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The State of Wisconsin
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April 2, 1976

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STATE PERSONNEL BOARD

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State Personnel Board
 Room 1120A
 1 West Wilson Street
 Madison, Wisconsin 53702

DEPARTMENT OF
 REGISTRATION

Attention: Mr. Anthony Theodore

Re: Wilbur Schmidt v. State of Wisconsin
Personnel Board and Janet O'Conner
 Case No. 148-095

Dear Members:

Enclosed find copy of letter from Lawton & Cates to Secretary Manuel Carballo and Notice of Entry of Judgment in the above-entitled matter.

Very truly yours,

Robert J. Vergeront
 Assistant Attorney General

RJV:pag
 Enclosures

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AREA CODE 608 256-9031

April 1, 1976

BRUCE F. EHLKE
RICHARD V. GRAYLOW
KENT I. CARNELL
JEAN H. LAWTON
MICHAEL S. WEIDEN
JAMES W. GARNER
DAVID B. GAEBLER
ROBERT J. ARNOT
DONALD R. RITTEL

Manuel Carballo, Secretary
Department of Health & Social Services
1 West Wilson Street
Madison, Wisconsin 53703

Re: Wilbur Schmidt v. State of Wisconsin
Personnel Board and Janet O'Conner,
Circuit Court for Dane County,
Case No. 148-095

Dear Mr. Carballo:

Please be advised that I represent Janet O'Conner, an employee of your Department of Health and Social Services. Ms. O'Conner is the prevailing party in the above-indicated matter.

Demand is hereby made that the responsible persons in your Department act immediately to comply with the Judgment of the Circuit Court for Dane County, which confirmed and enforced the Order of the State of Wisconsin Personnel Board, that the Department of Health and Social Services "immediately reinstate (Janet O'Conner) to her former position, without loss of seniority or other benefits and with full back pay from the date of January 23, 1973, to the date of her receipt of the (Department's) written unconditional offer of recall to active employment". Full compliance with the lawful Order of the responsible State administrative tribunal, and with the order and Judgment of the Circuit Court, has been delayed long enough.

Ms. O'Conner began her employment as a teacher at your Department's School for Boys at Wales, in September, 1963. Nine years later, as of January 23, 1973, that employment was terminated. On July 30, 1975, the State of Wisconsin Personnel Board, having determined that the termination of Janet O'Conner's employment had not been lawful, issued the following Order:

LAWTON & CATES

Manuel Carballo
April 1, 1976
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"IT IS ORDERED that Respondent immediately reinstate Appellant to her former position, without loss of seniority or other benefits and with full back pay from the date of January 23, 1973, to the date of her receipt of the Respondent's written unconditional offer of recall to active employment."

"IT IS FURTHER ORDERED that, within ten working days of the date of this Order, the Respondent shall advise the Board in writing what steps he has taken to comply with the foregoing Order."

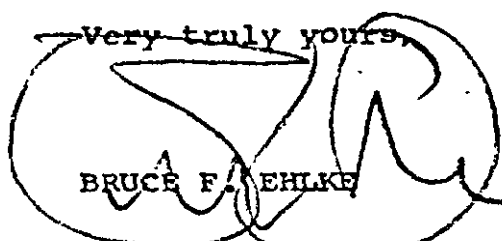
As was indicated, on March 2, 1976, the Circuit Court for Dane County entered its order and Judgment, confirming and enforcing this Order.

It now is over three years since Janet O'Conner's employment unlawfully was terminated. Eight months have passed since the Personnel Board ordered that she be reinstated in her employment with "full back pay" and it has been a month now since the Circuit Court entered its Judgment confirming and enforcing that Order. Yet, while your Department finally has acted to reinstate her in her employment, as of February 2, 1976, to date Janet O'Conner has not been paid one penny of the "full back pay" to which she legally is entitled. This is intolerable.

Any further delay in the Department's restoration to Ms. O'Conner of all of the "benefits" of her employment, with "full back pay from the date of January 23, 1973," to February 2, 1976, is not acceptable. Your consideration and cooperation will be appreciated.

Thank you,

~~Very truly yours,~~


BRUCE F. EHLKE

BFE/ta

c.c. Ms. Janet O'Conner
Mr. Donald P. Johns

Mr. David C. Whitcomb
Mr. Robert Vergeront

WILBUR J. SCHMIDT,

Petitioner,

vs.

STATE OF WISCONSIN PERSONNEL
BOARD AND JANET O'CONNOR,

Respondents.

NOTICE OF ENTRY OF JUDGMENT
Case No. 148-095

TO: Donald P. Johns
Assistant Attorney General
Department of Justice
123 West Washington Avenue
Madison, Wisconsin 53703

Attorney for Wilbur J. Schmidt

Robert J. Vergeront
Assistant Attorney General
Department of Justice
123 West Washington Avenue
Madison, Wisconsin 53703

Attorney for State Personnel Board

PLEASE TAKE NOTICE that the Judgment of the Circuit Court for Dane County, a copy of which is attached hereto, was entered in the above-captioned matter on March 2, 1976.

Dated: April 1, 1976.

LAWTON & CATES

BY: 

Bruce F. Enlke
110 East Main Street
Madison, Wisconsin 53703
Attorneys for Janet O'Conner

WILBUR J. SCHMIDT,

Petitioner,

-vs-

STATE OF WISCONSIN PERSONNEL
BOARD AND JANET O'CONNOR,

Respondents,

JUDGMENT

Case No. 148-095

The jurisdiction of this Circuit Court for Dane County having been invoked by the Petitioner Wilbur J. Schmidt, by the serving and filing of his Petition for Review dated August 26, 1975, the State of Wisconsin Personnel Board having appeared in response therein, and the Respondent Janet O'Conner having timely served and filed a Notice of Appearance, Statement of Position and Counter-Petition for Enforcement of Personnel Board Order, and the Petitioner now having applied to this Court, by his counsel, by letter dated December 22, 1975, that his Petition for Review be dismissed with prejudice and without costs to any party, now, therefore,

IT IS ORDERED AND ADJUDGED that the Petition for Review dated August 26, 1975, which was filed with this Circuit Court on behalf of Wilbur J. Schmidt shall be and the same hereby is dismissed, with prejudice and without costs to any party; and it further is the order and judgment of this Circuit Court that the Counter-Petition for Enforcement of Personnel Board Order which was filed with this Court on behalf of Janet O'Conner shall be and hereby is granted, and the Opinion and Order of the State of Wisconsin

Personnel Board dated July 30, 1975 (Case No. 576), is confirmed and enforced, "that Respondent (Wilbur J. Schmidt, Secretary Department of Health and Social Services) immediately reinstate Appellant (Janet O'Conner) to her former position, without loss of seniority or other benefits and with full back pay from the date of January 23, 1973, to the date of her receipt of the Respondent's written unconditional offer of recall to active employment"

or attorney's fees to either party, no costs
Dated and entered this March 2, 1976.

By the Court:

/s/ Michael T. ...
Circuit Judge

WILBUR J. SCHMIDT,

Petitioner,

AFFIDAVIT
OF
SERVICE

-vs-

STATE OF WISCONSIN PERSONNEL
BOARD AND JANET O'CONNOR,

Respondents.

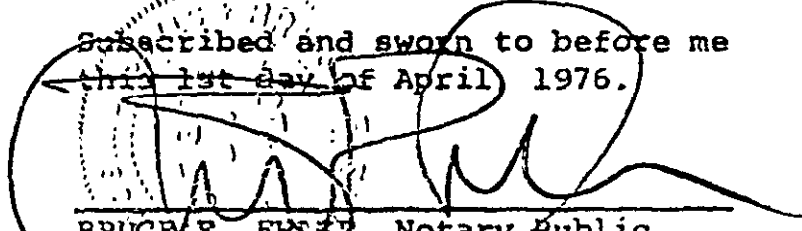
Case No. 148-095

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

JO ANN ZEICHERT, being first duly sworn, on oath deposes and says that she served the Notice of Entry of Judgment upon Donald P. Johns, attorney for Wilbur J. Schmidt, at 123 West Washington Avenue, Madison, Wisconsin 53703 and upon Robert J. Vergeront, attorney for State Personnel Board, at 123 West Washington Avenue, Madison, Wisconsin 53703, by placing copies of same in the United States mail, properly addressed and postage prepaid, on the 1st day of April, 1976.

Jo Ann Zeichert

JO ANN ZEICHERT

Subscribed and sworn to before me
~~this 1st day of April 1976.~~


BRUCE P. EPLER, Notary Public
State of Wisconsin
My Commission is Permanent