

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CONSTANCE GRUEN, Appellant,

v.

Secretary, DEPARTMENT OF HEALTH AND FAMILY SERVICES, Respondent.

Case 5

No. 63079

PA(adv)-24

Decision No. 31154

Appearances:

Constance Gruen, 6302 Mineral Point Road, Madison, Wisconsin 53705, appearing on her own behalf.

Paul Harris, Assistant Legal Counsel, Department of Health and Family Services, 1 West Wilson Street, P.O. Box 7850, Madison, Wisconsin 53707-7850, appearing on behalf of the Department.

FINAL DECISION AND ORDER

This case is before the Wisconsin Employment Relations Commission on an appeal of a one-day suspension issued to Constance Gruen by the Department of Health and Family Services on October 17, 2003. In a prehearing conference conducted on January 12, 2004, the parties stipulated to the following formulation of the issue:

Did the Employer have just cause to suspend the employee for one day, October 29, 2003?

If not, what, if any, discipline is appropriate?

A hearing was conducted on April 19, 2004, before Examiner John R. Emery, a member of the Commission's staff. The hearing was tape-recorded. The parties established a briefing schedule, which was completed by July 6, 2004, whereupon the record was closed. The hearing examiner issued a proposed decision on November 23, 2004. No objections were filed by the requisite due date of December 23, 2004.

No. 31154

Having reviewed the record and being fully advised in the premises, the Commission makes and issues the following

FINDINGS OF FACT

1. Constance Gruen resides at 6302 Mineral Point Road, Apt. 15, Madison, Wisconsin, has worked for the Department of Health and Family Services (herein DHFS) since October 11, 1999, and is currently employed by DHFS as a Training Officer – Confidential in the Division of Management and Technology, Bureau of Personnel and Employment Relations. Since the time of her employment, her regular work schedule has been 7:45 a.m. – 4:30 p.m., with a 45-minute lunch period from 11:45 a.m. – 12:30 p.m., Monday – Friday. Her direct supervisor is DHFS Training Director Linda Heisler.

2. Ms. Gruen's job duties are summarized, as follows: planning and developing training programs including the identification of training needs; creating, researching, designing and delivering professional development workshops and training programs; developing and maintaining training materials and products including curriculum; registering participants for Department-sponsored training; coordinating training activities for the Department's Office of Employee Development and Training; utilizing personal computer systems to schedule training programs, track training activities and maintain training records; preparing and processing direct charges, purchase orders and invoices and maintaining information to reconcile training budgets; providing technical and facilitative assistance in training activities; and providing back-up support for the DHFS Office of Employee Development and Training.

3. From the time of her employment through 2002, Ms. Gruen received consistently satisfactory evaluations for the performance of her assigned job duties.

4. The Department has promulgated work rules to regulate the conduct of its employees. The DHFS work rules state, in pertinent part:

BACKGROUND

Work rules are rules established by the Department, within its discretion, which regulate the personal conduct of employees. Work rules are established to define, not restrict, the rights of employees and to assure attainment of the Department's objectives through orderly processes.

Department work rules apply to all employees of the Department of Health and Family Services. Employing units within the Department may develop standards to clarify the applicability of work rules to the particular work environment of the unit. Supervisors should consult their Division/Institution Human Resources Representative if further interpretation of work rules is required.

A list of Department work rules is included in the DHFS Employee Handbook which is distributed to all employees via the DHFS Work Web at <http://dhfswb/hr/EmployeeInfo/Index.htm>. Supervisors are responsible for ensuring that their employees read and understand the work rules.

DEPARTMENT WORK RULES

All employees of the Department are prohibited from committing any of the following acts:

1. Disobedience, insubordination, inattentiveness, negligence, or refusal to carry out written or verbal assignments, directions, or instructions.

...

14. Failure to give proper notice when unable to report for or continue duty as scheduled, tardiness, excessive absenteeism, or abuse of sick leave privileges.

...

5. In 2000, Ms. Heisler became concerned with the degree to which Ms. Gruen was requesting variations in her work schedule due to medical appointments and personal business. As a result, on November 20, 2000, Ms. Heisler issued a written directive to Ms. Gruen, as follows:

RE: INFORMATION AND DIRECTION CONCERNING YOUR WORK SCHEDULE AND HOURS

This letter is intended to give you information and direction concerning your work schedule and hours. It summarizes the conversations we have had on these issues over the past several weeks.

- You are expected to work 40 hours a week, according to your approved schedule. Any deviations in your approved work schedule, including beginning work earlier or continuing work later than scheduled, or working overtime or at home must be requested in writing (e-mail is sufficient) to your supervisor and approved ahead of time.
- To request leave time, you must submit a written request (e-mail is sufficient) to your supervisor. The request will be approved or denied based on workload needs.

- When you are absent due to illness, you are required to call your supervisor at least a half an hour prior to your scheduled start time. This requirement may be satisfied by calling (608) 266-9768 or (608) 266-0844 and leaving a message.
- All work and leave time must be reported accurately on the bi-weekly time sheet and submitted to your supervisor.

If you have any questions on the above, please feel free to call me at (608) 266-0844 or stop by my office in Rm. 672.

6. At the time of her hiring, Ms. Gruen's position was exempt from the overtime provisions of the Federal Fair Labor Standards Act (FLSA). In 2002, the Department of Employment Relations conducted a review of certain non-represented State job classifications. As a result of the review, Ms. Gruen's job was re-classified as non-exempt under FLSA on May 19, 2002. Under FLSA, the employer is required to pay non-exempt employees overtime pay at a rate of one and one-half times their regular rate of pay for all time worked beyond forty hours in any given week.

7. On May 28, 2002, Randy Parker, Deputy Director of the Bureau of Personnel and Employment Relations, sent Ms. Gruen a memo informing her of the change to non-exempt status and explaining the implications of the change. The memo also advised her that she was not to work in excess of 40 hours per week without her supervisor's authorization. Ms. Gruen objected to the change and expressed doubt whether she could perform her duties within the time constraints it imposed.

8. Ms. Gruen continued to vary her work schedule, sometimes unilaterally, through the remainder of 2002, which caused Ms. Heisler, in December, 2002, to issue a directive at a staff meeting that any schedule changes required prior supervisory approval.

9. After the December, 2002 staff meeting, Ms. Gruen's attendance and regularity improved for a time. In early 2003, Ms. Gruen again began to seek frequent changes in her work schedule, or to adjust her schedule unilaterally, to accommodate medical appointments, illnesses, or other absences for personal business. Ms. Gruen sought to make up absences and avoided using sick leave or other paid leave because she wanted to preserve her sick leave for retirement benefits and because she believed she was expected to work a full 40 hours each week.

10. Due to continued schedule change requests and schedule deviations, on March 3, 2003, Ms. Heisler issued another work directive to Ms. Gruen, specifically instructing her that she was to work her regular 40-hour per week schedule, that any deviations in her schedule must be requested from her supervisor in writing and approved in advance, and that she must give at least one-half hour of advance notice for any absence due to illness.

11. Subsequent to the March, 2003 directive, Ms. Gruen met with Ms. Heisler to discuss her concerns about her ability to perform her job functions within the confines of a strict 40-hour per week schedule. Ms. Heisler instructed that she must work within the parameters of her schedule and advised her that she should be less perfectionistic in completing her duties. Thereafter, there was again an initial improvement in Ms. Gruen's attendance and maintenance of her work schedule.

12. During the weeks of July 14, 2003, and July 21, 2003, Ms. Gruen unilaterally altered her schedule on multiple occasions by working late without authorization to make up for work time lost due to a medical appointment and by failing to come to work on July 24 without authorization or a valid excuse. As a result, Ms. Gruen received a written reprimand on August 13, 2003, from Susan Reinardy, Administrator of the DHFS Division of Management and Technology for violations of Work Rules #1 and #14, as set forth in Finding #4 above. Ms. Gruen grieved the reprimand.

13. The grievance was heard by James Billings, an Employment Relations Specialist in the DHFS Bureau of Personnel and Employment Relations. Billings upheld the reprimand and held that Ms. Gruen's rationale that her actions were the result of a conflict with her supervisor over competing values did not justify her violations of clear work directives. Ms. Gruen did not appeal Mr. Billings' decision.

14. On August 8, 2003, Ms. Heisler issued a new work directive to Ms. Gruen to further clarify her work schedule requirements. In addition to reiterating the instructions in the March, 2003 directive, the directive specified that Ms. Gruen's authorized workday was 7:45 a.m. – 4:30 p.m., with a 45-minute lunch period from 11:45 a.m. – 12:30 p.m. The directive further specified that failure to comply “may result in disciplinary action up to and including discharge.”

15. During the weeks of September 22, 2003, and September 29, 2003, while Ms. Heisler was on vacation, Ms. Gruen unilaterally altered her work schedule by remaining at work beyond her stated schedule by approximately 30 minutes on September 24, 50 minutes on September 26 and 15 minutes on September 29.

16. Ms. Gruen testified that on September 24 she was unable to complete her day's work within her prescribed schedule, in part because of health problems, resulting in her needing to stay beyond 4:30. On September 26, she worked until 4:45 and then was approached by another employee who wanted to discuss some work issues with her. She elected to stay until 5:20 to talk to the other employee. On September 29, she returned from teaching a class at 4:30 and decided to check and respond to her email and voice mail before leaving work. At 4:45 she was observed at this by Cheryl Anderson, DHFS Director of Personnel, who ordered her to leave, which she did. Ms. Anderson also sent emails to Linda Heisler on September 26 and 30 advising her of Ms. Gruen's working late on September 26 and 29.

17. On September 30, 2003, Ms. Gruen sent Ms. Heisler an email acknowledging and explaining her actions on Sept. 24, 26 and 29 and asking how to reflect these alterations on her timesheet. Subsequently, Ms. Heisler conducted a pre-disciplinary meeting on October 13, 2003 to allow Ms. Gruen to explain and offer mitigating circumstances for her conduct.

18. As a result of the meeting, on October 17, 2003 Susan Reinardy issued a letter to Ms. Gruen suspending her without pay for one day for violating DHFS Work Rule #1, set forth in Finding #4 above, specifically noting her conduct as follows:

On September 30, 2003 you sent your supervisor, Linda Heisler, an email documenting the following actions on your part:

On September 24, 2003 you remained at the work place beyond your scheduled work hours for about thirty (30) minutes without permission.

On September 26, 2003 you remained at the work place beyond your scheduled work hours for about fifty (50) minutes without permission.

On September 29, 2003 you remained at the work place beyond your scheduled work hours for about fifteen (15) minutes.

19. Ms. Gruen did not dispute that she had worked late on the days in question without authorization, but argued that in each case the activity she was engaged in took priority over adhering to her work schedule. Notwithstanding her own opinions, however, Ms. Gruen had been clearly instructed not to alter her work schedule without supervisory permission and had been previously reprimanded for not doing so. Further, in the event Ms. Heisler was not available, she was instructed to seek authorization from other Department supervisors, which she failed to do.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSIONS OF LAW

1. The Respondent has the burden to show, by a preponderance of the credible evidence, that there was just cause to impose discipline upon the Appellant and that the discipline imposed was not excessive.

2. The Respondent has met its burden as set forth above.

3. The Respondent's investigation and imposition of discipline did not violate due process.

4. Just cause existed for imposing discipline upon Ms. Gruen and the one-day suspension was not excessive.

Based on the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

ORDER

The one day suspension is affirmed and the appeal is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 19th day of January, 2005.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Judith Neumann /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner

Parties:

Constance Gruen
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Madison, WI 53705

Helene Nelson
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DEPARTMENT OF HEALTH AND FAMILY SERVICES (Gruen)

MEMORANDUM ACCOMPANYING DECISION AND ORDER

This matter arises under Sec. 230.44(1)(c), Wis. Stats., which provides:

(c) *Demotion, layoff, suspension, or discharge.* If an employe has permanent status in class. . . the employe may appeal a demotion, layoff, suspension, discharge, or reduction in base pay to the commission, if the appeal alleges that the decision was not based on just cause.

On appeal of a disciplinary matter, the Respondent must show by a preponderance of credible evidence that there was just cause for the discipline. This involves a three-part analysis wherein it must be shown by the greater weight of the credible evidence that 1) the employee committed the acts for which the discipline was imposed, 2) the acts, if proven, constitute just cause for the imposition of discipline and 3) the discipline was not excessive. DEL FRATE V. DOC, DEC. NO. 30795 (WERC, 2/04). Just cause may be determined by “. . . whether some deficiency has been demonstrated which can reasonably be said to have a tendency to impair [the employee’s] performance of the duties of his position or the efficiency of the group with which [the employee] works.” SAFRANSKY V. PERSONNEL BOARD, 62 WIS.2D 464 (1974), BARDEN V. UW, 82-237-PC, 6/9/83.

Due Process

At the outset, we address the question of whether the Appellant received due process, an issue first raised in the Ms. Gruen’s post-hearing brief. For a variety of reasons, we dismiss her due process objections.

In the first place, it should be noted that the issue in this case is the justification, or lack thereof, for Ms. Gruen’s October 2003 suspension. What is not at issue is the written reprimand she received in August 2003. 1/

1/ *The Commission has deleted certain language that had appeared in this paragraph of the proposed decision because it was arguably inconsistent with Finding 12. After she received the written reprimand, Ms. Gruen grieved it. The reprimand was upheld by Mr. Billings and, as noted in Finding 13, his decision was not appealed further by Ms. Gruen. It is not clear from this record, however, whether Mr. Billings’ decision was at the first, second or third step of the grievance procedure and, therefore, whether an additional step was available to Ms. Gruen. While the Commission serves as the fourth step in the non-contractual grievance procedure as provided in Sec. 230.45(1)(c), Stats., written reprimands may not be grieved to the Commission as part of that procedure. Sec. ER 46.07(1)(a), Wis. Adm. Code. Written reprimands are also not among the forms of discipline listed in Sec. 230.44(1)(c), Stats., that are directly appealable to the Commission pursuant to that provision. Accordingly, it is*

possible that Ms. Gruen had no further recourse after the Billings decision. If she had no further recourse, it is debatable whether or not she could mount a substantive challenge to the reprimand in the instant proceeding, since the Respondent has relied partly upon the reprimand to justify the suspension that is directly at issue here. Assuming arguendo that Ms. Gruen would have the right to challenge the reprimand in the instant case, and assuming further that she has done so, nonetheless we would find that Respondent appropriately imposed the reprimand and appropriately relied upon it as a basis for the one-day suspension. Although Ms. Gruen argues that her actions did not justify the imposition of the reprimand, she has admitted she engaged in the conduct cited in the reprimand and there are no other material factual disputes. Ms. Gruen essentially mounts the same defense to the reprimand that she has mounted to the suspension, i.e., that the directive itself is inappropriate. As explained further in this opinion, we do not accept that argument.

Concerning the suspension, Ms. Gruen argues alternatively that she was never sufficiently apprised of the rationale behind the work directives she received, that the Department did not conduct an adequate investigation into the incident on September 26 and that she did not receive impartial consideration of her case, based on an exchange of emails between Employment Relations Specialist James Billings and Linda Heisler. As to her first point, due process does not require that an employee receive an explanation of the rationale behind a work directive. While such an explanation might help the work environment, due process merely requires that the directive be clear and legal, not that management explain its rationale. In this case, the directive was clear and legal. The instruction was unequivocal and management was entitled to expect Ms. Gruen to comply without needing an explanation.

As to the adequacy of the investigation, as Mr. Billings indicated in an October 1, 2003 email to Linda Heisler: "...I do not think you need to do more at this time in terms of an investigation. She has provided you with documentation that confirms she violated directives and work rules." (Ex. R.-17) The investigation Ms. Gruen was seeking was an inquiry to the other employee she met with on September 26 as to the importance of their meeting. In the first place, the work directive to Ms. Gruen was unequivocal and did not give her discretion to unilaterally alter her work schedule for any reason. Thus, her subjective belief, or that of another employee, that it was necessary to alter her schedule was irrelevant. Secondly, it is the employee's responsibility, not the Employer's, to raise possible defenses to misconduct charges and there is no evidence that Ms. Gruen sought to introduce the other employee's perspective at any stage of the pre-disciplinary process. Thirdly, the September 26 incident was only one of three occurring in a one week span, any one of which would have been sufficient for the issuance of discipline.

As to the impartiality of the investigation, Ms. Gruen misperceives what due process requires in this regard. This case is very similar to HANEY v. DOT, 93-0232-PC & 94-0012-PC (3/9/95). In HANEY, the appellant likewise raised due process objections as to impartiality

based on the fact that the same supervisor issued the work directive, investigated the alleged violation, conducted the pre-disciplinary meeting, recommended discipline and eventually imposed discipline. The Personnel Commission held that there is no inherent due process, violation in combining investigative and adjudicative functions, absent special extenuating circumstances. Such circumstances would include an acrimonious personal relationship between the employee and the investigator or some form of conflict of interest. Here, there is no evidence that the relationship between Ms. Gruen and her superiors was unusually rancorous beyond normal efforts to resolve the issues concerning her work schedule. Nor is there evidence of some other conflict of interest that would disqualify either Ms. Heisler or Mr. Billings from properly investigating her case. Finally, Ms. Gruen's concerns as to impartiality are obviated by the fact that she admitted the conduct which was the basis for the discipline and, as noted above, the employer had no duty to proactively seek mitigating factors.

Just Cause

The salient facts of the case are not seriously in dispute. Ms. Gruen does not deny that she altered her work schedule without authorization on the days in question in September, 2003. The past work directives she has received instructing her not to do this are a matter of record, as is the written reprimand she received in August, 2003, for similar conduct (Exhibits R-2, R-7, R-13 and R-15). The testimony of Linda Heisler establishes that the work directives were issued specifically due to past problems with Ms. Gruen frequently, indeed almost on a weekly basis, seeking to alter her work schedule in order to accommodate medical appointments or other personal business, or to make up for time missed from work due to illness. This was not a common problem with other employees in the Department and was exacerbated by the fact that, as a non-exempt employee under FLSA, unauthorized changes in her work schedule could have overtime implications, which her supervisor was under instructions to control.

Ms. Gruen's defense appears predicated on several premises: 1) the work directives were unreasonable; 2) completing her work should take precedence over adhering to her work schedule; and 3) on the days in question she properly acted on her own discretion because her supervisor was not available. These arguments are not convincing.

In the first place, Ms. Gruen, as a non-exempt employee, is expected to work no more than a 40-hour workweek unless specifically authorized. This is the common practice for non-exempt employees. It is also the common practice, where an office has standard hours of operation, that the employees work within the parameters of those hours, because that is when the office is open to serve the public. Whereas exempt employees may sometimes come in early, or stay late, to complete work outside of normal hours because there are no overtime

implications, this is not typically true of non-exempt employees. The work directives do no more than mandate, with increasing specificity, that Ms. Gruen conform to this schedule, while providing an avenue to seek approval if an alteration is warranted. This is not *per se* unreasonable.

Ms. Gruen argued that the restrictions were unreasonable as to her specifically because of her particular needs. She testified as to a number of health problems, which necessitated frequent medical appointments and absences due to illness. She felt a need, or pressure, however, to complete 40 hours of work each week and thus would try to make up time missed due to illness or appointments by staying late or working over her lunch hour. She further testified, however, that she preferred to make up time missed rather than use sick leave in order to preserve sick leave to improve her retirement benefits. To the contrary, there is no evidence in the record that she received criticism from her supervisor for working less than 40 hours when she was ill, or for failing to complete her work in a timely fashion. The directives themselves merely state that she is expected to work 40 hours a week, but the testimony makes it clear that the focus was to insure that she didn't work more than 40 hours, not less, and this was clearly conveyed in conversations with her supervisor. Further, while unused sick leave benefits may have implications for retirement, sick leave is first and foremost a benefit intended to be used for absences due to illness or medical needs. It is not appropriate for an employee to thus expect the employer to restructure her work schedule in order that she may avoid having to use sick leave. Therefore, the fact that Ms. Gruen was inconvenienced by the structure imposed by the work directives does not, in and of itself, make them unreasonable.

Ms. Gruen testified at length about her difficulty reconciling the competing work values of customer service and adherence to a strict work schedule. Indeed, her problems leaving on time at the end of the workday on the days in question all arose from a self-perceived need to stay late to complete a project, answer questions, or respond to email or voice mail. In her mind, in each case the matter at hand was something that could not be put off, so, since Ms. Heisler was not available, she permitted herself to work beyond her scheduled hours. The problem with this argument is that it is management's prerogative to determine the hierarchy of core values in the workplace and management had determined and frequently communicated to her, for valid reasons, that adherence to the work directives regarding her schedule took precedence. The August 8, 2003 directive even threatened further disciplinary action for non-compliance. Under the circumstances, it should have been clear to Ms. Gruen that her first priority was to adhere to her schedule and that she did not have discretion to alter her schedule without permission.

Finally, Ms. Gruen testified that on the days in question, Ms. Heisler was not in the office and she was not able to obtain permission to stay late and so acted on her own in good faith. The work directives make it very clear, however, that working outside her scheduled

hours required advance approval, without exception. Here, the old saw that it is easier to ask forgiveness than permission does not hold true. Ms. Gruen had no discretion to alter her schedule and so if she could not obtain permission to work late her only alternative was to leave work on time. Furthermore, she had Ms. Heisler's phone number and could have called on the days in question to seek permission and did not. Also, in Ms. Heisler's absence she could have requested to stay late from any other supervisor, of which there were several, and she did not. Indeed, on both September 26 and September 29 she saw Cheryl Anderson, the DHFS Personnel Director, at the end of the workday and yet did not request authorization to stay late. Thus, Ms. Gruen's decision to use her own judgment in deciding to stay late on the days in question, rather than seek permission, cannot be justified.

From the Employer's standpoint, such behavior raised numerous concerns. In the first place, as a non-exempt employee Ms. Gruen was entitled to overtime for all hours over forty worked within a given week. Because of budget constraints, the Department was seeking to avoid overtime hours, which was made harder by Ms. Gruen's unwillingness to work within her assigned schedule. In addition to the cost concerns, the continual schedule alterations caused staffing issues from time to time and also required Ms. Heisler to devote an inordinate amount of time to making schedule adjustments to make sure that there was adequate staff coverage and that Ms. Gruen's work hours were kept within the forty hour threshold. Given these concerns, it was reasonable for management to try to curtail Ms. Gruen's tendency to alter her schedule and, when those efforts were not successful, discipline was justified.

Under the circumstances, therefore, the Respondent has sufficiently established just cause for the issuance of discipline.

Degree of Discipline

In this case, the Department issued a one-day suspension without pay for Ms. Gruen's misconduct. Ms. Gruen argues that even if discipline is justified in the case, the suspension is too severe a punishment and will not have the desired corrective effect.

The record indicates that work schedule issues concerning Ms. Gruen were a problem for at least three years prior to her suspension. Due to her habit of seeking schedule adjustments for personal business, or seeking to make up time lost due to absences outside regular work hours, rather than using paid leave, her supervisor issued written work directives to her, setting forth with specificity her work schedule and the approved procedures for altering it. Ms. Gruen did not comply with those directives, resulting to a written reprimand being issued to her on August 13, 2003. She also received a new work directive on August 8,

2003, setting out her work schedule requirements in even greater detail and warning that failure to adhere to it would result in further discipline. Nevertheless, in late September, 2003, she once again engaged in the behavior the reprimand and the directives had been intended to curtail.

Management was within its rights to mandate that she adhere to a specific work schedule, subject to change only upon advance approval, whether or not Ms. Gruen agreed with its decision. Considering the past efforts of Ms. Heisler to impress upon her the necessity of not altering her schedule, her actions in not doing so, notwithstanding well-intentioned motives, constitute insubordination. Further, management followed a pattern of progressive discipline in dealing with Ms. Gruen, as set forth in Chapter 264 of the DHFS Supervisor Manual, Wis. Admin. Code. After issuing written directives and verbal admonishment, Ms. Gruen was given a written reprimand. Following a written reprimand, a one-day suspension is the next least severe form of discipline. Given that the incidents giving rise to the suspension occurred less than two months after the reprimand, it is doubtful that an additional reprimand would have been any more effective than the first and, therefore, the suspension was justified.

Dated at Madison, Wisconsin, this 19th day of January, 2005.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner