

BEFORE THE PERSONNEL BOARD

Bernice M. Hagness,)
 Appellant,)
vs.)

John Weaver, President)
University of Wisconsin,)
 Respondent.)

MEMORANDUM DECISION

Appellant commenced her employment with the University on September 21, 1970 as a Laboratory Helper in Salary Range 1-02. She completed probation on March 19, 1971 at which time she attained permanent status in the state's classified civil service. She was terminated by the appointing officer effective November 30, 1971.

At all times, Appellant was employed in the glassware washroom unit of McCardle Laboratories which is devoted to cancer research and teaching in that field of medical science.

Professor Russell K. Boutwell, Professor of Oncology has ultimate responsibility for the glassware washroom. June Hanson, a Laboratory Technician 2 is the supervisor of the operation and of the personnel employed in the washroom.

The cleansing of the glassware is a rather involved matter as many types of glassware are used at McCardle which require varying methods of cleansing. Because of the slight tolerances of the materials worked with the glassware must be precisely cleansed according to established processes therefor. Glassware comes to the washroom from three laboratories at McCardle and should be returned to the proper station. The source of the glassware to be washed also seems to dictate the mode of cleansing. That breakage be kept within reasonable limits is also important.

Board's Exhibit 1, the notice of termination, contains, when condensed, three basic charges against the Appellant:

1. That she was difficult to communicate with and impossible to supervise because of her argumentative nature. We do not believe that Respondent has satisfactorily proved that this is true to the extent that it either was just cause for termination or supportive of other specifications for termination.

2. That Appellant's performance was such as to demoralize her co-workers. Again we do not believe that Respondent has satisfactorily proved that this is true to the extent it either was just cause for termination or supportive of other specifications for termination.

3. That Appellant's breakage of glassware was excessive and that she had not learned or did not use in many instances the prescribed procedures for handling, processing and cleaning of the glassware. That this actually was the case is supported by the testimony of June Hanson, the supervisor and documented by a log kept by her as to the incident of error on the part of eight employes of the washroom. In the absence of a showing of vindictiveness on the part of Hanson, we must give weight to Hanson's testimony as coming from one who had responsibility and knew what employes should do and knew what was going on. From her documented testimony, we are convinced that Appellant was guilty of excessive breakage and in her work did not follow prescribed procedures of which she should have been aware were requisite to producing a proper work product. We believe that these derelictions constituted just cause for Appellant's discharge.

Appellant sought to counter this by the testimony of several of Appellant's co-workers who stated Appellant's work was as good as theirs. We have discounted this testimony for we feel that they did not testify from any more than cursory knowledge of Appellant's work record.

Appellant sought to establish that Appellant was discharged because of Hanson's personal feelings toward Appellant. Much of this effort was based on hearsay and it would seem that, if Hanson was not sympathetic with Appellant's work and not for personal reasons.

It does appear that Hanson ran a very "tight, no-nonsense ship" and as a result thereof would not be nominated for any popularity awards by her subordinates. However, she was running the washroom as her boss, Dr. Boutwell desired it to be run. Dr. Boutwell was most emphatic in his testimony that the apparently menial work in the washroom was most vital to the effectiveness of research in the laboratories at McCardle.

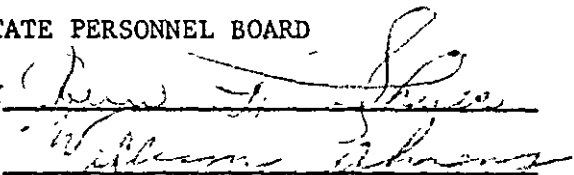
We conclude that the Respondent has sustained its burden of proof of the specification of its charges supporting the discharge of the Appellant by a clear preponderance of the credible evidence as shown by the record in this matter.

Respondent shall prepare Findings of Fact and Conclusions of Law consonant with this Memorandum.

Dated April 18, 1972.

STATE PERSONNEL BOARD

BY



William Johnson

Members Brecher, Serpe
and Slechta did not participate.