

Social Services Supervisor at the Probation and Parole office to which Appellant was assigned, testified that Appellant was late for work every morning from October 8 through October 12, 1973, and that he did not telephone the office at his reporting time to advise that he would be late. Moreover, the evidence further indicates that on each of those days Mr. Nichols spoke to the Appellant concerning his lateness and not telephoning the office to give notice of lateness, and the reasons for his being late. Wayne Mixdorf, a probation and parole agent, who supervised the Appellant testified that on October 15 at about 11 a.m. a woman called the office to say that Appellant was ill. Mr. Mixdorf testified that Appellant had been advised he was to report to work at 8 a.m. and that if he could not appear then that he should telephone the office. The Board finds that the Appellant was late for work and failed to give proper notice that he was unable to report for work at the scheduled time on October 8 through October 12, and on October 15, 1973.

Appellant's Discharge Was
for Just Cause

Appellant's lateness and failure to call in was just cause for his discharge in view of his record of having been guilty of similar infractions of the rules in the past and having been disciplined for such infractions. On January 2, 1973, Appellant received a reprimand letter for a number of incidents of misconduct, one of which concerned the Appellant's threatening Mr. Nichols when the latter questioned him about being absent from work during the afternoon. On June 7, 1973, Appellant received a second reprimand letter related to lateness and not calling in, which had resulted in the Appellant not being available to transport mail and man the reception desk in the probation and parole office after normal working hours. On June 13, 1973, Appellant was suspended for three days for failing to report to work on time and not calling in. He did not appeal the suspension. On July 13, 1973, Appellant was suspended for ten days for failure to pick up a

probation and parole agent's client for a job interview at the appointed time and, further, for not arriving for work until 10:25 a.m., or approximately two and a half hours late, and not having called in at the reporting time to advise that he would be late. The evidence further indicates that upon his arrival at work, the Appellant explained that the reason he was late was that he was consulting his attorney, which was not true. The Appellant did not appeal this suspension either. In view of Appellant's record of being late for work and not reporting to the office his inability to report at the scheduled work time, we conclude that the Respondent's action in discharging him for those infractions on October 8 through 15, 1973, was for just cause.

ORDER

IT IS ORDERED that the Respondent's action in discharging the Appellant is sustained.

Dated January 3, 1975

STATE PERSONNEL BOARD

BY



William Ahrens, Chairman