
EILEEN HANSON,

Appellant,

v.

SECRETARY, Department of Health
and Social Services,

Respondent.

Case No. 77-200

OFFICIAL

INTERIM OPINION
AND ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

NATURE OF THE CASE

This is an appeal of a termination of an employe in which a question was raised as to whether appellant was in a probationary or permanent status, and a hearing was held limited to that issue.

FINDINGS OF FACT

1. The appellant was employed in the food service department at Central Wisconsin Colony and Training School until her termination effective October 16, 1977.
2. The appellant was hired on a 6 month probationary period ending October 17, 1977.
3. By letter dated October 5, 1977, (Respondent's Exhibit 2), appellant was informed by Director Scheerenberger that her probationary employment would be terminated effective October 16, 1977.
4. On October 13, 1977, appellant met with her supervisors and they discussed her termination.
5. Appellant last reported for work on October 14, 1977.
6. Appellant appealed her termination to the Board by a letter dated October 16, 1977, (Board's Exhibit 1).

7. Appellant subsequently received a letter from Dr. Scheerenberger dated October 31, 1977 (Respondent's Exhibit 1) which advised her of her satisfactory completion of her probationary employment. (Respondent's Exhibit 1)

8. This letter (Respondent's Exhibit 1) was a form letter of the nature prepared for all probationary employes.

9. Due to a clerical error or administrative oversight this letter was not reviewed by the institution's personnel office following its preparation by the institution's word processing center and prior to its submission to Dr. Scheerenberger for signature.

CONCLUSIONS OF LAW

1. The appellant's probationary employment was effectively terminated by the letter of October 5, 1977, (Respondent's Exhibit 2), effective October 16, 1977.

2. The October 31, 1977, letter (Respondent's Exhibit 1) was signed and sent as a result of clerical error or administrative oversight.

3. This letter (Respondent's Exhibit 1) had no legal effect on appellant's employment status.

4. Appellant never at anytime attained permanent status in class.

OPINION

Appellant was terminated effective October 16, 1977, which was prior to the end of her probationary period. There was never any question about this as evidenced by the conference held October 13th and the facts that appellant last reported to work October 14th and appealed to the Board on October 16th. The October 31st letter from Dr. Scheerenberger was clearly sent in error and the Board can neither construe this document as an attempt at rescinding the termination nor conclude that it had any legal effect on her status as a probationary

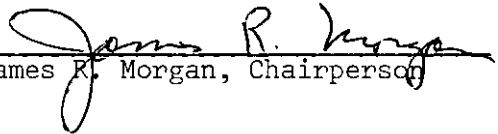
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employee. Therefore, any appeal rights appellant might have regarding her termination are limited to those of a probationary employee.

ORDER

The Board will schedule this matter for further hearing pursuant to §16.05(1)(h), Wisconsin statutes. The appellant shall advise the Board when she is ready to proceed.

Dated: 3-13, 1978 STATE PERSONNEL BOARD


James R. Morgan, Chairperson