



4. At the time of his termination, appellant was classified as a Natural Resources Supervisor 2. He had responsibility of administering the Glacial Lake Grantsburg Work Unit which encompasses 47,500 acres and is the largest block of state-owned wildlife lands in Wisconsin and is intensively managed for waterfowl, prairie grouse and associated public recreational use. (Respondent's Exhibit 4).

5. Appellant supervised six wildlife management technicians, one auto mechanic, one 11-month seasonal secretary-receptionist, and a Young Adult Conservation Corps leader (limited term employe) and a crew of six. During the summer months, he also supervised a Youth Conservation Camp crew of 20 plus two counselors, a cook, one work-study student, and one intern student. These supervisory duties took up 15 percent of his time. (Respondent's Exhibit 4).

6. The Department of Natural Resources conducts a Youth Conservation Camp Program (YCC). As part of that program, teenage youths from throughout the state spend five or six weeks at five seven-day youth camps throughout the state each summer employed in conservation projects. One of these five camps is the Ernie Swift Camp at Minong. A side camp, which operates five days a week, to Ernie Swift is located at Crex Meadows and was under the general supervision of the appellant.

7. The Ernie Swift Camp receives about 100 youths for each five or six week session held during the months of June, July and August each summer. Each week during the sessions, 20 youths from the Ernie Swift Camp spend five days, Monday through Friday, at Crex Meadows working on conservation projects.

8. Stan Gaynor was the superintendent of the Ernie Swift facility during the summers of 1978 and 1979. Two counselors were also assigned to help supervise the youths assigned to the Crex Meadows side camp, which is about 60 miles

from the main camp at Minong, during 1978 and 1979. The superintendent and counselors were not regular DNR employes but were limited term summer employes.

9. Appellant was given good to excellent performance evaluations for the years 1976 through 1978 (Appellant's Exhibits 5, 6, 7). He also was given a merit pay increase on July 1, 1979. (Appellant's Exhibit 2).

10. Appellant was praised by his immediate supervisor, Harry Libby, in a memorandum dated August 14, 1978, in which Libby states: "Your numerous accomplishments and professional supervision of the Glacial Lake Grantsburg complex are a testament to your technical knowledge and organizational abilities..." (Appellant's Exhibit 3).

11. Appellant was praised by Joann M. Lohr, assistant superintendent of the Ernie Swift Camp, in a letter dated August 7, 1979, in which she stated: "Thank you for helping make this summer's youth conservation camp a success..." (Appellant's Exhibit 4).

12. Phillip F. Wallace, a staff specialist assigned to the DNR Northwest District headquartered in Spooner, was told by Gaynor sometime early in June, 1979, that there had been problems during the summer of 1978, at the Crex Meadows YCC side camp. These problems consisted of the youths not leaving for their conservation work projects at the scheduled 8:00 a.m. starting time and not being given proper work assignments. Wallace is the coordinator for the YCC program in the Northwest District.

13. Wallace subsequently spoke to Evrard about these problems. Appellant admitted that there had been problems during 1978 but said he had taken care of them and expected no such problems during the summer YCC program in 1979. He blamed part of the problems on the counselors who were assigned to Crex Meadows during 1978. He had previously requested that David Montgomery, one

of the two counselors, not be reassigned to Crex Meadows during the summer of 1979.

14. On August 3, 1979, Wallace was told by counselors assigned to the Crex Meadows side camp while he was making a routine visit to the main camp at Minong that these same problems were continuing during 1979 at Crex Meadows.

15. Wallace and James E. Schweiger, an area supervisor for the DNR Northwest District, went to Crex Meadows on August 7, 1979, to check out these problems at the instructions of Robert J. Becker, assistant director of the DNR Northwest District. Wallace and Schweiger arrived at Crex Meadows shortly before 8:00 a.m. and parked adjacent to the camp to observe whether the YCC youth were leaving for their work assignments on time. When they did not see vans leaving the camp with the youths, they drove into the camp about 8:50 a.m.

16. Schweiger and Wallace then discussed the situation with Evrard, although Wallace was present for only a part of the conversation. Evrard explained to Schweiger that he had changed the work schedule for the technicians who worked under him and who helped supervise the YCC youths on the conservation work projects. Evrard told Schweiger that the technicians were now taking their morning coffee break after they finished preparing their equipment and before going out into the field rather than taking their coffee break later, that he thought this was a more efficient way to operate. Schweiger told Evrard that in the future the technicians would have to be ready to leave camp at 8:00 a.m. when the YCC youths were scheduled to leave for work.

17. Gaynor reported to Wallace some time in July, 1979, that he had reports that one of the DNR personnel at Crex Meadows was becoming too familiar with some of the YCC female campers at the side camp. Wallace telephoned Evrard on July 25, 1979, and asked Evrard to check this out. He told Evrard the DNR

employee involved was Charles Wilson, a technician working at Crex Meadows. He didn't give the appellant the names of any of the female campers allegedly involved.

18. Evrard was unable to speak to Wilson until July 30, 1979, since Wilson was on annual leave on July 25th. Wilson explained to appellant that three female YCC campers had joined him in the cab of his truck one time when it began to rain while they were in the field on a work project and that they were all jammed against one another. He also said that he had put his arm around the waist of a female camper while permitting her to ride on the side of a bulldozer he was operating to support her from falling. He denied any improper physical advances toward any camper. Evrard told Wilson about the allegations and warned him not to get familiar with any of the female campers. Evrard also instructed Duane Sandberg, foreman of the technicians, and Susan Revolinski, a YCC counselor at Crex Meadows, not to assign any female campers to work with Wilson in the future. Evrard reported this to Wallace in a telephone conversation a few days later.

19. Some time in the summer of 1976, Wilson put his hands on the shoulders of a 23-year-old female work-study student in the office at Crex Meadows. The student, Lavonne Matson Carlson, testified that she told him to remove his hands and he did. She did not consider the incident important enough to report to appellant. However, Wilson later bragged to Sandberg that he had touched the student's breasts and Sandberg reported this to Evrard. Evrard then discussed the incident with Wilson, reprimanded him, and told Sandberg not to permit Wilson to be alone with any YCC female campers. He did not report the incident to his supervisors.

20. A few days after August 7, 1979, Wallace contacted Gaynor to find out if the problem at Crex Meadows had been resolved. Gaynor stated that the YCC youths were now leaving for their work projects at 8:00 a.m. but that the DNR technicians

were not arriving in the field to supervise them until about 9:00 a.m. Wallace and Becker then decided to review the daily work project reports made out by the Crex Meadows YCC counselors.

21. A work project report made out by Pamela Ore, a YCC counselor at Crex Meadows in 1978 and during the first half of the summer YCC program in 1979, indicated that Lyman Lange, a Crex Meadows technician, told lewd stories about geisha girls to the campers on July 3, 1979. Lange denied telling any lewd stories about geisha girls. He testified he has a geisha girl tattoo on his arm which is visible when working in the summer in short-sleeved shirts. Another work report by Ore, dated July 5, 1979, reported that someone had been "physically molested." (Respondent's Exhibit 14).

22. Wallace reported what he had found on the work project reports to David Jacobson, director of the DNR Northwest District. Jacobson, Becker, Wallace, Schweiger and Robert Drice, a DNR wildlife specialist, met in Spooner at DNR headquarters on the morning of August 13, 1979, to discuss the problems at Crex Meadows.

23. Jacobson met with Schwieger, Gaynor, Joann Lohr, and David Montgomery early in the afternoon of August 13, 1979, and discussed the problems at Crex Meadows.

24. At about 3:00 p.m. on August 13, 1979, Jacobson, Becker and Evrard had a meeting to discuss the problems at Crex Meadows. The discussion lasted about 30 minutes. Jacobson told Evrard he was going to investigate the matter personally, asked Evrard for his help in assisting the investigation, and asked him to submit a report on what he had done to correct the problems. (Tr. 121-22). Although appellant was told some sort of disciplinary action was being considered, he was not told that termination was being considered.

25. Between August 14-16, 1979, Jacobson spoke to a number of the personnel assigned to Ernie Swift Camp and telephoned three of the female counselors and

YCC campers who were involved in the incidents with Wilson. Jacobson then asked them to submit written reports to him concerning the incidents. (Respondent's Exhibit 9, 17).

26. Jacobson went to Madison on August 20, 1979, and met with DNR officials and legal staff and recommended to them that Evrard be terminated. They agreed with his recommendation and it was decided to prepare resignation and termination letters for Evrard by DNR personnel in Madison.

27. On August 23, 1979, Jacobson called Evrard to his Spooner office and gave him the opportunity to resign or to be terminated. Evrard at first refused to resign but then changed his mind and did sign the resignation letter which had been prepared earlier.

28. Appellant appealed his termination to the Personnel Commission in a letter dated September 5, 1979, and received by the Commission on September 11, 1979.

29. Some time in April, 1980, a letter dated April 21, 1980, was sent to appellant which contained a new charge not contained in the original termination letter of August 23, 1979, which was not given to Evrard after he signed the resignation letter. Appellant moved to limit the scope of the hearing in this case to restrict testimony on this additional charge but the Commission denied this motion in an Order dated July 17, 1980.

30. The termination letter dated April 21, 1980, lists four charges against appellant. (Respondent's Exhibit 1). The charges and my findings are as follows:

A. "1(a) Manual Code 9121.06(1)(b) prohibits employes from neglecting job duties or responsibilities. (a) You violated this Manual Code as a supervisor by not reporting to your supervisors and not taking effective disciplinary action when one of your employes made improper physical advances to young women associated with the Department's Youth Conservation Corps program at Crex Meadows."

The facts brought out at the hearing do not substantiate this charge. The incident involving the work-study student in 1976 was not serious enough, according

to her own testimony, to report it to appellant, (Tr. 506). Appellant did investigate the incident when he was informed about it later and orally reprimanded the technician involved. The incident on July 5, 1979, involving the same technician was also not directly reported to Evrard by the YCC youth or the counselor involved. Appellant was first informed about the incident in a telephone call from Wallace on July 25, 1979, and even then was not given the names of the female youths alleged to have been involved. Appellant again orally reprimanded the technician involved, instructed his foreman and the counselor not to send female YCC youth out in the field with the technician in the future, and reported his actions to his supervisors.

B. "1(b) You further violated this work rule by allowing extensive loafing by numerous employes that you had the responsibility to supervise. This conduct by your employes, in violation of Manual Code 9121.06(1)(c), took place at a minimum during the summers of 1978 and 1979 at the beginning of work days on a virtual daily basis. This conduct generally took place in the Youth Conservation Corps Camp kitchen at Crex Meadows."

This charge is also not substantiated by the evidence presented at the hearing. Appellant and all the permanent DNR employes who worked at Crex Meadows who testified at the hearing denied that any loafing took place. Supervisors Hendrikse, Wallace, Schweiger and Becker all testified that they visited Crex Meadows as part of their duties but the only time they observed any suspected loafing was when Wallace and Schweiger visited the camp on August 7, 1979. At that time, Evrard explained that he had changed the work schedule to permit the employes who worked under him to take their morning coffee break before leaving camp. Schweiger ordered appellant to stop this practice and he did so. If Schweiger, appellant's immediate supervisor, had been aware of any loafing by Crex Meadows employes other than the August 7, 1979, instance, he had a responsibility to report it but there is no such showing in the record.



C. "1(c) You further violated this work rule by failing to report to your supervisors and take effective disciplinary action when your employes on a virtual daily basis during the summers of 1978 and 1979 took and consumed beverage and food in the aforementioned kitchen. The food and beverages were Department property which was present at that facility for the sole consumption by Youth Conservation Corps employes living at that facility. This conduct by your employes was in violation of Manual Code 9121.06(3)(a) and Pers.24.06, Wis. Adm. Code."

The evidence adduced at the hearing substantiated this charge in regard to beverages and partially substantiated the allegation regarding food. There is no question that Crex Meadows DNR employes drank coffee in the YCC kitchen at the camp on a daily basis during 1978 and 1979 and only a small portion of the coffee had been paid for by themselves. It should be noted, however, that this coffee was left over from breakfast in the YCC kitchen and would presumably have been thrown out if it was not consumed by the DNR employes.

With regard to food, Montgomery testified that he saw Darlene Christiansen, appellant's secretary at the camp, take home some left over food one time in 1977. Ms. Christiansen admitted that this occurred once and that she was later reprimanded by appellant for doing so. She and other Crex Meadows DNR employes admitted eating cookies they were offered by the woman employed as a cook in the YCC kitchen.

D. "1(d) You further violated this work rule by not reporting to your supervisor and not taking effective disciplinary action when you allowed your employes to engage Youth Conservation Corps employes, on a repeated basis, in the washing of your employes' private vehicles on state time. This conduct by your employes was in violation of Manual Code 9121.1(7) and Manual Code 9121.06(3)(b). Your conduct in this latter instance also violates Manual Code 9121.06(4)(m) which directs employes from exercising a lack of good judgment in dealing with fellow employes, representatives of other agencies or the general public and Manual Code 9121.1(7) which prohibits employes from using their official position to secure privileges for themselves or others."

This allegation is not substantiated by evidence brought forth at the hearing.

E. "2. Manual Code 9121.6(3)(a) provides that Department personnel shall at all times refrain from stealing, including unauthorized removal of Department property, equipment or supplies. Section Pers. 24.06, Wis. Adm. Code, further provides that no state employe shall use state property for private activities. You personally violated

these provisions by taking and consuming beverages and food in the aforementioned kitchen on a virtual daily basis during the summers of 1978 and 1979. The aforementioned food and beverages were Department property which was present at that facility for the sole consumption by Youth Conservation Corps employees living at that facility."

The evidence adduced at the hearing substantiated this charge in regard to beverages but does not substantiate the allegation regarding food. Appellant admitted drinking coffee in the YCC kitchen that belonged to the YCC supplies but denied consuming YCC food. No witness testified that they observed Evrard consuming YCC food.

F. "3. Manual Code 9121.1(6) prohibits Department employees from engaging in any acts or relations which will violate their public trust and reflect discredit on themselves or the Department. Each of the above-stated acts or omissions that you engaged in have violated the public trust and have reflected discredit on yourself and the Department. Each of these acts or omissions that you engaged in were done under the direct observation or knowledge of several young men and women of the Youth Conservation Corps and their respective counselors."

To the extent that the previous allegations have been substantiated by the evidence as noted earlier, this charge is true.

G. "4. Manual Code 9121.06(1)(a) provides that Department personnel shall refrain from committing acts of insubordination, disobedience, failure or refusal to follow written or oral supervisory instructions, directions or assignments. You violated this Manual Code by not complying with the purchasing rules and procedures contained in Manual Code 9321, Manual Code 9322, Manual Code 9324 and Manual Code 9325 in the purchase of steel in 1979 primarily for the construction of bear traps."

This charge was substantiated by the evidence. Appellant admitted that he violated these rules in the purchase of a quantity of steel during 1979.

31. By letters dated August 22, 1979, and April 21, 1980, respondent terminated appellant effective August 23, 1979.

32. In the context of appellant's violations of the Manual Code and Wis. Adm. Code, as set forth in finding 30, the appellant's overall record of employment with DNR, and all the other circumstances, the discharge of appellant was an excessive punishment. The findings of misconduct and inadequate

CONCLUSIONS OF LAW

1. This appeal is appropriately before the Commission pursuant to s.230.44(1)(c), Stats.
2. The issue of whether there was just cause for the discipline imposed includes the question of whether the discipline imposed was proper.
3. There was just cause for the imposition of some discipline.
4. The imposition of termination from employment was excessive and should be modified to a 30-day suspension without pay.
5. Appellant should be reinstated to his former position with back pay as provided by s.230.43(4), Stats., less the 30-day suspension.

OPINION

The action of the respondent in choosing the most severe form of discipline, termination of employment, is not warranted by the facts in this case. Respondent has stated five distinct charges for the termination:

- 1) Appellant did not report to his supervisors nor did he take effective disciplinary action when one of his employes made improper physical advances to young women at the Crex Meadows YCC Camp.
- 2) Appellant permitted his employes to loaf.
- 3) Appellant consumed food and beverages belonging to YCC supplies and permitted his employes to do so.
- 4) Appellant permitted his employes to engage YCC youths in washing their private vehicles on state time.
- 5) Appellant improperly followed purchasing rules in purchasing a supply of steel.

As to charge one, the employe involved, Charles Wilson, denied ever making any improper physical advances. He did admit bragging to a fellow employe that he had done so, but in this instance, the woman involved testified that she

did not feel this incident which occurred in 1976 important enough to report to appellant or any other supervisor (Finding of Fact #16).

Wilson also denied making any improper physical advances to female YCC youths during 1978 and 1979. Pamela Ore, a YCC counselor at Ernie Swift Camp those two summers, testified that Wilson touched her indecently in 1978. Yet, she failed to report this incident to appellant or anyone else for more than a year. Ore also testified that two female YCC campers told her that Wilson had made improper physical advances to them on July 5, 1979. Ore noted in her work report for that day that someone had been "molested" and said she contacted Gaynor that day or the next day to report it. She did not report the incident to appellant who was located at Crex Meadows, not 60 miles away in Minong where Gaynor was headquartered.

No one contacted appellant about this incident until July 25, 1979, nearly three weeks later, when Wallace telephoned appellant and discussed several matters concerning the operations at Crex Meadows. Even then, appellant was not given the names of any of the females allegedly involved and was simply asked to check out the report. Appellant did contact Wilson, Wilson denied any improper advances but Evrard reprimanded him and warned him about any such conduct. He then reported his actions to Wallace.

The next time appellant heard about this incident was August 13, 1979, when he was called to Jacobson's office and asked about it. Appellant volunteered his knowledge about the 1976 incident involving Ms. Carlson at this meeting and explained what he had been told by Wilson concerning the 1979 incident. Appellant was told by Jacobson that an investigation was to be made

and that he was to cooperate in that investigation. Ten days later, he was again called to Jacobson's office and terminated.

It is interesting to note that there is nothing in the record to indicate that Wilson was ever asked by any management official for his side of the story, other than appellant who informed management officials that Wilson denied the allegations, prior to Wilson being forced to retire or by terminated immediately after appellant was terminated on August 23, 1979.

Ore's testimony concerning these incidents is not credible. A reading of her daily work reports (Respondent's Exhibit 14) clearly demonstrates her tendency to overdramatize events. Her hostility toward appellant was evident in her testimony, apparently because he "ran a tight ship" at the YCC Crex Meadows and did not permit the YCC youths and counselors as much freedom as they would have liked.

A thorough investigation of the allegations was apparently never made. Neither was Wilson ever afforded the opportunity to explain his version of what happened or face his accusers to get at the truth of the charges. Under the circumstances, appellant's actions in only reprimanding Wilson twice prior to being terminated do not seem out of line.

Charge two, that of permitting his employes to engage in "extensive loafing," in the mornings in the YCC kitchen, is not supported by a preponderance of the evidence. All of the DNR permanent employes at Crex Meadows who testified denied loafing. None of the DNR district supervisors who testified observed any loafing. The charge apparently stems from the fact that appellant permitted the employes to take their morning coffee breaks in the YCC kitchen

prior to going out into the field and the testimony of several of the YCC counselors that they observed the technicians drinking coffee in the kitchen in the mornings. The counselors were not in a position, however, to know what the specific work assignments of the technicians were. It was clearly established that considerable preparation of machinery and equipment was necessary most mornings before the technicians could be ready to leave for their work assignments.

It is difficult to understand that "extensive loafing" could have taken place "at a minimum during the summers of 1978 and 1979" and not be observed by one of the DNR district supervisors who testified that they regularly visited Crex Meadows as part of their duties. When appellant was ordered to stop the practice of permitting the morning coffee break in the YCC kitchen by Schweiger on August 7, 1979, he immediately did so.

Appellant has admitted charge three that he consumed YCC coffee and permitted his employes to do so. The employes also admitted that they were given cookies by the YCC cook to eat. It is important to note, however, that the coffee consumed by appellant and his employes was left over from breakfast served to the YCC youths and would presumably have been thrown out if it was not consumed. Appellant also testified that DNR supervisors witnessed Crex Meadows personnel drinking the coffee over a period of three years and never objected to the practice.

The only instance of an employe taking home food was the testimony of appellant's secretary that she took some left-over food home once. When informed about this, appellant reprimanded her. The cook testified that she normally took home left-over food which she fed to her chickens.

There is no credible evidence to support charge four. Appellant and all the permanent DNR Crex Meadows employes denied that they ever ordered or permitted YCC campers to wash their private vehicles. Michael Culver, a YCC counselor, related in a letter to Jacobson dated August 20, 1979 (Respondent's Exhibit 12) that campers had washed private vehicles "on more than one occasion" and that the campers had been ordered to clean beer cans from appellant's vehicle. During his testimony at the hearing, he admitted that several campers had informed him on only one occasion that they had washed some vehicles they "thought" were private vehicles. Appellant explained that he had once requested YCC youths to clean some beer cans from his state-owned vehicle that he had picked up while on a tour of the wildlife lands.

Appellant admitted he violated the manual code in purchasing some steel in his testimony. He testified that he obtained a quantity of steel to make bear traps from a local supplier before receiving a purchase order from DNR district headquarters in Spooner. He wanted to use the steel during the winter months when his men had time to construct the bear traps. After purchasing the steel locally, he received the purchase order from Spooner indicating that a Duluth, Minnesota, firm was the low bidder. By this time, appellant had already begun to use the steel he had received earlier. Rather than admit his mistake, he began submitting false bills of less than \$50 each which he paid to the local supplier in order to pay for the steel which had cost about \$390. On purchases of less than \$50, bids did not have to be received.

There is no allegation that appellant received any personal gain from this transaction. DNR did receive and presumably used both orders of steel. The

state did pay 18% more for the order of steel appellant purchased from the local supplier than the steel provided by the low bidder.

Respondent has chosen to lay all the responsibility for the problems it perceived at the YCC side camp at Crex Meadows at appellant's door step. Yet, the Youth Conservation Camp Handbook (Respondent's Exhibit 6), spells out the responsibility for operating these camps from the DNR Office of Intergovernmental Programs in Madison, to the DNR District Director, to the District YCC Coordinator, to the Camp Superintendent and Assistant Superintendent, to the camp counselors. Respondent apparently attempted to clarify this line of responsibility after the fact in this case by issuing a supplement to the Manual Code in January, 1980 (Appellant's Exhibit 10).

There is no testimony anywhere in the record that the Camp Superintendent, Assistant Superintendent, or counselors ever reported any of these problems directly to appellant. It is also important to note that appellant testified that the supervision of the 40 persons who worked under him, including the counselors, consisted of only about 15% of his work time. There is also nothing in the record to indicate that respondent took any disciplinary action against any of the other supervisors responsible for the YCC program at Crex Meadows except for appellant.

We have in this case an employe with more than 10 years of state service with a record of continuous promotion and good performance. He had never before been disciplined. Ten days before his termination, he met with his supervisors and was asked to cooperate with an investigation into the problems that were discussed. Although the possibility of some disciplinary actions being taken



was discussed, he was not told explicitly that termination was being considered. As a matter of fact, one of his immediate supervisors told appellant several days later that a suspension of some kind was being considered.

In an appeal of a disciplinary action of this nature, the Commission must determine both whether there was just cause for the imposition of discipline and whether the amount of discipline imposed was excessive. See §230.44(1)(c) and §230.44(4)(c), Wis. Stats.; Reinke v. Personnel Board, 53 Wis. 2d 123,133, 191 N.W. 2d 833 (1971); Holt v. DOT, Wis. Pers. Comm. 79-86-PC (11/8/79).

The Wisconsin Supreme Court has defined "just cause" as follows:

"...one appropriate question is whether some deficiency has been demonstrated which can reasonably be said to have a tendency to impair his performance of the duties of his position or the efficiency of the group with which he works." State ex rel Gudlin v. Civil Service Comm., 27 Wis. 2d 77,87,133 N.W. 2d 799 (1965); Safransky v. Personnel Board, 62 Wis. 2d 464, 474, 215 N.W. 2d 379 (1974).

While the Commission concludes that there was cause for the imposition of some discipline in this case, it also concludes that the amount of discipline which was imposed was excessive and must be modified. Black's Law Dictionary, Revised Fourth Edition, p. 670, defines "excessive" as "tending to or marked by excess, which is the quality or state of exceeding the proper or reasonable limit or measure."

As noted earlier, appellant was guilty of several of the charges made by respondent, that is, violating the DNR purchasing regulations and permitting his employes to consume YCC coffee and cookies and consuming YCC coffee himself. The Commission did not find that the other charges were supported by a preponderance of the evidence, however.

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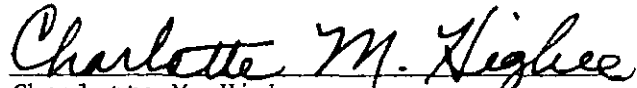
In view of these findings, the Commission has determined that a 30-day suspension without pay would be a more appropriate form of discipline in this instance. Appellant is entitled to be reinstated to his former position and benefits with back pay as provided under §230.43(4), Wis. Stats., less the 30-day suspension period.

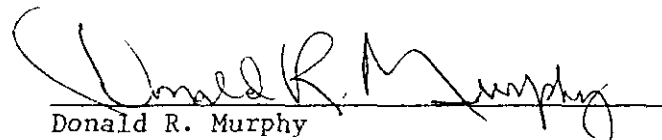
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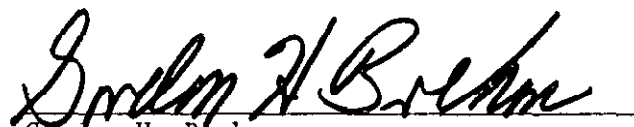
The action of respondent in terminating appellant is modified and this matter is remanded to respondent for action in accordance with this decision.

Dated January 22, 1980 [1981]

STATE PERSONNEL COMMISSION

  
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