

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CATHERINE BUTTS, Appellant,

vs.

DEPARTMENT OF PUBLIC INSTRUCTION, Respondent.

Case ID: 291.0000

Case Type: PA

DECISION NO. 35466-B

Appearances:

Sean Heiser, Field Representative, Wisconsin Council 24, AFSCME, AFL-CIO, 8033 Excelsior Drive, Madison, Wisconsin, appearing on behalf of Appellant Catherine Butts.

Amesia N. Xiong, Office of State Employment Relations, 101 East Wilson Street, 4th Floor, P.O. Box 7855, Madison, Wisconsin, appearing on behalf of Respondent Department of Corrections.

DECISION AND ORDER DISMISSING APPEAL

This is an appeal from the Department of Public Instruction's decision to discharge Appellant Catherine Butts from her employment. A timely grievance was filed and processed through the grievance procedure. Butts exercised her right to appeal pursuant to § 230.44(1)(c), Stats. The appeal was assigned to Wisconsin Employment Relations Commission Chairman James R. Scott with final authority pursuant to §§ 227.46(1) and (3)(a), Stats. A prehearing conference was held on January 8, 2015, and the matter was set for hearing on March 3, 2015.

DECISION

Mid-day on March 2, 2015, Butts directly contacted Peter Davis, Chief Legal Counsel of the Wisconsin Employment Relations Commission. Butts informed Davis that, in her words, there "must" be a settlement of her claim and that she was uncertain as to how to proceed.

Davis advised her to attend the scheduled hearing unless the examiner granted a postponement. Late that afternoon, I was advised that the parties were engaging in settlement discussions and that a draft settlement document was provided to Butts and that she wanted to review the document. No request was made to postpone the hearing. On the morning of March 3, 2015, I advised the parties' representatives by email that the hearing would go forward as scheduled. The State's representative appeared along with at least two witnesses. Butts' representative appeared but not Butts. I learned from the representatives that the proposed settlement included resolution of this appeal and three additional Wisconsin Fair Employment Act claims. I was also advised that Butts was represented by attorney Steven Porter on the discrimination matters. Butts' union representative asked that I speak with her and I did. From that conversation, I learned that Attorney Porter was not involved in the settlement discussions and that Butts had not forwarded the documents to Porter. I urged Butts to forward those documents to Porter and at her request I agreed to speak with Porter. I communicated with Porter and he confirmed that he was not involved in any settlement negotiations. Porter further indicated the monetary amount in the proposed settlement of the three employment discrimination claims was not acceptable to him. I agreed to hold the matter open until 4:00 p.m. on March 3, 2015, but that absent an agreement to resolve this matter I would be dismissing the civil service appeal pending before the Commission. The union representative appearing on behalf of Butts sought leave to withdraw as her representative which request was granted.

Based upon the failure of Butts to appear at the scheduled hearing or to otherwise resolve this matter, I enter the following:

ORDER

The appeal of Appellant Catherine Butts is hereby dismissed.

Signed at the City of Madison, Wisconsin, this 12th day of March 2015.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman