STATE OF WISCONSIN PERSONNEL COMMISSION

RANDALL L. MEYER,

Appellant,

v.

Secretary, DEPARTMENT OF HEALTH AND SOCIAL SERVICES,

Respondent.

Case No. 91-0006-PC-ER

INTERIM DECISION AND ORDER

The Commission adopts the attached Proposed Decision and Order as an interim decision and order in this matter, except that the second sentence of the order is modified to read:

> Upon the issuance of this decision, the respondent shall reinstate the complainant. The Commission will retain jurisdiction for the purpose of resolving any disputes relating to the issues of back pay and the payment of attorneys fees and the parties are provided 30 days from the date this interim decision is issued as an opportunity to reach agreement on these issues. If the parties are unable to reach agreement during this period, the complainant should contact the Commission so that a status conference can be scheduled.

Dated: June 11, 1992 STATE PERSONNEL COMMISSION

LAURIE R. McCALLUM, Chairperson

KMS/gdt/1

DONALD R. MURPHY, Commissioner

STATE OF WISCONSIN PERSONNEL COMMISSION

RANDALL L. MEYER,

Appellant,

v.

Secretary, DEPARTMENT OF HEALTH AND SOCIAL SERVICES,

Respondent.

Case No. 91-0006-PC-ER

PROPOSED INTERIM DECISION AND ORDER

This matter is before the Commission upon complainant's claim that respondent violated the Family/Medical Leave Act. The parties agreed to the following statement of issue for hearing.

> Whether respondent denied complainant any rights secured by the Family and Medical Leave Act (FMLA) in connection with his termination from employment at Northern Wisconsin Center(NWC).

Prior to the scheduled hearing, the parties stipulated to the factual findings set forth in the Investigative Summary portion of the initial determination previously issued in this matter. That stipulation is set forth below as findings of fact 1 through 19. The remaining findings are derived from various documents which have been admitted into the record by stipulation of the parties.

FINDINGS OF FACT

1. Respondent, Department of Health and Social Services, Division of Care and Treatment Facilities, administers the Northern Center for the Developmentally Disabled (hereinafter, Northern Center), one of three such institutions in the state.

2. Complainant was classified as a Resident Care Technician 2. His duties involved direct care of residents and included bathing, brushing teeth, dressing and other activities.

3 Complainant worked at Northern Center from April, 1990, to September 28, 1990, the date of his termination. At the time of his termination he had not yet completed a permissive 6 month probationary period. Prior to

working at Northern Center, he worked at respondent's Winnebago Mental Health Center and at Central Center for the Developmentally Disabled.

4. On or around July 3, complainant sustained an injury in which he pulled a groin muscle. His physician instructed him to take two days off from work on July 4 and 5. Complainant submitted medical slips for these absences.

5. According to medical documents supplied by complainant's counsel, he was diagnosed in August, 1990, with acute peptic ulcer disease for which he sought medical treatment on a number of occasions.

6. An emergency room report dated August 25, 1990, from St. Joseph's Hospital in Eau Claire, Wisconsin, states that complainant complained of nausea, decreased appetite, a sharp pain in the left side and a persistent flu-like feeling. Complainant's physician authorized him to take two days, August 25 and 26, off from work.

7. Complainant was admitted to St. Joseph's on August 31, 1990, and discharged on September 2. The hospital discharge summary states the following:

> This is a 36 year old male, previously been well except for anxiety disorder since he was a young age. He also is a chronic smoker, smoking 1 pack of cigarettes/day and drinking beer more lately. He apparently hasn't been feeling well for about 12 days with onset of feeling weak and tiredness. He came to the emergency room where he was examined and had a blood test showing slightly elevated bilirubin. He was seen in the office a few days afterwards where more blood tests were done including liver profile, hepatitis screening test which all came back normal. The patient continued to not feel well with pain in the upper abdomen, vomiting periodically. He went to work on the day of admission, felt sick again with vomiting. Because of this, he sought admission to the hospital for further treatment. As noted, patient admits to drinking heavy, consuming about a case of beer/day for 3 days, about 1 1/2 weeks prior to the day he was sick and drinking about 2-3 bottles of beer after that.

8. Complainant asserts that when he was admitted to the hospital, he called Northern Center and informed them of the situation. Complainant also asserts that on prior occasions when he sought medical treatment or was off work for medical reasons he informed a supervisor and used his sick leave.

9. On September 6, complainant saw a physician for sore throat and glands and it was determined he had strep throat. Complainant asserts he called work and informed them he had strep throat. The physician's note

submitted as evidence in this investigation states complainant would be able to return to work on September 8; however, complainant states he took only one day off instead of two.

10. In a letter to this investigator, complainant's attorney stated that because of complainant's peptic ulcer disease, he missed work, had to go into the emergency room on at least two different occasions and had to stay in the hospital for a period of time. He also noted that respondent was fully informed of complainant's health condition but was informed by Darrell Arndt, Personnel Director at Southern Center, that he was being discharged for allegedly taking too many sick days. As a result, he asserts that complainant was denied his rights under the Family and Medical Leave law. Complainant was discharged on September 28, 1990.

11. On September 18, complainant received a letter from Barbara Sandholm, Director of Northern Center, terminating his employment effective September 28, 1990. The letter states, "This action is being taken because of the attendance and tardiness occurrences in your work record since starting at Northern Wisconsin Center on April 30, 1990." The letter further states that complainant was tardy on two occasions and missed a total of 62 hours and 30 minutes on other occasions. The letter finally states that a meeting was scheduled between complainant and Darrell Arndt for September 24 to review this issue.

12. Complainant notes that the September 24 meeting was attended by Kathy Bowe, an RCT 5 and shift supervisor, a union representative and Darrell Arndt. He recalled that when Arndt told him he had used too much sick leave he explained that for the times he used sick leave he was undergoing medical treatment for ulcers and strep throat. He recalled that Bowe said he was a good worker and well-liked and the union representative asked Arndt if his probationary period could be extended. Complainant noted that Arndt said he would consider extending his probation but a couple days later he received a letter of termination effective September 28. Complainant asserts that his 3 month evaluation was good and there was no problem he was aware of with his performance.

13. Complainant estimates that for the 5 month period he worked at Northern Center he used 8 to 9 days of sick leave. He said he received no indication from anyone that this was excessive and no one ever requested

medical documentation for the sick leave he used. He also noted that he always informed supervisors of the reasons for taking the sick leave.

14. In an interview, Darrell Arndt stated he knew complainant had medical problems but was not aware of the nature of them. In regard to his use of sick time, Arndt noted that the problem was not that complainant was abusing his sick leave or did not have valid reasons for using it but that it was excessive. He noted that complainant did supply medical excuses for July 4 and 5 and September 7 and 8. To his knowledge the Employe Health Services unit was notified of other absences as well.

15. Arndt also noted in his interview that complainant's performance was satisfactory and he probably would have become permanent if not for his excessive use of sick leave. He also noted that the two tardy days alone would not have been sufficient to discharge him. Arndt further explained that had complainant been a permanent employe the rules regarding unanticipated absence or sick leave usage would have applied. In other words, when a permanent employe's use of sick leave exceeds certain numbers of hours or occurrences in a certain time period or if the reasons for the absences are not readily apparent, the employer may review an employe's use of sick leave and may also require medical certification. However, he indicated that probationary employes are held to a different standard and the rules and disciplinary procedures affecting permanent employes do not necessarily apply. Arndt indicated that it is not unprecedented to dismiss probationary employes who take excessive leave even though they may have valid reasons. In regard to extending complainant's probation, Arndt noted this option was raised by the union, but he considers this only for employes who have performance problems and not in case involving attendance or tardiness problems.

16. Complainant alleges that he was not aware of the Family and Medical Leave Law until sometime in January, 1991, when he consulted with an attorney. He asserts that he was not aware of the law because it was not posted at Northern Center as required by the law.

17. The requirements for state agencies to post information about the Family and Medical Leave Law is found at Ind 86.05, Wis. Adm. Code, which states:

> Ind 86.05 Time to commence administrative proceedings. If an employer is not in compliance with the notice posting requirements of s. 103.10(14)(a), Stats., at the time a violation occurs under s. 103.10, Stats., an employe complaining of that violation shall be deemed not to "reasonably have known" that a violation occurred within the meaning of s. 103.10 (12)(b), Stats., until either the first date that the employer comes into compliance with s. 103.10(14)(a), Stats., by posting the required notice, or the first date that the employe obtains actual knowledge of the information contained in the required notice, whichever date occurs earlier. If the employer is not in compliance with the notice posting requirements of s. 103.10(14)(a), Stats., at the time a violation occurs under s. 103.10, Stats., the employer has the burden of proving actual knowledge on the part of the employe within the meaning of this section.

18. The Family and Medical Leave Law requires that complainants, who believe their rights have been violated, to file a complaint with the Personnel Commission within 30 days of a violation or within 30 days of the time the employe should have reasonably known that a violation occurred. This complaint was filed over 30 days after complainant's termination. A conference was held on March 11, 1991, to address the issue of timeliness as it related to complainant's charge that Northern Center had not posted information about the law as required. Those present included complainant's attorney, the attorney for respondent, a Personnel Commission hearing examiner and this investigator. In the meeting, respondent's attorney indicated that there may not have been a posting of the law at Northern Center at the time relevant to this complaint and in a March 18 letter to the Commission, determined not to contest the timeliness of this complaint. Therefore, since this complaint was filed with the Commission on January 23, which is within 30 days of the date complainant became aware of his rights under the law when he met his attorney in January, complainant has met the filing requirement under the law.

19. Wisconsin's Family and Medical Leave Law requires the state as an employer to grant their employes leave as follows:

> 1. Family Leave. There are two types of family leave:
>
> Absences from employment for a family member who has a serious health condition. Family member is defined to include spouse, parent, or child. Family leave for this purpose are limited to two weeks within a calendar year.

> Absence from employment for maternity, paternity or pre-adoptive foster care. Family leave for this purpose are limited to 6 weeks within a calendar year. (No more than one 6 week period of leave may be used by an employe as to the birth or adoption of any one child.)
>
> 2. Medical Leave. Medical leave is absence from employment due to an employe's own serious health condition. Medical leaves are limited to 2 weeks within a calendar year.

20. The emergency room report dated August 25, 1990 which was referred to above in finding 6, included the following information:

> 1 Gastroenteritis
> 2. Hyperbilirubinemia, uncertain etiology.
>
> At this point, I see no evidence for hepatitis or an obstructive process such as cholecystitis. Certainly, the patient does not appear jaundiced. I have recommended that Mr. Meyer follow-up with Dr. Maniquiz on Monday and I have also given him Compazine 10 mg tid prn, #10 refill. The patient is to be off of work today and tomorrow and is not scheduled on Sunday. Should his symptoms get worse or he is unable to keep down liquids, he certainly should return to the Emergency Department.

21. The hospital discharge summary quoted in finding 7 also includes the following:

> [Patient] will be seen in the office in 2 weeks for follow-up.
>
> PRINCIPAL DIAGNOSIS. Acute peptic ulcer disease.
>
> SECONDARY DIAGNOSIS: History of vomiting with dehydration secondary to above. Chronic anxiety disorder. History of heavy alcohol ingestion, cigarette smoking.

22. The September 18, 1990 letter of termination read as follows:

> This is to advise you that it is our intention to terminate your permissive probation at Northern Wisconsin Center effective September 28, 1990. Your last day of work will be pursuant to your schedule effective on the 28th of September.
>
> This action is being taken because of the attendance and tardiness occurrences in your work record since starting at Northern Wisconsin Center on April 30, 1990. the following are the incidents:

July 4 & 5	=	16 hours
August 25 & 26	=	16 hours
August 31 & September 2	=	22 hours 30 minutes
September 7	=	8 hours
Total	=	62 hours 30 minutes

July 25, 1990	=	tardy
September 11, 1990	=	tardy

> A meeting is scheduled with you and the Personnel Manager, Darrell Arndt, for Monday, September 24, 1990 at 2:00 p.m. in the Personnel Manager's office in Highview. At that time you can review and respond to the above issues.

23. A review of the complainant's leave records for calendar year 1990 shows that he used sick leave as follows:

Dates of absence	Reason for absence	Hours of sick leave used	YTD
1-10	unspecified	8	8
3-13	unspecified	8	16
4-23	unspecified	8	24
7-4* & 5*	groin pull	16	40
8-25*, 26* & 27	nausea, hyperbilirubinemia	24	64
8-31*, 9-1* & 2*	acute peptic ulcer	22 5	88.5
9-7*	strep throat	8	96.5
9-28	unspecified	2.5	99

Those absences which were referenced, directly or indirectly, in the termination letter are denoted by an asterisk.

24. Respondent prepared a summary of the September 24, 1990 termination meeting held with the complainant. The summary includes the following:

> Randall also advises that he has had a difficult year going through a divorce and that currently his wife and two children (age 5 and 3) live in the area. He also advised that stresses and pressures on him have contributed to the ulcer problem he has had including hospitalization. He advised that his family lives in this area and he does not wish to go back to Winnebago and would like to be given another chance.

25. By letter dated September 28, 1990 from the Director of the Winnebago Mental Health Institute, the complainant was advised that he was

being restored to his former RCT position at Winnebago effective September 30th and was to report to work on Tuesday, October 2, 1990. The complainant did not report to work as scheduled.

26. By letter dated October 19, 1990, complainant was advised that because he had failed to report to work at Winnebago, he had been scheduled for an investigator/predisciplinary meeting on October 23, 1990. The complainant did not appear at the meeting.

27. By letter dated November 5, 1990, the complainant was informed that his employment as a RCT at Winnebago was terminated on that date for failure to report for duty and for failure to attend the October 23rd meeting.

28. Complainant wrote to the Personnel Office at Winnebago on November 5th. The note stated, in part: "Because of personal circumstances I can not accept employment at W.M.H.I. at this time." The note was received by the institution on November 9, 1990.

CONCLUSIONS OF LAW

1. Respondent is an employer as defined in §103.10(1)(c), Stats.

2. Complainant is an employe as defined in §103.10(1)(b), Stats.

3. The Commission has jurisdiction over this matter pursuant to §103.10(12), Stats.

4. The burden of proof is on the complainant to establish that the respondent's decision to terminate his probationary employment at Northern Center constituted a violation of the family leave and medical leave law.

5. Complainant has sustained his burden of proof.

6. The respondent's decision to terminate the complainant's probationary employment at Northern Center violated the provisions of §103.10, Stats.

OPINION

This case involves the interpretation of the statutory grant of medical leave to certain employes. The language of the Family/Medical Leave Act (FMLA) which acts to grant such leave is found in §103 10(4), Stats:

> (a) Subject to pars. (b) and (c), an employe who has a serious health condition which makes the employe unable to perform his or her employment duties may take medical leave for the period during which he or she is unable to perform those duties.
>
> (b) No employe may take more than 2 weeks of medical leave during a 12-month period.

> (c) An employe may schedule medical leave as medically necessary.

The "12-month period" referenced in §103.10(4)(b) is defined in §Ind 86.01(1)(m), Wis. Adm. Code, as "a calendar year commencing immediately after midnight on January 1 and ending at midnight on December 31 each year."

The administrative rules also provide that contractual or other leave which is provided an employe and which is "no more restrictive than" the statutory leave is deemed to be the statutory leave:

> To the extent that an employer grants leave to an employe relating to the employe's own health in a manner which is no more restrictive than the leave available to that employe under s. 103.10(4), Stats., the leave granted by the employer shall be deemed to be leave available to that employe under s. 103.10(4). §Ind 86.01(9), Wis. Adm. Code.

The effect of this rule is explained in §Ind 86.01(10), as:

> To the extent that leave granted by an employer to an employe is deemed by this subsection to be leave available to that employe under the act, the use of that leave granted by the employer shall be use of that leave available under the act.

In the present case, there is nothing in the record which suggests that the contractual sick leave provided to the complainant was more restrictive than the leave made available under the statute The record shows that the complainant started the 1990 calendar year with a sick leave balance of approximately 35 hours and that during the course of the year he earned additional leave at the rate of 4 hours every 2 week pay period.

The complainant used 8 hours of sick leave on each of January 10, March 13 and April 23. There is no indication of any underlying medical condition which served as the basis of the complainant's use of sick leave on these dates. Pursuant to the terms of §Ind 86.01(9) and (10), as the complainant was using these 24 hours of sick leave provided by his bargaining agreement, he was simultaneously using 24 of the 80 hours of statutory leave provided under the FMLA. Therefore, at the time he commenced working at Northern Wisconsin Center, the complainant had 56 hours of statutory leave available for use during calendar year 1990.

The September 18, 1990 termination letter indicates the respondent had reached its decision because of both "attendance and tardiness occurrences...

since starting at Northern Wisconsin Center on April 30, 1990." The letter then goes on to identify four periods of absence and two incidents of tardiness. The periods of absence were:

July 4 & 5	=	16 hours
August 25 & 26	=	16 hours
August 31 [to][1] September 2	=	22 hours 30 minutes
September 7	=	8 hours
Total	=	62 hours 30 minutes

The net effect of the interaction of the statute and the other sick leave provided the complainant is that the respondent would not violate the FMLA if it were to terminate the complainant's employment for 1) any of the first 80 hours of leave taken during 1990 which did *not* meet the definition of a "serious health condition which [made the complainant] unable to perform his... employment duties" as set forth in §103.10(4)(a), or for 2) sick leave taken after the 80 hours of statutory leave were exhausted. However, to the extent that the complainant can show that absences cited in the termination letter were absences which qualify for the 80 hours of statutory leave provided by the FMLA, the respondent is prohibited by §103 10(11) from discharging the complainant for those incidents.

In its brief, respondent asserts that "the ordinary meaning of the opening phrase of paragraph 103.10(4)(a), Stats., is that an employee who takes more than two weeks of sick leave annually has no protected right to take sick leave" and that as a consequence, the respondent did not violate the FMLA. Respondent contends that once the complainant used more than 80 hours of sick leave, he had lost all protection he may have had under the FMLA. A more logical reading of §103.10(4)(a), is that it simply places an annual limit on the number of hours of statutory leave that an employer is required to provide each employe. If the employe suffers from a medical condition which causes the employe to exceed the 80 hour limit, that does not mean that the statutory leave previously taken within the 80 hour limit becomes fair game for serving as a basis for discipline. It just means that any

[1]The termination letter refers simply to "August 31 & September 2", but indicates the absence was for 22 hours and 30 minutes. Respondents exhibit 14 shows that complainant took 6 1/2 hours of sick leave on August 31, 8 hours on September 1, and 8 hours on September 2. Therefore, it is clear that in deciding to terminate complainant's probation, respondent relied on his absence on September 1st.

leave taken in excess of the 80 hour period is not protected leave. The initial 80 hours of leave remains protected as long as it has met the requirements of arising from a "serious health condition."

The chart set forth in finding of fact 23 shows that the termination decision was based, at least in part, on six separate days of absence within the first 80 hours of leave that the complainant exercised during 1990. Those dates were July 4, 5, August 25, 26, 31 and September 1. In order to prevail in this matter, the complainant must show that at least some of this leave occurred as a consequence of a "serious health condition." This term is defined in §103.10(1)(g), as consisting of two components:

> (g) "Serious health condition" means a disabling physical or mental illness, injury, impairment or condition involving any of the following.
>
> 1. Inpatient care in a hospital, as defined in s. 50.33(2), nursing home, as defined in s. 50.01(3), or hospice.
> 2. Outpatient care that requires continuing treatment or supervision by a health care provider.

Recent reported decisions have considered this definition and applied it to specific facts. In MPI Wisconsin Machining Division v. DILHR, 159 Wis. 2d 358, 464 N.W.2d 79 (Ct. App., 1990), the court first explained the term "disabling" as used in §103.10(1)(g) and concluded it was ambiguous:

> The term "disabling" is ambiguous. It could be understood by reasonably well-informed persons to cover only long-term illnesses for which recovery is protracted, or to include any illness or injury that interferes with the performance of daily functions. 159 Wis. 2d 358, 368

The court went on to reject the legislative history[2] as a means of determining legislative intent and concluded that "disabled" refers to any illness or injury that interferes with the performance of daily functions·

> The Wisconsin legislature did not include any durational requirement in the statute to be met before a "serious health condition" was seen as "disabling." We conclude that the broader def-

[2]The drafting file indicated the state law was modeled after federal legislation under consideration at the same time. The history of the federal bill was clearly described in H.R. Rep. No. 99-699, Part 2, 99th Cont., 2nd Sess. at 30-31 (1986) as only covering long term illnesses for which recovery is protracted.

> inition of "disabling" as found in the dictionary, which includes incapacitation, or the inability to pursue an occupation or perform services for wages because of physical or mental impairment, more directly reflects legislative intent in enacting this protective statute. 159 Wis. 2d 358, 370 (footnote omitted)

The second requirement is that the "illness, injury, impairment or condition" involve either inpatient care or "outpatient care that requires continuing treatment or supervision by a health care provider." In MPI, the court further interpreted "continuing [outpatient] treatment" to contemplate "direct, continuous and first-hand contact by a health care provider subsequent to the initial outpatient contact." 159 Wis. 2d 358, 372.

In MPI, the court identified two different fact situations as meeting the "serious health condition" standard. In one, someone who suffered a concussion and later exhibited symptoms indicative of a serious injury was taken to a hospital emergency room for direct observation and then released 6 hours later. The court held that the 6 hour period amounted to "continuing treatment or supervision" under §103.10(1)(g)2 The second situation involved someone who was hospitalized overnight for high fever and dehydration. The court found that this met the requirements of §103.10(1)(g)1.

In the more recent case of Haas v. DILHR, 166 Wis. 2d 288 (Ct. App., 1991), the Court of Appeals held that ongoing pregnancy satisfies the definition of "serious health condition" and that morning sickness, as a symptom of pregnancy is also considered a "serious health condition."

In the present case, three periods remain in dispute. The first is for July 4 and 5. The very limited information in the record indicates that this absence was due to a "groin pull." There is no indication that the complainant ever had any follow up care after the initial contact on July 3rd. Therefore, the complainant has failed to establish that the outpatient care provided for this condition was of a "continuing" nature as discussed by the court in MPI. The condition which caused the complainant's absence on July 4 and 5 was not a "serious health condition" and the FMLA does not prevent the respondent from disciplining the complainant for using sick leave on those dates.

The second period in dispute is August 25 and 26. A portion of the August 25th emergency room report is set forth in finding of fact 20. In addition to referencing gastroenteritis and hyperbilirubinemia, the report indicates that the treating physician had recommended the complainant see his personal physician, Dr. Maniquiz on Monday, August 27. There is nothing in

the record to indicate whether or not the complainant in fact saw Dr. Maniquiz on the 27th. However, as discussed below, the complainant was hospitalized August 31st for a three day period as a consequence of a continuation of the symptoms which lead to the August 25th emergency room visit. Under these circumstances, there is a sufficient factual basis for concluding that the medical condition which existed on August 25 and 26 required "direct, continuous and first-hand contact by a health care provider subsequent to the initial outpatient contact." (MPI, 159 Wis. 2d 358, 372) The condition also met the standard of an illness which interfered with the complainant's performance of daily functions.

The final period in question is August 31, 1990, the day the complainant was admitted to St. Joseph's Hospital, and September 1st, when complainant remained hospitalized. As noted above, the complainant was discharged on September 2, 1990. The discharge report identifies the principal diagnosis as "acute peptic ulcer disease" and the complainant's symptoms were as described in finding 7. Given that the complainant received inpatient care over a three day period for this condition, it clearly meets the definition of a "serious health condition."

This analysis shows that the medial condition(s) experienced by the complainant on August 25, 26, 31, and September 1 was a serious health condition. The FMLA prohibits the respondent from disciplining the complainant for these three days of statutory leave. The three days represented 30 hours of the 62 hours and 30 minutes of absence and 2 tardy days recited in the termination letter. The respondent failed to offer any evidence to support a conclusion that it would still have terminated the complainant's employment at Northern Center if it had not considered his absences on August 25, 26, 31, and September 1 Without that evidence, the termination decision must be overturned as violating the FMLA.

In its reply brief, respondent notes that when complainant's probationary employment at Northern Center was terminated, he was directed to return to his permanent employment at Winnebago Mental Health Institute but declined to do so. The documents in the record indicate that the reason for this was the complainant's unwillingness to leave his children who resided in the Northern Center geographic area. While the complainant was unwilling to return to Winnebago Mental Health Institute because of his family ties, the record supports the conclusion that the complainant wanted to continue to

work at Northern Center and that, absent the illegal probationary termination as reflected in the September 18, 1990 letter, he would have done so. In reaching this conclusion, the Commission does not address the separate question of whether the complainant fulfilled any responsibility to mitigate the damages in this matter.

ORDER

Because it has violated §103.10(11), Stats., the respondent is ordered to take action to remedy the violation by reinstating the complainant with back pay and paying reasonable actual attorney fees to the complainant. Upon the the issuance of this decision, the parties are provided a period of 30 days as an opportunity to reach agreement on these points.

Dated:_____, 1992 STATE PERSONNEL COMMISSION

_____
LAURIE R. McCALLUM, Chairperson

KMS:kms/rlr

_____
DONALD R. MURPHY, Commissioner

_____
GERALD F. HODDINOTT, Commissioner

Parties:

Randall Meyer
304 Wisconsin Ave.
Chippewa Falls, WI 54729

Gerald Whitburn
Secretary, DHSS
P.O. Box 7850
Madison, WI 53707