

STATE OF WISCONSIN

PERSONNEL COMMISSION

 HENRY LAUB,
 Complainant,
 v.
 DEPARTMENT OF HEALTH AND
 SOCIAL SERVICES,
 Respondent.
 Case No. 78-PC-ER-6

OPINION
AND
ORDER

OPINION

This case involves a complaint of discrimination on the basis of sex in relation to the complainant's discharge, which was filed on March 22, 1978. The department has taken the position that this matter has been resolved by a settlement agreement which was executed on August 11, 1978. This agreement contains in part, the following:

"Whereas the grievant, Henry J. Laub, has filed complaints of discrimination on the basis of sex with the EEOC and the State of Wisconsin;

The parties hereby agree that the above entitled matters are withdrawn and settled in all respects on the following basis:

- 1) The grievant's discharge shall be rescinded and his resignation shall be accepted effective August 9, 1978.
- 2) The grievant shall be granted back pay from August 9, 1978, to the date of his termination on March 13, 1978 ..."

This agreement was signed by both the complainant and his union representative.

In a letter to the Commission received May 11, 1979, the complainant set forth a number of reasons in support of his request that the Commission continue the investigation. In summary, he stated that at the time

he executed the settlement agreement he understood that this Commission was in the process of getting organized and that his case could not have been processed before November 1978. He stated that at the time of the settlement it was financially impossible for him to remain in Langlade County or the State of Wisconsin, that he was in desperate need of money, and that he "concluded that there did not exist at the time in August 11, 1978 any agency that could have assisted [him] in any kind of investigation as to [his] complaint." He also argues that his termination was totally unjustified, was a product of personal and arbitrary motives on the part of his supervisors, and that he was dealt with unfairly and unjustly because of his sex.

In the opinion of the Commission the appellant's arguments do not make out a case for releasing him from the obligations of the settlement agreement with respect to this complaint. The circumstances as to complainant's financial difficulties and concerns about the Commission not yet being fully operational are indeed unfortunate. However, similar factors undoubtedly contribute to many settlement decisions. They do not amount to anything approaching fraud or the overriding of appellant's free will.

The Commission also notes that at the time of the settlement the complainant had pending proceedings under the WSEU contract grievance mechanism and before the United States Equal Employment Opportunities Commission in addition to this Commission. This weakens the complainant's argument as to his concern about the lack of an effective forum to look into his discharge. The Commission also notes that the thrust of appellant's

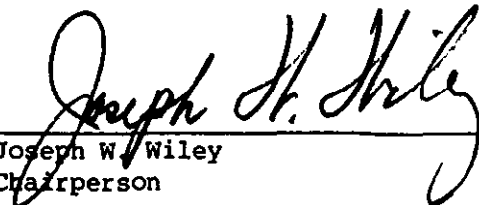
Laub v. DHSS
Case No. 78-PC-ER-6
Page 3

complaint runs more to personal bias than to sex discrimination, and
does not appear to raise any broad policy issues.

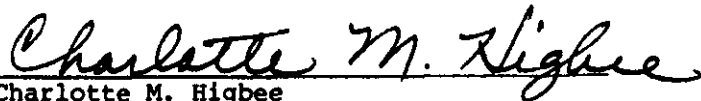
ORDER

This complaint is dismissed on the basis of the settlement agreement
dated August 11, 1978.

Dated: August 30, 1979. STATE PERSONNEL COMMISSION



Joseph W. Wiley
Chairperson



Charlotte M. Higbee
Commissioner

AJT:jmg
8/28/79