



WISCONSIN LEGISLATURE

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Roth, Steineke: Clear Definition of “Just Cause” Provides Workplace Stability

Madison –State Senator Roger Roth (R-Appleton) and Assembly Majority Leader, Representative Jim Steineke (R-Kaukauna) are continuing to outline their reforms to Wisconsin’s civil service law. A key component of the legislation is to clearly define “just cause” in state statute.

Under current law, a permanent status civil service employee can only be terminated or demoted for “just cause.” However, there is no definition for “just cause” in state statute. The new civil service proposal clearly defines just cause to mean performance and personal conduct that is inadequate, unsuitable or inferior after progressive discipline. In addition to a progressive discipline system, serious offenses may warrant immediate termination. Serious offenses are considered the following:

- Physical violence or harassment while on duty
- Being intoxicated, under the influence, or possession of a controlled substance while on duty
- Theft of state property
- Conviction of a crime, if it makes it impossible for the employee to perform their duties
- Falsifying business records
- Misuse or abuse of property, including intentional use of workplace equipment to download, view, solicit, seek, display or distribute pornographic material
- No call/no show for any three working days in a calendar year

“A fluid definition of ‘just cause’ creates a cloud of confusion,” said Rep. Steineke. “This change gives employees certainty in their job by making it clear what is unacceptable workplace behavior.”

There are several recent examples of egregious behavior that have only resulted in a short reprimand or in a lengthy, contested dispute between the employee and the State:

- A state employee spent 4.2 hours per day over a two month period watching pornography, yet had his job restored because he wasn’t sufficiently warned.
- A state employee who used illegal drugs with a parolee and eventually received his job back through arbitration.
- A state employee abandoned his job and fled to Canada while under criminal investigation. The department was not allowed to take action to terminate him until 5 consecutive days expired in order to comply with 230.34(1)9am related to “Job Abandonment.” The employee accrued pay and benefits during this time.

“Taxpayers expect us to have the ability to take appropriate disciplinary action for misconduct,” added WI Department of Revenue Secretary Richard G. Chandler. At the Department of Revenue we currently protect taxpayer confidentiality through specific anti-disclosure laws. Defining ‘just cause’ for employee discipline to encompass specific situations like theft, harassment, and serious violations of the ethics code sends a message to taxpayers and our employees that maintaining our integrity is a priority.”

“I think any reasonable employee would agree that theft, workplace violence or watching pornography on the job warrants grounds for termination,” said Sen. Roth. “These reforms align the State on the side of common sense and eliminates gray area surrounding the state’s ability to terminate employment.”

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