

Mag-Card II typewriter improvement had been noted and additional time was requested for further evaluation.

5. The appellant's duties and responsibilities included the following:

(a) 50% - Operate North Central District Headquarters switchboard and act as receptionist.

(b) 30% - Operation of IBM Selectric and Mag-Card II typewriters. This included handling the Mag-Card II functions for the regular operator one day a week on a regular basis plus filling in when the regular operator was on vacation or leave.

(c) 20% - Other clerical duties.

6. Despite occasional problems, the appellant was able to perform her work other than that with the IBM Mag-Card II typewriter in a generally satisfactory manner.

7. With respect to the Mag-Card II typewriter function, the appellant was never able to achieve a satisfactory level of proficiency in performance.

8. The appellant received adequate in-house training on the IBM Mag-Card II and had about 100 hours of work and training on the machine at the time of her termination. She was given substantial amounts of personal counseling with respect to her deficiencies in this area.

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to §§230.45(1)(f) and 111.91(3), Stats.

2. The burden of proof is on the appellant to demonstrate that the termination of her probationary employment was arbitrary and

capricious. See §111.91(3).

3. The appellant has failed to sustain that burden.

4. The termination of appellant's probationary employment was not arbitrary and capricious.

OPINION

The appellant had had a good record in her previous employment on a limited term basis with the Division of Community Services. However, this work did not include IBM Mag-Card II typewriter operation which was the primary source of her difficulty with DNR.

The appellant placed a great deal of emphasis on the theory that she had inadequate training with the IBM Mag-Card II typewriter. While there was some difference of opinion on this, greater weight is given to respondent's clerical supervisors who had substantial direct knowledge of and experience with this system and who testified that a formal factory-run training program was neither required nor more desirable than the in-house program. They also testified that training on a periodic rather than a bloc basis was an acceptable approach and that the training program had been successful with other employes.

The appellant also emphasized the rather substantial change for the worse in her evaluation from December 19, 1978 to February 2, 1979. This does not seem that out of the ordinary, since she became more involved in Mag-Card operations during this period, more is expected from an employe as they gain experience, and the unit became busier over this period.

Although less than 30% of her work involved the Mag-Card function,

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it clearly was of importance to the operation of the unit, and the respondent was entitled to adequate performance of all phases of the job.

ORDER

The action of the respondent is sustained and this appeal is dismissed.

Dated: Nov. 8, 1979. STATE PERSONNEL COMMISSION

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Charlotte M. Higbee
Commissioner

AJT:jmg

10/8/79