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 *
 KENT H. MAYES,
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 Appellant,
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 v.
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 JOHN WEAVER, President,
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 University of Wisconsin,
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 Respondent.
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 Case No. 73-112
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OFFICIAL

ORDER

Before: JULIAN, Chairperson, SERPE, STEININGER, WILSON and DEWITT, Board Members.

This matter is before this Board on remand from the Wisconsin
 Supreme Court where it was captioned Weaver v. State of Wisconsin Personnel
 Board, No. 588 (1974), August Term 1975, opinion filed January 20, 1976.
 The Supreme Court directed this Board on remand to enter an order consistent
 with its opinion, and, more specifically:

Accordingly, it is directed that the Personnel Board
 issue an order affirming the University's decision to
 lay off Mayes from his position as police officer,
 and it is also directed to reverse the decision laying
 off Mayes as a security officer. Mayes is to be
 reinstated to his former position as security
 officer without loss of seniority or other benefits
 and with full back pay.

The parties have entered into a stipulation regarding the order
 to be issued by this Board pursuant to the mandate of the Supreme Court
 in this matter. This stipulation was filed herein February 24, 1976.

Now, therefore, it is hereby ordered that:

1. The foregoing stipulation is approved as a basis for final disposition of this matter and is incorporated by reference as if fully set forth;
2. The Respondent's decision to lay off Appellant from his position as police officer is affirmed;
3. The Respondent's decision to lay off Appellant as a security officer is rejected;
4. The back pay due Appellant from Respondent after mitigation is \$4,500.00;

5. Payment of said \$4,500.00 (less appropriate deductions for state and federal withholding and social security taxes) be made to Appellant by Respondent as soon as practical following the entry of this order;

6. Payment of said sum shall constitute full and complete compliance with the mandate of the Wisconsin Supreme Court in this matter, and receipt thereof by the Appellant shall constitute full and complete relinquishment of any and all claims, rights, and demands including reinstatement, to which the Appellant is or may be entitled or may have against Respondent.

Dated March 22, 1976.

STATE PERSONNEL BOARD


Percy L. Julian, Jr., Chairperson

KENT H. MAYES,

Appellant,

vs.

JOHN WEAVER, President,
University of Wisconsin,

Respondent.

Case No. **RECEIVED**

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STATE PERSONNEL BOARD

STIPULATION UPON REMAND
AND MOTION

WHEREAS, the above captioned matter was remanded to the State of Wisconsin Personnel Board after proceedings in the Wisconsin Supreme Court titled as follows:

No. 588 (1974)
August Term, 1975
STATE OF WISCONSIN : IN SUPREME COURT

JOHN C. WEAVER, President,
University of Wisconsin System,

Respondent,

vs.

STATE OF WISCONSIN PERSONNEL BOARD,

Appellant.

AND WHEREAS, the opinion of the Wisconsin Supreme Court, filed January 20, 1976, directed the Wisconsin Personnel Board to issue an order 1) affirming the Respondent University's decision to lay off Kent H. Mayes (Mayes) in June, 1973 as a police officer, and 2) reversing the Respondent University's decision to lay off Mayes as a security officer; and

WHEREAS said opinion also directed that Mayes be rein-

stated to the position of security officer with full back pay and without loss of seniority or other benefits; and

WHEREAS all parties to the above captioned action desire to avoid the delay and expense involved in seeking a rehearing before the Wisconsin Supreme Court, and to stipulate as to certain facts and a mutually satisfactory disposition of the matter for incorporation into an order of the Wisconsin Personnel Board pursuant to the mandate of the Wisconsin Supreme Court as aforesaid,

NOW THEREFORE, the parties to the above captioned action stipulate and agree as follows:

1. Kent H. Mayes was laid off by Respondent University as a security officer effective on or about July 1, 1973;

2. Mayes received unemployment compensation from July, 1973 through September, 1973 in the amount of \$801; Mayes received unemployment compensation from January, 1974 through April 14, 1974 in the amount of \$629; and that the total amount of unemployment compensation thus received, \$1,430, should be offset against backpay otherwise due to Mayes.

3. Mayes was periodically gainfully employed between the months of September, 1973 through December, 1973, during which period he received as compensation therefor the approximate sum of \$1,347.00, which sum should be offset against back pay otherwise due to Mayes;

4. Mayes was employed as a security officer by Respondent University commencing April 15, 1974; Mayes thereafter resigned said employment to accept other employment; and such resignation terminated any and all entitlement of Mayes to further employment with Respondent University or successors.

5. The gross pay Mayes would have received from July, 1973 through April 15, 1974 but for his layoff as security officer

is \$7,277.00 (9.5 months at \$766 per month).

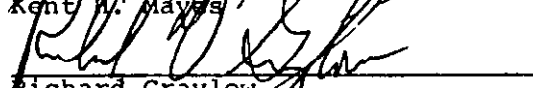
6. The gross pay due to Mayes from Respondent University, after offset for the amounts set forth in paragraphs number 2 and 3, above, is \$4,500.00, payment of which sum shall constitute full and complete compliance with the mandate of the Wisconsin Supreme Court in said action, and receipt thereof by Mayes shall constitute full and complete relinquishment of any and all claims, rights, and demands including reinstatement, to which Mayes is or may be entitled or may have against Respondent.

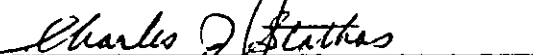
7. Payment of said gross pay (less appropriate deductions for state and federal withholding and social security taxes) will be made to Kent H. Mayes as soon as practical after issuance of order by the Wisconsin Personnel Board as set forth below.


AND FURTHER, said parties hereby jointly move the Wisconsin Personnel Board to incorporate the above stipulation into the order to be issued by said Board pursuant to the mandate of the Wisconsin Supreme Court.


Dated this 6th day of February, 1976.


Kent H. Mayes


Richard Graylow
Attorney for Kent H. Mayes


Charles J. Stathas, senior legal
counsel, University of Wisconsin
System, Respondent


Joseph A. Melli, Special Counsel
for Respondent


John Calhoun
Assistant Attorney General and
Counsel for Appellant Personnel
Board in Wisconsin Supreme Court
in said matter