



At the end of her suspension, Appellant did not return to the Job Bank, having been assigned to another division.

The Department of Industry, Labor and Human Relations does not delegate authority to discipline. All disciplinary action is passed on by the Commissioners and bears the signature of the Chairman and in case of the Employment Service, the signature of the Director and of the Supervisor of the unit. This results in a slow process that unduly "ages" the grounds for discipline.

Counsel for the Appellant in his argument indicated that the basic problem was the incompetency of the supervisors in that they did not have the capacity to run a new department or to handle employees from minority groups. This is a sterile argument even if it be true to justify the Appellant's impossible course of conduct from June 8, 1970 on.

The real problem as we review the record in its entirety is that Appellant has a very firm belief that no one from Chairman Estkowski down through John Call had any authority to tell her what to do or how to do it or how to conduct herself. She has reservations that anyone had a right to impose discipline upon her. This attitude on the part of the Appellant is a shocking one, but we have experienced it before among black employees of the Employment Service in Milwaukee. We are curious about it.

Counsel for the Appellant urges a rather vague proposition that Appellant questioned at the times the validity of the Suspension Notices and to compel her to honor them without their being validated to her is violative of her right to due process of law. We do not believe that a Notice in clear language bearing the signature of the Chairman of the Department, the Directors of the Division and the Supervisor needs further validation. If it is a process violative of due process of law, that must be determined by a court, not by this Board.

We should make it clear that serving out a suspension meted out for mis-

work record This Board is entitled

to look at the employe's entire record as a permanent employe in judging whether or not any disciplinary action has been for just cause.

If it not already be recognized, this Board finds that the record herein contains more than substantial evidence to support each and every one of the specifications made against the Appellant in the Suspension Notice of September 25, 1970.

Counsel for the Respondent shall draw Findings of Fact and Conclusions of Law consonant with this memorandum.

Dated: January 15, 1971.

STATE BOARD OF PERSONNEL

BY

John A. Lister  
William A. Brown  
John A. Singer  
F. M. Clarke

Member Brecher participated in the hearing, but not in this decision.