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MILDRED CARSON,

**

Appellant,

**

vs.

**

PHILIP E. LERMAN, CHAIRMAN
DEPARTMENT OF INDUSTRY,
LABOR AND HUMAN RELATIONS,

**

**

Respondent.

**

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OFFICIAL

ORDER

The State Board of Personnel having made and filed its Findings of Fact and Conclusions of Law, constituting its decision in this matter:

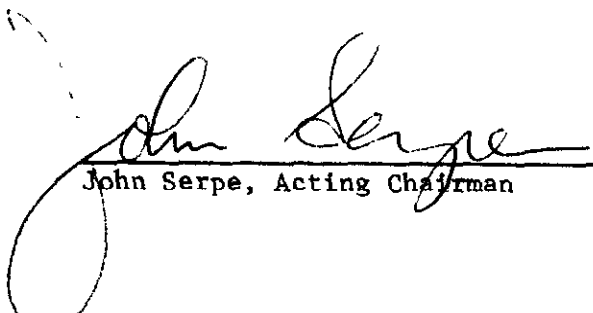
IT IS ORDERED

1. That the action of the respondent in disciplining the appellant by discharge effective at the close of business August 18, 1972, was for just cause and is hereby confirmed and sustained.

2. That the appeal of Mildred Carson from the respondent's action is hereby dismissed on its merits.

Dated at Madison, Wisconsin this 4th day of June, 1973.

STATE PERSONNEL BOARD, By



John Serpe, Acting Chairman

MILDRED CARSON,

**

Appellant,

**

vs.

**

PHILIP E. LERMAN, CHAIRMAN
DEPARTMENT OF INDUSTRY,
LABOR AND HUMAN RELATIONS,

**

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Respondent.

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OFFICIAL

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

Hearing was held in this matter by the State Board of Personnel on December 6, 1972, in Room 258, South Hall, University of Wisconsin, Milwaukee, Wisconsin, with the following Board members present: John Serpe, Acting Chairman; Charles Brecher; Percy L. Julian, Jr.; and Susan Steininger. William Ahrens was absent. The appellant appeared personally and by her attorney, Jerome F. Pogodzinski; and respondent, Department of Industry, Labor and Human Relations, appeared by David A. Pearson, Attorney. The Board having reviewed the transcript of the proceedings, together with all exhibits admitted into evidence, makes and files the following:

FINDINGS OF FACT

1. That the appellant, Mildred Carson, was a classified state employe, assigned to the Work Incentive Program (WIN), Wisconsin State Employment Services, Department of Industry, Labor and Human Relations, with the classification of Area Services Assistant 4 (SR 1-08). That her work duties were within the Work Incentive Program (WIN), which involved working with other employes as a team, with her assigned tasks being follow-up work with clients and employers.

2. Disciplinary action was taken against the appellant on July 24, 1970, because of an unsatisfactory attendance record. This action was appealed to the Personnel Board and was upheld by Board decision.

3. The Department of Industry, Labor and Human Relations maintains work rules relating to work performance, attendance and punctuality, use of state property, and personal actions and appearance. That such work rules

in part prohibit the following conduct: "II (a) Failure to report promptly at the starting time of shift... (b) Unexcused or excessive absenteeism. (c) Leaving work without permission. (f) Failure to notify the supervisor promptly of unanticipated absence or tardiness."

4. The appellant's attendance records indicate that she was absent 230 hours during the period January-June, 1972. During such period of time, 66 hours were leave without pay, 52 hours sick leave, 112 hours of vacation and holiday. Six hours were computed as being accumulated tardiness for which no time was charged against the appellant.

5. The appellant was absent for a period of six days during which time she failed to report such absence or notify the employing agency of the length and necessity of such absences as required.

6. The appellant's work duties require that she work with others as a team, which requires a regular attendance by all team members to operate effectively. That the appellant's excessive absenteeism and tardiness adversely affected her work as well as the work of the other members of her team.

7. That the appellant was counseled by her supervisor on several occasions regarding her failure to conform to work rules relating to her tardiness, excessive absences from her work and the detrimental effect this had on her work and the team's effectiveness. This counseling was ineffective and there was no improvement in appellant's work habits.

8. The appellant was notified in writing, by letter dated August 11, 1972, that effective August 18, 1972, she was to be discharged. The stated reason for such discharge was violation of work rules consisting of habitual tardiness, excessive absenteeism, and inadequate work performance.

9. The appellant filed a written notice of appeal addressed to the State Personnel Board by her attorney, Alexander N. Rubin, which was received by the Board August 22, 1972.

Based on the foregoing Findings of Fact, the Board enters the following:

CONCLUSIONS OF LAW

1. That the appellant's appeal from her written notice of discharge was timely.
2. That the appellant's tardiness and absenteeism were excessive and materially affected the operation of the WIN team to which she was assigned.
3. That the tardiness and excessive absenteeism constitute the violation of the departmental work rules.
4. That the respondent's discharge of the appellant, effective August 18, 1972, was for just cause and is hereby affirmed.
5. That the appellant's appeal from her discharge be and the same is hereby dismissed on its merits.

Dated at Madison, Wisconsin this 4th day of June, 1973.

STATE PERSONNEL BOARD, By



John Serpe, Acting Chairman

Member Ahrens did not participate in the hearing nor in the decision.