purpose/content of the meeting will be? E.g., is this an “informal discussion” (as referenced on p. 9 of the employee handbook) or a conference at which the District intends to present evidence?

- Luke

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