



March 28, 2019

Via Facsimile and Email

Dane County Employee Relations Division
Room 418
210 Martin Luther King Jr.
Madison, WI 53703
608-266-4409
employee-relations@countyofdane.com

Re: Appeal of Notice of Discipline
Adverse Action: Suspension
Employee: Beth Anderson
Our File No. 20219

Dear Sir/Madam:

Please be advised that our law office represents Beth Anderson. By this letter, Ms. Anderson appeals from the whole of the notice of discipline issued by Andre Johnson (Youth Justice Manager) on March 18, 2019. This appeal is made pursuant to Section 18.17(3) of the Dane County Civil Service Ordinance.

Matter 1

The notice alleges that Ms. Anderson was absent on October 3, 8, 17 and 23 of 2018; on December 10, 12, 18 and 20 of 2018; and on January 2, 2019. Although Ms. Anderson was absent on one or more of those dates, Ms. Anderson's absences are excusable under the laws governing employee leave for illness, family reasons, and medical reasons, and the custom of the department.

Matter 2

The notice alleges that Ms. Anderson failed to complete a background screen and was untruthful when asked about it. Ms. Anderson acknowledges that she did not complete the background screen. The court entered an unusual order and Ms. Anderson mistakenly believed another agency would complete the screen. Ms. Anderson was truthful when asked about the screen. The error does not warrant a suspension and has not resulted in a suspension for similarly situated employees..

Matter 3

The notice alleges that Ms. Anderson failed to appear in court on January 3, 2019, and failed to arrange for a coworker cover the hearing. Ms. Anderson was ill the day of the hearing (as mentioned earlier the notice: "You applied, and were approved for FMLA for January 3 and 4."). Ms. Anderson reported to the department that she was ill. It was not Ms. Anderson's responsibility to contact coworkers or secure coverage for appointments or court hearings.

Matter 4

The notice alleges that Ms. Anderson missed an appointment on January 3, 2019. As mentioned above, Ms. Anderson was ill the day of the appointment. Ms. Anderson reported to the department that she was ill. It was not Ms. Anderson's responsibility to contact coworkers or secure coverage for appointments or court hearings.

The notice also alleges that Ms. Anderson failed to communicate with the person with whom she had missed the appointment. That allegation is wholly false.

The notice also alleges that Ms. Anderson acted contrary to NASW 1.06 by asking the person with whom she had missed an appointment to confirm the dates on which Ms. Anderson had left voice messages. Such actions are not contrary to NASW 1.06 and the department knows it. Furthermore, the department has attempted to dissuade and intimidate Ms. Anderson from exercising her right to pursue a hearing by threatening to report the non-violation to state authorities.

In sum, Ms. Anderson requests a hearing pursuant to Rule 18.17(3)(c); a decision reversing the suspension; and admonition issued to the department proscribing the department from dissuading or intimidating employees from pursuing their right to a hearing.

Sincerely,

GINGRAS, CATES & WACHS

/s/ William F. Sulton

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