

STATE OF WISCONSIN

PERSONNEL BOARD

ROBERT REEVER,

Appellant,

v.

WILBUR J. SCHMIDT, Secretary,
Department of Health and Social
Services,

Respondent.

#579

OFFICIAL

OPINION AND ORDER

Before: AHRENS, Chairman, JULIAN, and
STEININGER, Board Members.

JULIAN, writing for himself, AHRENS
and STEININGER.

Appellant has challenged his discharge as an employee at the Central Wisconsin Colony and Training School. The main issue for our consideration here is whether the appellant was absent excessively as alleged in the letter of termination; whether such absences if they occurred, violated work rule #14 of the Department of Health and Social Services; and whether, if the absences occurred and the work rule was violated, the employer had just cause to terminate the appellant from his employment. Although another issue, namely, the validity of work rule #14 of the Department of Health and Social Services was originally raised by this appeal, the appellant has abandoned his

contention that the rule is invalid. Therefore, we do not reach that question.

FINDINGS OF FACT

We find the following facts:^{1/}

1. The appellant was a permanent employee in the classified service of the state of Wisconsin, and was employed at the Central Wisconsin Colony and Training School as a laboratory technician, III.

2. The appellant was discharged from his employment at the Central Wisconsin Colony and Training School on October 12, 1972.

3. The appellant was absent from work on September 14, 15, and 25, 1972, and October 9, 1972.

4. The absences on September 14, 15, and 25, 1972, were unauthorized absences.

5. Four hours of the absence on October 9, 1972, were unauthorized.

OPINION

As a laboratory technician the appellant has certain responsibilities which he was required to carry out. His unauthorized absences made it impossible for these tasks to be accomplished and constituted a clear violation of work rule #14 of the Department of Health and Social

^{1/} See sec. 227.13, Wis. Stats.

Services. From a review of the entire record of this case, we are unable to say that the action the employer took terminating appellant was not for just cause.

However, we commend to the attention of the respondent that section of our opinion in Dunn v. University of Wisconsin, WSPB, No. 539 (February 2, 1973), pp. 5-6, entitled "Improved Personnel Administration." What we said there has application to cases such as this one.

CONCLUSIONS OF LAW

Accordingly, we conclude that:

1. The unauthorized absences of the appellant violated work rule #14 of the Department of Health and Social Services.
2. The action of the respondent discharging the appellant as a laboratory technician III at the Central Wisconsin Colony and Training School as of October 12, 1972, was for just cause.

ORDER

On the basis of the entire record herein,

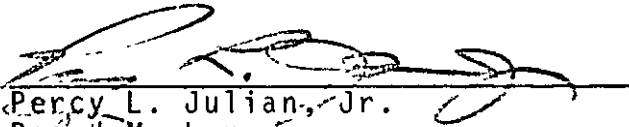
IT IS ORDERED that the action of the respondent in terminating the employment of the appellant be and it hereby is sustained as having been based upon just cause; and,

IT IS FURTHER ORDERED that the appeal of the appellant is dismissed on its merits.

Dated at Madison, Wisconsin, this 19th day of June 1973.

WISCONSIN STATE PERSONNEL BOARD

By:


Percy L. Julian, Jr.
Board Member