

STATE OF WISCONSIN

PERSONNEL COMMISSION

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ALAN ASCHE,

Appellant,

v.

Secretary, DEPARTMENT OF  
CORRECTIONS,

Respondent.

Case No. 90-0159-PC

\* \* \* \* \*

INTERIM  
DECISION  
AND  
ORDER

The Commission adopts the attached proposed decision and order except that the order section is modified to read as follows:

ORDER


Appellant's Motion to void the disciplinary action is denied. There was inadequate notice provided in terms of that portion of the disciplinary letter relating to inappropriate behavior on the part of appellant's subordinates (other than language). Therefore, those allegations are inappropriate for consideration by the Commission in the "just cause" review of the discipline imposed.

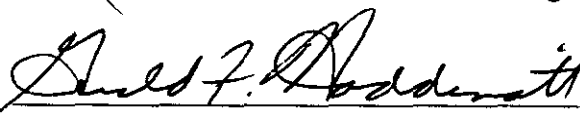
Dated: April 1, 1992

STATE PERSONNEL COMMISSION

KMS:kms

  
LAURIE R. MCCALLUM, Chairperson

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

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ALAN ASCHE,  
                   Appellant,  
 v.  
 Secretary, DEPARTMENT OF  
 CORRECTIONS,  
                   Respondent.  
 Case No.      90-0159-PC

\* \* \* \* \*

PROPOSED  
 DECISION  
 AND  
 ORDER

Nature of the Case

This is an appeal of a disciplinary action. On October 24, 1991, appellant filed a Motion requesting that the Commission void the discipline due to the insufficiency of the notice respondent provided to appellant. A hearing was held on such Motion on January 9, 1992, before Laurie R. McCallum, Chairperson, and the briefing schedule was completed on January 24, 1992.

Findings of Fact

1. At all times relevant to this matter, appellant has been employed as an Officer (Lieutenant) by respondent. From April 24, 1988, through February 8, 1990, appellant was the supervisor of a security unit at the University of Wisconsin Hospital and Clinics (UWHC) in which the security function was carried out by appellant and other Officers employed by respondent and the health care function was carried out by employees of UWHC.

2. In response to a written communication from officials of UWHC, respondent initiated an investigation of allegations made by UWHC in this communication. This investigation was carried out by Ana M. Secchi, Associate Warden for Treatment at Waupun Correction Institution. As part of her investigation, Ms. Secchi conducted an investigatory interview of appellant on Wednesday, February 28, 1990. Also present at this meeting were David Pope, who was representing appellant; and Harvey Winans, Superintendent, Minimum Security Bunkhouse, Oakhill Correctional Institution. Ms. Secchi did

not advise appellant during this meeting of the names of UWHC staff who had made the accusations since these persons had expressed to her fear of retaliation from security staff. In regard to certain incidents, including the photo incident, appellant stated the name of the UWHC staff person who he believed was the accuser. Ms. Secchi did advise appellant of the dates of specific incidents if she was aware of such dates. Ms. Secchi and Mr. Winans prepared a written summary of the investigative interview. Appellant received a copy of this summary on or around April 6, 1990. This summary states as follows, in pertinent part:

At the beginning of the meeting, Lt. Asche was informed of the reasons for the investigatory meeting. He was informed that the Department of Corrections had received a formal complaint from University of Wisconsin Hospital administration alleging that Department of Corrections Security staff assigned to the Security Ward at U.W. Hospital had allegedly engaged in the use of profane language on an ongoing basis and had made derogatory comments directed at the hospital staff. He was informed that the complaint alleged that officers made comments directed at nurses which were sexual or physical and the conduct amounted to sexual harassment of University Hospital employees.

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With respect to the use of profane language, specifically using words such as: fuck, mother fucker, son of a bitch, asshole, etc., Lt. Asche stated that on occasion outpatient guards in the unit swear, one time he received a call from Connie Rigdon, Nursing Supervisor, complaining about the swearing in the unit. He states he went to the back room and told the officers and inmates to tone it down and it stopped.

According to Lt. Asche, on occasion swearing takes place through normal conversation, that he has found himself saying "hell" and "damn", however, he apologized. He further believes that the environment lends itself to swearing, since the unit is a prison setting.

Lt. Asche was given examples of specific allegations raised against him and against his staff.

Against his staff:

1. Sgts. Schultz and Clemons were identified as the worst violators in terms of their language and behavior with the nurses. Examples cited were:

- a. Referring to nurses body parts, i.e.: "fat ass nurse", "nice ass."
  - b. Stating, within earshot of nursing staff, wanting to "lick them" and when confronted stating, "What do you think we think about when we walk behind you nurses."
  - c. Sgt. Schultz referring to a pregnant nurse as "knocked up."
  - d. Sgt. Wollin's action of whistling, "I'm Going to Find Me a Bluebird" in the presence of a Nursing Supervisor who has a tatoo of a bluebird on her left breast in the presence of outside officers and inmates.
  - e. Sgt. Schultz continuously stating, "I hate doctors", "I hate nurses", having a hate list and at the top are doctors and next are nurses.
2. Security staff making racially derogatory statements. As examples:
- a. Sgt. Wollin stating that the death penalty should be imposed as most of prisoners are black and deserve to die.
  - b. Sgts. Wollin and Clemons making known their disapproval of mixed relationships between white women and black men.
  - c. Sgt. Wollin allegedly making remarks to a white female nurse regarding the Georgetown University sweatshirt she 'was wearing, stating it was a "stinking black university" in a "stinking black town."
3. Unprofessional behavior. As examples:
- a. Sgt. Schultz slamming the door in front of hospital staff faces.
  - b. Sgt. Schultz arguing with correctional and hospital staff.
  - c. Correctional staff interfering with direct patient care.

Lt. Asche denies having knowledge of the incidents described except for:

Incident 1.a. He states that conversation in the vein of: "The nice nurse", "the good looking one", "the one with a nice body", etc., sometimes took place inside the Security Ward and not in the presence of hospital staff behind closed doors and no one else overheard.

It is his position that if a complaint had been filed, that he would have done something about it. He recalls when a meeting between hospital and correctional staff took place, it was alleged that Sgt. Clemons had referred about a nurse as a "fucking cunt." It was stated at that meeting that such language would not be tolerated. Nursing staff was informed to file a complaint if it happened.

Lt. Asche was informed that specific allegations were raised against him. These were:

1. On several occasions the security staff had engaged in the use of profane language in his presence, and he did not correct it.

Lt. Asche states that when issues were brought up to him, he handled them. With reference to the profane language, the one incident that was called to his attention was when he received a call from Connie Rigdon, and he went into the back of the unit to tell outside officers to "knock it off," and the behavior stopped.

2. He, himself, had engaged in the use of profane language.

Lt. Asche states that swearing is part of the prison environment, and, on occasion, he had said words such as "hell", "damn", but he apologizes if it was done in someone's presence. He denies that anyone objected, complained or brought it to his attention that he was using profane language.

3. He was informed of Sgt. Schultz's use of profanity and was informed that nursing staff objected to it. Instead of correcting the situation, he allegedly stated to the Nursing Supervisor that his nurses are going to have to get used to a few "mother f. . .s" once in a while and that he could do nothing about Schultz because he was infringing upon his "First Amendment Rights."

Lt. Asche flatly denies making such statements. He states he talked to Sgt. Schultz about him standing in the hallway saying loudly, "I hate doctors", "I hate nurses." Sgt. Schultz did not do it again.

This was verified by Sgt. Schultz and Connie Rigdon, Nursing Supervisor.

4. On October 24, 1989, he was involved in the following incident:

A nurse was working in the Security Unit and he asked the nurse if she wanted to see a photograph of him when he was a little boy. She stated, "yes." He then, allegedly, went to his office, took a photograph and showed it to the nurse.

The photograph was that of a young boy of normal size with an overimposed photograph of an abnormally large, naked penis that was bigger than the child.

The nurse expressed her objections to the picture.

The nurse states that he came back later, and he again asked if she wanted to see another picture. She replied, "I've had enough of your pictures."

Lt. Asche admits he had that photograph with him. he states that he was showing it to other outside officers who were in the unit and the nurse came by him and looked over his shoulder and saw the picture. He denies showing the picture to her. According to Lt. Asche, the nurse's comment was: "Al, you know I don't like things like that." At that point, he apologized to her and did not pursue the issue any more.

3. On March 29, 1990, a pre-disciplinary meeting was held at which appellant; Jeffrey Wydeven, Associate Warden for Treatment at Oakhill Correctional Institution; and Glen Henderson, Security Director at Oakhill Correctional Institution, were present. Appellant was notified that the meeting was the result of the investigation conducted by Ms. Secchi and was a follow-up to the investigatory meeting held on February 28, 1990. Mr. Wydeven advised appellant of the findings and conclusions resulting from the investigation of appellant and the investigatory meeting with appellant. The summary of the pre-disciplinary meeting prepared by Mr. Wydeven and Mr. Henderson states that these findings and conclusions were presented to appellant as follows:

1. Lt. Asche did engage in the use of profanity in the work place and also allowed staff under his control to engage in the use of profane language in the work place.
2. Lt. Asche brought into the unit a photograph of a naked boy with a large penis overlaid on it. He did show this to other staff and it was seen by a person who objected to its presence. This

incident would indicate to the staff under his control that he did indeed condone this type of behavior.

3. Lt. Asche failed to maintain a proper supervision of his staffs' interactions with other staff, he failed to recognize and react to inappropriate staff actions and behavior, including harassment, and did engage in conduct that would be counter productive to a positive or proper working environment.

4. The summary of the pre-disciplinary meeting indicates that appellant replied as follows to these findings and conclusions:

1. That's not entirely true, there was more than one occasion, I did go back there and tell both staff and inmates to "knock it off". This happened on many occasions, that I told them to knock it off.

A lot of nurses themselves swore. They also, had "Potty mouths". I admit I swear, but I've never swore at any individual. When you've spent 14 years in a prison setting, yes, some times a curse word does slip out of my mouth. I only use words like hell or damn. I don't use words like fuck or mother fucker. I don't use words like that and definitely not here. I think their making a mountain out of a mole hill here. Except, for a church, I don't think there is a place in America where people work, that they don't use curse words. I was aware of my position, I believe in professionalism of this type and I didn't use curse words like this in my everyday job. The point I am trying to make is I don't swear as a rule, I didn't swear up there. I've never swore at a doctor or nurse up there, at any time.

Whenever any swearing was loud or out of hand I did tell people to stop.

2. The first part of the paragraph is correct, I'm guilty. I had it in my possession and it was like locker room humor. It was wrong to bring it to work and I'm guilty of that. The person that saw it said "AL, you know I don't like that sort of thing", and I apologized. She did look at it over my shoulder, I didn't show it to her. Again, I did apologize to her. When it happened I wasn't even aware she was there. In the second part of the paragraph, no I don't condone that type of thing. I have told others if they brought stuff like that in, to get rid of it or put it away. The one thing I did was a "one shot" deal only. It never happened before or after that time. This sounds like I let people run up and down the hall flashing themselves. I've never condoned anything like this.
3. That's a lie. I did not fail to maintain a proper interaction with other staff. If there were problems, I did resolve

them, most times, on the spot. I was one person, responsible for that unit 24 hours a day. Obviously, I couldn't be there 24 hours per day and if things happened and no one said anything, how can I correct something I had no knowledge of. I just totally disagree with that first part.

That's also a lie. I did react to inappropriate behavior. If things were happening, no one told me about them. I don't think I failed, if I would have known something, I would at the very least, have notified my supervisor and got them down there to help me with it.

Totally disagree. I tried to supervise the place as good as I could and in my mind, I thought I was doing that. What I really want you to understand is how thin you are really stretched up there, I had admitted inmates, outpatient inmates, my own staff, outpatient escort officers, all the different institutions to deal with. You have all this tugging at you 24 hours per day. Each and everyone of those listed, all had problems that I had to deal with. Considering all that, I guess I'm a human being also and I didn't see and hear anything all the time. I at times couldn't even take the family out where they didn't track me down. Sometimes there wasn't a moments peace. Considering all that and until they got together and decided they didn't like one or all of us, I think I did a pretty good job of it. If I took you up there now, I could find more people to say good things about me than you would ever find to say bad things at the hospital. There aren't friends, these are people I've had contact with or worked with.

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I feel I did the best job I could under the circumstances, being only one person. If you asked the transportation officers about how it was after I took it over, it was much better.

As far as I'm concerned, I did one stupid thing and that was the picture. I just don't feel I should loose my job over that mistake. I admit that there were personality conflicts between officers and nurses, but I did call both in and counselled them on it. I told people on many occasions, put aside their personal differences and do the job they were assigned to do. For my part in this only, I think they made a mountain out of a mole hill and some of it is totally wrong.

I would like to request a copy of what I've just said, a copy of today's proceedings and the final report. It is about me, it affects me, and I think I'm entitled to it.



5. Appellant was provided a copy of the summary of the pre-disciplinary meeting.

6. In a letter to appellant dated April 6, 1990, Catherine Ferrey, Superintendent, Oakhill Correctional Institution, stated as follows:

This is your official notification of the following discipline: (1) a disciplinary suspension of fifteen (15) days without pay and (2) reassignment to Oakhill Correctional Institution for violation of Department of Corrections Work Rules 1 and 5. Work Rule 1 prohibits "Disobedience, insubordination, inattentiveness, negligence, or refusal to carry out written or verbal assignments, directions, or instructions". Work Rule 5 prohibits "Disorderly or illegal conduct including, but not limited to, the use of loud, profane, or abusive language; horseplay; gambling; or other behavior unbecoming a state employee".

In addition, while this reassignment is related to your misconduct while working on the Security Ward that has resulted in this disciplinary action, this reassignment is also based on our administrative responsibilities and concerns.

This suspension is for the following workdays: April 8, 9, 10, 11, 12, 13, 16, 17, 18, 21, 22, 23, 24, 25, and 26, 1990.

You will be expected to return to your regularly scheduled shift at Oakhill Correctional Institution on Friday, April 27, 1990.

During February and March 1990, the Department of Corrections (DOC) investigated a complaint made by the University of Wisconsin Hospital and Clinics (UWH&C) that alleged DOC Security staff working on the UWH&C Security Ward had engaged in conduct that constituted sexual harassment of and/or a hostile work environment for UWH&C employees.

An investigatory meeting was held on February 28, 1990, which included you, your representative David Pope, and DOC Investigators Harvey Winans and Ana Secchi. A pre-disciplinary meeting was held on March 29, 1990, which included you (you declined representation), Security Director Glen Henderson, and Treatment Director Jeffrey Wydeven. At this pre-disciplinary meeting, the results of the DOC investigation into the allegations were summarized and presented to you for your comments.

Based upon the facts obtained in this investigation and the meetings, I have concluded that you violated Work Rule 1 by your failure to follow the Department of Corrections Policy on Harassment and your failure to recognize and react to inappropriate DOC staff actions and behavior including harassment, and in violation of Work Rule 5 by your use of profane language and by bringing into the work unit a photograph of a naked boy with

a large penis overlaid on it. You showed this picture to other staff, and it was seen by a UWH&C staff member who objected to its presence. This conduct would indicate to both DOC and UWH&C staff that you did indeed condone this type of behavior. It is a supervisor's responsibility to set a positive example, be aware of the work place climate and be proactive in terms of prevention.

You have left me no alternative but to discipline you in this manner. This type of conduct can not be condoned. You are expected to conduct yourself in a professional manner at all times.

Any future incidents of this nature or failure to follow Administrative and Work Rules in the future may result in further disciplinary action up to and including discharge.

If you believe that this action was not based on just cause, you may appeal to the State Personnel Commission. This written appeal must be received by the Commission within thirty (30) days of the effective date of this action or within thirty (30) days after you have been notified of the action whichever is later.

#### Conclusion of Law

The letter of discipline provided the appellant with adequate notice in regard to all allegations except that relating to the allegedly inappropriate behavior (other than language) of his subordinates.

#### Opinion

Appellant argues that, by failing to answer the "5 W's"<sup>1</sup>, the disciplinary letter fails to provide the notice required by §230.34(1), Stats., and cites the Personnel Board's (the predecessor agency to the Commission) decisions in Beauchaine v. Schmidt, Case No. 73-38 (10/18/73), and Bohen v. McCartney, Case No. 74-1 (10/10/74), aff'd by Dane Co. Cir. Ct. in McCartney, et al. v. Wis. State Personnel Bd., Case No. 144-439 (1975), in support of his argument.

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- <sup>1</sup>
1. What wrongful acts the employee is alleged to have committed.
  2. When the employee is alleged to have committed the wrongful acts.
  3. Where it is alleged the wrongful acts took place.
  4. Who says the wrongful acts occurred, that is, who accuses the employe.
  5. Why the particular penalty of discipline was imposed.

The Commission is surprised by this argument and citation of authority since there has been a lot of water under the bridge in regard to this issue since Beauchaine and Bohen were decided. The standard of what constitutes adequate notice of a disciplinary action was discussed by the Commission in Israel v. DHSS, 84-0041-PC (7/11/84), as follows:

At the time that an employe with permanent status in class is "removed, suspended without pay, discharged, reduced in base pay or demoted", the appointing authority shall "furnish to the employe in writing the reasons for the action." §230.34(1)(a) and (b), Stats. Neither the statutes nor the administrative code supply any additional specification in terms of what constitutes adequate notice of a disciplinary action. In its decision in Huesmann v. State Historical Society, 81-348-PC (1/8/82), the Commission summarized some state cases that provide a framework for applying the statute:

Several relatively recent decisions by the Wisconsin Supreme Court have addressed the question of whether a particular letter of discipline has met due process requirements. In State ex rel. Messner v. Milwaukee County Civil Service Commission, 56 Wis. 2d 438, 444, 202 N.W. 2d 13 (1972), the court indicated that "due process is not to be measured by rigid and inflexible standards", and that the "notice requirement cannot be defined by any 'rigid formula.'" The court went on to define the notice requirement in terms of being satisfied by a notice:

"reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." Messner, 56 Wis. 2d 438, 444.

In Messner, the court found the notice to have been sufficient even though it did not specify the regulation that served as the basis for the discharge.

In several other recent cases, the notice was also found to be sufficient. In Richey v. Neenah Police & Fire Commission, 48 Wis. 2d 575, 180 N.W. 2d 743 (1970), a notice charging a policeman with conduct "unbecoming a police officer" at a specified time and date was upheld. In State ex rel. DeLuca v. Common Council, 72 Wis. 2d 672, 242 N.W. 2d 689 (1976), the court upheld a notice that set forth sixteen separate charges, where the employe had specifically answered each charge prior to hearing. In the most recent case of Weibel v. Clark, 87 Wis. 2d 696, 275 N.W. 2d 686 (1979), the employe was merely told that he had been discharged for stealing candy from a particular restaurant that was a tenant in the building where he worked. The court ruled that "[d]espite the apparent inadequacy of the notice", the employe was unable to

show he had been prejudiced by DILHR's (unemployment compensation) decision:

The department found, based on the written statement signed by appellant when he filed his claim and on the testimony given at hearing, that appellant knew he had been fired for stealing candy from Heinemann's. The department and the circuit court concluded that appellant could not be prejudiced by the department's failure to apprise him of something he already knew. Weibel, 87 Wis. 2d 696, 704-05.

The purpose of the notice is to inform an employe of the nature of the charges so that he can adequately prepare his defense. Reynolds v. US, 454 F. 2d 1368, 197 Ct. Cl. 199 (1972); Holly v. Personnel Advisory Bd, 536 S.W. 2d 830, (Mo. App. 1976); People ex rel. Mutler v. Elmendorf, 42 App. Div. 306, 59 N.Y.S. 115 (NYAD); Benjamin v. State Civil Service Commission, 17 Pa. Cmwlth 427, 332 A2d 585 (Pa. 1975). Therefore, a reasonable standard to apply in disciplinary notice cases is whether the notice is sufficiently specific to allow the disciplined employe to prepare a defense.

In Bents v. Commissioner of Banking, 86-0193-PC (5/28/87), the Commission stated as follows:

Appellant argued that all letters of discharge must now contain the five (5) "W's"; when, where, why, what, who" as a consequence of the decision of the Personnel Board in Beauchaine v. Schmidt, 73-38 (10/23) "and its progeny." (Appellant's brief, pp. 1 and 2). However, circuit court decision subsequent to Beauchaine as well as decisions of the Personnel Commission indicate that the "five W's" cannot be mechanically applied. In Weaver v. State Personnel Board (Schroeder), 146-209, Dane County Circuit Court (8/28/75), Judge Currie stated:

It has been held that the requirements of due process cannot be measured through the mechanical application of a formula. The unusual fact situation in the Pfankuch case. [where the report of the employe to the employer provided the facts on which the letter imposing discipline was grounded] provides the perfect illustration of a situation where a letter imposing discipline could comply with due process without complying with the 5 W's rule laid down in the board's Beauchaine case decision.

In Hess v. DNR, 79-0203-PC (12/4/79) and Anand v. DHSS, 82-136-PC (3/17/83), the Commission upheld the sufficiency of disciplinary letters where the "five W" test was not met.

The appellant also argues by implication that only the language of the disciplinary letter itself may be considered in determining the sufficiency of the notice. This argument is inconsistent with the decisions in Karetski v. Hill, Pers. Bd. Case No. 10 (10/18/73); Zehner v. Weaver, Pers. Bd. Case No. 74-98 (2/25/75), aff'd by Dane Co. Cir. Ct. Zehner v. State of Wis. Pers. Bd., Case No. 156-399 (2/20/78); Finnegan v. Dept. of Local Affairs and Dev., Pers. Bd. Case No. 77-75 (6/16/78), aff'd by Dane Co. Cir. Ct. Finnegan v. State Pers. Bd. and State Pers. Comm., Case No. 164-096 (7/19/79); Hess v. DNR, 79-203-PC (12/4/79); Anand v. DHSS, 82-136-PC (3/17/83); Fauber v. Dept. of Revenue, 82-138-PC (8/21/84), which hold that information shown to have been communicated to the employee or to have been known by the employee may be considered in determining the sufficiency of the notice.

It is apparent from the disciplinary letter and the summaries of the investigative meeting and the pre-disciplinary meeting that appellant was disciplined for:

1. bringing into his work unit a photo of a naked boy and showing it to other staff, including a UWHC staff member who objected to its presence;
2. his use of profane language in the work unit; and
3. his failure to take appropriate action when he was aware that subordinate staff were using profane language, language with a sexual connotation, or otherwise inappropriate language in the work unit; or that subordinate staff were engaging in other inappropriate behavior.

The question then is whether, taking into account the information presented in the disciplinary letter and the meeting summaries and the information known to appellant, the notice to appellant was sufficient.

In regard to the photo incident, appellant concedes that the notice was sufficient.

In regard to appellant's use of profane language in the work unit, the record shows that appellant acknowledged, during the investigatory meeting and the pre-disciplinary meeting, that he had used words such as "hell" and "damn" on occasion in the work unit and that that he had done this on a continuing basis during his tenure at UWHC. Neither the disciplinary letter nor the meeting summaries provide any other specifics relating to this allegation.

The Commission concludes that the notice was sufficient as to the language appellant has acknowledged he used but not as to any other language.

In regard to appellant's alleged failure to take appropriate action in regard to actions taken by his subordinates, the summary of the investigatory meeting provides a list of specific examples of the type of allegedly inappropriate language used, the details of incidents relating to the use of allegedly inappropriate language, and the identities of the subordinates who allegedly used inappropriate language. Although no specific dates, times, or names of accusers were provided in relation to the specific incidents cited, the record confirms that the allegations relate to a pattern of continuing conduct over the period of appellant's assignment to UWHC and that appellant was aware of this pattern of continuing conduct. Specifically, the summary of the investigatory meeting indicates that he was aware of at least two specific incidents where UWHC staff reported the use of inappropriate language by appellant's subordinates and that he was aware that the use of profane language by security staff was not unusual; and the summary of the pre-disciplinary meeting indicates that appellant was aware that security staff were using profane language and that "on many occasions," he told them to "knock it off." The sufficiency of a notice has been upheld if it has alleged a certain unsatisfactory course of conduct within a particular time frame. See Karetski and Zehner, supra. The Commission concludes that the notice relating to the continuing use of profane language, as described in the summaries of the investigatory and pre-disciplinary meetings, and the notice relating to the specific incidents of the use of inappropriate language by appellant's subordinates, as described in the summaries of the investigatory and pre-disciplinary meetings, are sufficient. The only specifics relating to allegations of unprofessional behavior (as opposed to language) on the part of appellant's subordinates appear in the summary of the investigatory meeting as follows:

- a. Sgt. Schultz slamming the door in front of hospital staff faces.
- b. Sgt. Schultz arguing with correctional and hospital staff.
- c. Correctional staff interfering with direct patient care.

The Commission concludes that not enough specificity is presented by this language to permit appellant to prepare a defense and the notice as to this allegation is insufficient.

Order

Appellant's Motion to void the disciplinary action is denied. The portion of the disciplinary letter relating to inappropriate behavior on the part of appellant's subordinates (other than language) is ordered stricken.

Dated: \_\_\_\_\_, 1992      STATE PERSONNEL COMMISSION

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LAURIE R. McCALLUM, Chairperson

LRM/lrm/gdt/1

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