

OFFICIAL

STATE OF WISCONSIN		BOARD OF PERSONNEL
=====		
HARLAND P. WILLIAMS,	**	
Appellant,	**	
vs.	**	FINDINGS OF FACT AND CONCLUSIONS OF LAW
JOHN WEAVER, PRESIDENT	**	
UNIVERSITY OF WISCONSIN,	**	Case No. 73-37
Respondent.	**	
=====		

Hearing was held in this matter by the State Board of Personnel on April 18, 1973, in Room 1120-D, State Office Building, 1 West Wilson Street, Madison, with the following Board members present: Percy L. Julian, Jr., Acting Chairman, Charles Brecher, and Susan Steininger. William Ahrens and John Serpe were absent. The appellant appeared personally and without counsel, and the respondent, John Weaver, President, University of Wisconsin, appeared by Charles Stathas, University Counsel, 1744 Van Hise, University of Wisconsin, Madison. 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. The appellant, Harland P. Williams, was a permanent tenured employe, stationed at the University of Wisconsin and was classified as a Building Maintenance Helper 4 with principle duties as a window washer.
2. The appellant's immediate supervisor was Robert Eveland. That the appellant was required to report for work each day and receive instructions from Mr. Eveland, his supervisor, as to which building he should be assigned to for the purpose of washing windows as required.
3. The University of Wisconsin has certain work rules for its employes published and copies thereof are furnished to its employes. Work Rule No. 8 prohibits "tardiness or unauthorized absence from work duties or station."

4. The appellant has on prior occasions failed to report for work when scheduled for work duty, and likewise, has failed to notify his supervisor of his inability to report for work when so scheduled.

5. The appellant has on several occasions been called into the office of the Physical Plant and counseled regarding his unanticipated and unauthorized absences and advised that such continued conduct would result in disciplinary action being taken against him.

6. During the year 1972, the appellant utilized 87 hours of paid sick leave and was listed as absent without pay for a period of 201 work hours.

7. On July 24, 1972, the appellant was suspended for leave without pay for three days for his unauthorized absence from work.

8. The appellant absented himself from work without prior authorization and without notifying the university for a period of February 19 through February 23, 1972.

9. On February 22, 1973, Donald W. Sprang, Personnel Manager of the Physical Plant, University of Wisconsin, forwarded a letter to the appellant calling to his attention his unauthorized absences and requested that he meet on Monday, February 26, 1973, to review the appellant's continued absence and to give the appellant the opportunity to present justification for these absences.

10. That on the morning of February 26, 1973, a meeting was held with the appellant present, together with Donald W. Sprang, Personnel Officer, John Erickson, and Robert Eveland. During this meeting discussion was held regarding the appellant's continued unanticipated unscheduled absences, together with his failure to timely notify the supervisor of his inability to be at work as required.

11. After this discussion with the appellant, the respondent elected to terminate the employment of the appellant and written notification was prepared dated February 26, 1973, and forwarded to the appellant. The stated reasons for the termination of the appellant's employment was absence from work February 19 through February 23 without prior authorization and the appellant's failure to notify the Physical Plant Office of his inability to report for work.

OPINION

The appellant was employed as a window washer at the University of Wisconsin. He was given to taking unauthorized absence without prior notification to the University, which caused disruption in the assignment and completion of work in his unit. He was suspended for unauthorized absences from work in July, 1972, and his termination for his unauthorized absences, without prior notification, from February 19 through February 23, 1973, was for just cause.

Nevertheless, we feel that, given appellant's problem of frequent absences, he should have been given the opportunity to take a leave of absence, during which he might have been able to rehabilitate himself as we have stated in Dunn v. University of Wisconsin, WSPB, No. 539 (February 2, 1973), pp. 5-6.

The Board having entered the foregoing Findings of Fact and Opinion enters the following:

CONCLUSIONS OF LAW

1. That the appellant's unauthorized absence for the period February 19-23, 1973, was just cause for the termination of his employment and such termination action by the respondent is ratified and affirmed.
2. That the appellant's appeal from his discharge is without merit and should be dismissed.

ORDER

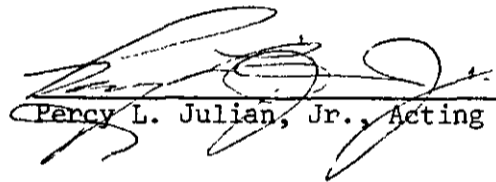
The Board having entered its Findings of Fact, Opinion, and Conclusions of Law herein, makes and files the following Order.

IT IS ORDERED:

1. That the action of the respondent employer in terminating the appellant's employment be and the same is hereby ratified and affirmed.
2. That this appeal be dismissed on its merits.

Dated at Madison, Wisconsin this 10th day of July, 1973.

STATE PERSONNEL BOARD, BY


Percy L. Julian, Jr., Acting Chairman