BEFORE THE STATE BOARD OF PERSONNEL

Louise Chatfield,	Appellant,)	
Edmund E. Estkowski, Chairman Department of Industry, Labor and Human Relations,)	ICZWOD A MOJEW
)	133MORANDUM DECISION
	Respondent.)	

Appellant is a permanent employe in the classified service and is classified as a Typist 2. She has at all times been employed by the State Employment Service in Milwaukee. On June 8, 1970 when the Job Bank was created she transferred into that operation. The supervisor of the Job Bank is one John Call who has been with the Employment Service for about 20 years. Gerald Machesky, Operations Support Director supervises several divisions including the Job Bank. F.J. Walsh is Director of the Division of Employment Service which is within the Department of Industry, Labor and Human Relations.

On September 9, 1970, Appellant was suspended without pay for two days for the reasons set forth in <u>Respondent's Exhibit 1</u>. She refused to absent herself from her work station for those two days.

After the suspension expired, the Respondent alleged that the same pattern of conduct continued. There is not much clear evidence in the record of instances after September 14 (the day after the first suspension) of refusal to carry out instructions or failure to cooperate with staff in carrying out work assignments or disrupting operations. However, there is ample evidence that she did challenge the authority of Call and Machesky and did identify them as incompetents.

On or about September 18, 1970 she refused to discuss work performance with Call and Machesky.

On September 25, 1970 Appellant was suspended for 30 days, expiring on October 28, 1970. Again, she reported for work and stayed all day the first day of her suspension, September 28, 1970. Thereafter, apparently on advice

Laving been assigned to another division.

The Department of Industry, Labor and Human Relations does not delegate authority to discipline. All disciplinary action is passed on by the Commissioners and bears the signature of the Chairman and in case of the Employment Service, the signature of the Director and of the Supervisor of the unit. This results in a slow process that unduly "ages" the grounds for discipline.

Counsel for the Appellant in his argument indicated that the basic problem was the incompetency of the supervisors in that they did not have the capacity to run a new department or to handle employes from minority groups. This is a sterile argument even if it be true to justify the Appellant's impossible course of conduct from June 8, 1970 on.

The real problem as we review the record in its entirety is that Appellant has a very firm belief that no one from Chairman Estkowski down through John Call had any authority to tell her what to do or how to do it or how to conduct herself. She has reservations that anyone had a right to impose discipline upon her. This attitude on the part of the Appellant is a shocking one, but we have experienced it before among black employes of the Employment Service in Milwaukee. We are curious about it.

Counsel for the Appellant urges a rather vague proposition that Appellant questioned at the times the validity of the Suspension Notices and to compel her to honor them without their being validated to her is violative of her right to due process of law. We do not believe that a Notice in clear language bearing the signature of the Chairman of the Department, the Directors of the Division and the Supervisor needs further validation. If it is a process violative of due process of law, that must be determined by a court, not by this Board.

We should make it clear that serving out a suspension meted out for mis-

to look at the employe's entire record as a permanent employe in judging whether or not any disciplinary action has been for just cause.

If it not already be recognized, this Board finds that the record herein contains more than substantial evidence to support each and every one of the specifications made against the Appellant in the Suspension Notice of September 25, 1970.

Counsel for the Respondent shall draw Findings of Fact and Conclusions of Law consonant with this memorandum.

Dated: January 15, 1971.

STATE_BOARD OF PERSONNEL

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Member Brecher participated in the hearing, but not in this decision.