

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

EMILY J. DUNKEL,)	
Appellant,)	
)	
and)	CASE NO. 100031
)	
STATE OF IOWA (DEPARTMENT OF)	
CORRECTIONS),)	
Appellee.)	

PROPOSED DECISION AND ORDER

Appellant Emily Dunkel filed this state employee disciplinary action appeal with the Public Employment Relations Board (PERB) pursuant to Iowa Code section 8A.415(2)(b) and PERB subrule 621-11.2(3) alleging that her ten-day unpaid suspension from the Iowa Correctional Institution for Women (ICIW) was without just cause. Dunkel further alleges that ICIW retaliated against her with respect to other state employment.

Pursuant to notice, a closed evidentiary hearing on the merits was held before me on September 28, 2015, at the PERB office in Des Moines, Iowa. Dunkel appeared *pro se* and the state was represented by attorney Andrew Hayes. Both parties submitted post-hearing briefs on October 30, 2015.

Based upon the entirety of the record and having reviewed and considered the parties' arguments, I conclude that the State has established just cause for Dunkel's ten-day unpaid suspension.

FINDINGS OF FACT

Emily Dunkel began state employment on August 28, 2008, as a Secretary II with the Iowa Department of Corrections (IDOC) at ICIW. Dunkel's immediate supervisor was Warden Patti Wachtendorf. As the secretary for the Warden and Assistant Warden Jeremy Larson, Dunkel was the voice and point of contact for the Warden's office.

One of Dunkel's duties was to process offender appeals which included discipline, grievance, classification, and visitation appeals. This case centers on the processing of visitor appeals for offenders housed at ICIW. In order to visit an offender, all visitors must apply and be approved for an offender's visiting list. Thus, timely processing of these applications is critical. Visitor applications, including those for ICIW offenders, are processed by Centralized Visiting located in Mount Pleasant, Iowa. Applications are initially received by Betty Witte in Centralized Visiting, reviewed and either granted or denied. If a visitor application for an ICIW offender is denied by Centralized Visiting, the visitor may appeal the denial to ICIW. Witte emails the "visit packet" containing the appeal to both Dunkel and the Warden. Dunkel logs in the appeal and the appeal is sent to the Warden or Assistant Warden for their review and determination. Once a decision is rendered, the appeal is returned to Dunkel who returns the "visit packet" to Witte. If ICIW denies the visitor's appeal, this denial can be further appealed to IDOC's central office. When an ICIW "visit packet" is not returned to Witte within a 30 day timeframe, Witte emails both the Warden and Dunkel notifying them of the outstanding appeal.

The following two instances prompted the investigation which resulted in Dunkel's ten-day unpaid suspension.¹

Visitor Appeal for offender P-M:

On October 9, 2014, Witte emailed Dunkel and the Warden a "visit packet" which contained an appeal of a visitor application for offender P-M housed at ICIW. Witte did not email Dunkel and the Warden when the appeal was 30 days old. On December 2, 2015, Witte sent an email to Dunkel and the Warden reminding them that the appeal was "almost 60 days old" and she had not received a response. There was no response by Dunkel to the email. On January 6, Witte sent another email to Dunkel and the Warden reminding them that the appeal was now almost 90 days old. Shortly thereafter, Dunkel responded saying she would "check into this." On January 7, Dunkel responded to Witte stating:

Honestly, I have no idea where this one disappeared to. I will reprint and get to Jeremy [Assistant Warden]. He is out today and I will hand it to him in the morning. Again – I apologize – I don't know what happened with this one. Don't even have on my log...

Witte responded, "No worry – can't believe they haven't called though!"²

The visitation appeal was approved by the Warden and returned to Witte on January 8, 2015.

¹ Throughout this decision, I am using the first letter of the offender's last name as an identifier.

² Exhibit 6, page 1.

Visitor Appeal for offender G:

On December 18, 2014, Witte emailed Dunkel and the Warden a “visit packet” which contained an appeal of an application to visit offender G housed at ICIW. On January 21, 2015, Witte sent an email to Dunkel and the Warden reminding them that the appeal was “over 30 days old” and that she had not received a response. Later that day, the Warden emailed IDOC employee, Mike Robinson and copied the Assistant Warden, stating in part: “Here’s another late one that came in today. Add to the investigation.”³

There is little known about the investigatory process ICIW used to determine whether discipline was warranted. Dunkel was interviewed on January 23, 2015, with Jenny Phillips, Terry Sikes and Mike Robinson present. The interview focused on the late visitor appeals of offenders P-M and G. During the interview, Dunkel acknowledged it was her responsibility to provide follow-up to either the Warden or the Assistant Warden so that the visitation appeal was processed in a timely manner. As to the visitor appeal for offender P-M, Dunkel admitted she did not remember receiving this appeal, nor did she remember receiving a 60-day reminder from Witte. Although Dunkel agreed she should have provided follow-up, she deflected her responsibility by noting that the Warden also received the appeal and Witte’s follow-up email regarding pending appeals. There was conflicting testimony during her investigatory

³ Exhibit 6, page 4.

interview from Dunkel whether the Warden ever informed her of a specific timeframe for appeals as seen in the following exchange:⁴

- ED: [Emily Dunkel]: No. but I do have a question because in policy it does not state the timeframe on when those have to be back.
- But, yes, but have you met with your supervisor and has she informed you of when?
- ED: she has never informed me of a timeframe
- She has never told you when appeals are due?
- ED: No. Not a specific timeframe. She just you know her statement is to keep up on them. Which is what I do. I missed one I missed an email I understand that and me and betty were talking about it. She goes I'm just surprised that the visitors haven't contacted her which they haven't'.
- Yah, that's what the email said.
- ED: You know, so um I mean the 30 days is Betty's timeframe.
- Yes
- ED: I actually called and spoke with Betty about that 30 days was her timeframe.
- Correct. SO you've never had a conversation with your supervisor on when?
- ED: No, I have. I have. I'm saying I have. You know but.
- Yah but they've never given you specifics as to what when you need to tell them uh that things are becoming untimely? They've never said 30 days, 15 days, 90 days? They've never given you any sort of direction on when you need to tell them?
- ED: Oh they have but it's I thought you were meaning in reference to returning those when they get returned to the other facility.
- But even when it's not in policy, it's a supervisory directive.
- ED: She has not given me exact days, no.
- So she's never told you
- ED: She's never said
- You need to make sure these are done in 30 days or 90 days or 60days?
- ED: No, she just said that if they start getting to a little bit older to let them know. And I did go to Jeremy after this [P-M]⁵ came up,
- Ok
- ED: I went to him with [G]⁶ saying this one needs to be done, would you like me to give you a copy of what outstanding right

⁴ Exhibit 8, page 11-12. I have copied the exchange exactly as it is contained in Exhibit 8. It is not clear who conducted the investigatory interview as the interviewer was identified as a dash.

⁵ Name of inmate.

⁶ Name of inmate.

now and he said “no I have them in date order, there’s no reason for you to give me that log stating when they need to be done.”

- Ok. Ok.

Conversely, both the Warden and the Assistant Warden testified at the PERB hearing that Dunkel knew of the 30-day timeframe since it had been discussed with her repeatedly.

On January 28, five days after the investigatory interview, Dunkel emailed Robinson regarding the offender visitor appeals discussed in the investigatory interview. As to the lateness of the visitor appeal for offender P-M, the email stated: “Just so you know. I did not receive a 30-day reminder regarding the [P-M] appeal. When I spoke with Betty she stated she felt there was something special about that appeal, which I did also, but could not find any documentation regarding this. She could not find anything either.”⁷

On January 30, 2015, Dunkel received a ten-day suspension due to the lateness of a visitation appeal for offender P-M. The suspension letter stated, in part:

You are being suspended without pay for 10 days due to a violation of the following policies:

- DOC Policy AD-PR-11 General Rules of Employee Conduct, Section IV.C.2:
Employees are charged with the responsibility of complying with IDOC’s, Institution, and Judicial District Department’s work rules, orders, policies, and procedures, along with municipal, county, state, and federal laws, and the applicable rules of regulatory agencies that apply to them.
- DOC Policy AD-PR-11 General Rules of Employee Conduct, Section IV.C.3:

⁷ Exhibit 6, page 3.

Employees are expected to be familiar with their job description, essential functions, performance standards, and job duties. Employees are expected to perform their duties in an impartial manner.

- DOC Policy AD-PR-11 General Rules of Employee Conduct, Section IV.E.1:
Conduct themselves in a professional manner that creates and maintains respect for the IDOC and the individuals served.
- DOC Policy AD-PR-11 General Rules of Employee Conduct, Section IV.E.4:
Obey all applicable federal, state and local laws and the policies of the IDOC, institutions or judicial districts.
- DOC Policy AD-PR-11 General Rules of Employee Conduct, Section IV.H.6:
Obey a supervisor's lawful orders. Instructions that the employee believes unnecessarily jeopardize health and safety regulations must be immediately reported to an authority higher than the person giving the directive.
- AD-PR-11 (ICIW-01), section 111.A.7:
When assigned to a post, it is the employee's responsibility to read and comply with the general post orders, to keep abreast of changes, and to report and [sic] need for changes. Adherence to posted notices, signs, instructions and procedures is required. Employees are required to follow the verbal and written instructions of supervisory staff.
- AD-PR-11 (ICIW-01), section 111.A.11:
Below standard job performance or on the job misconduct, including but not limited to, excessive absenteeism or tardiness, shall be grounds for disciplinary action up to and including discharge.

On Thursday October 9, 2014 Betty Witte sent Emily Dunkel a visitation appeal for Offender P-M via email that was to be answered by the Warden's office. On Tuesday December 2, 2014 Betty Witte sent another email concerning this same appeal stating that this appeal was almost 60 days old and she had not received a response. Emily Dunkel never responded to that email. On Tuesday January 6, 2015 Betty Witte sent another email stating that this appeal was now 90 days old and she had not yet received a response. Emily replied to this email on Wednesday January 7, 2015 stating that she had no idea where this appeal "disappeared" to and that she did not even have this appeal logged into her database. By failing to follow the appeals process as set forth by the Warden's office, your actions resulted in the untimely processing of this appeal. You [sic] actions could have caused an

adverse effect on the department, institution, and Office of the Warden.⁸

The record does not indicate who made the decision that a ten-day suspension was appropriate. Further, there is scant evidence regarding the considerations used to determine the appropriate level of discipline. According to the Warden's testimony at the PERB hearing, the discipline was based upon Dunkel's previous disciplinary history and job performance.

Dunkel was disciplined on three separate occasions prior to the discipline at issue. On April 23, 2014, Dunkel received a written reprimand for failure to follow IDOC/ICIW policy when she placed attorneys in a specific visiting room area in violation of a supervisor's directive. On July 8, Dunkel received a three-day unpaid suspension for disseminating confidential information not authorized to be shared in violation of several IDOC/ICIW policies. On September 3, Dunkel received a five-day unpaid suspension for once again disseminating confidential information. Dunkel did not challenge any of these disciplinary actions through the State's disciplinary appeal procedures.

Dunkel was evaluated on four performance areas which included "Offender Appeals – discipline, grievance, classifications and visits." The record contains Dunkel's last yearly evaluation from 1/1/2013 to 2/28/2014. Although Dunkel received a "meets expectations" rating with respect to offender appeals, it was noted by the Warden that visitation:

⁸ Exhibit 1.

appeals from MtP [Mount Pleasant] have not been responded to within timeframes and I rec'd numerous emails regarding this. She has shown improvement in this area since I've discussed with her several times. Timeframes must be followed 100% of the time.⁹

The timeframe referenced for processing visitor appeals was not delineated in the evaluation. Overall, Dunkel received a performance evaluation rating of "meets expectations."

Considerable testimony was presented pertaining to Dunkel's performance deficiencies. Dunkel was placed on monthly "special evaluations" beginning in May 2014 due to these performance deficiencies. The monthly evaluations were similar to the yearly evaluation in that Dunkel received an overall rating as well as a rating for the four performance areas which included offender appeals. In Dunkel's first "30-day special evaluation" from May 23 to June 23, 2014, Dunkel did not meet expectations overall or with respect to offender appeals where it was noted that: "[a]nother visiting appeal was late to MPCF [Mount Pleasant Correctional Facility].... This is not acceptable. Timeframes must be followed 100% of the time."¹⁰ In Dunkel's second special evaluation from June 24 to July 25, Dunkel once again did not meet expectations overall or in the area of offender appeals. In this evaluation, it was noted that Dunkel had:

set up a database and will let the Warden/DW know when getting close. Time frames must be followed 100% of the time. All appeals answered must go out on the same day. Not her responsibility if appeal is answered late but it is her responsibility to let the Warden's Office know if getting close.¹¹

⁹ Exhibit 5A.

¹⁰ Exhibit 5B.

¹¹ Exhibit 5C.

On August 26, 2014, Dunkel began her last “30-day special evaluation” which ended on September 25.¹² In this evaluation, Dunkel met expectations both overall and in the area of offender appeals. No comments were made as to the processing of visitation appeals.

There is no IDOC policy with respect to the timely processing of visitation appeals. Further, there is no written ICIW policy or work directive as to the timeframe for processing these appeals. There is a disagreement as to whether there was a verbal work directive concerning the processing of visitation appeals within a 30-day timeframe. It is uncontested that the Warden had verbally directed Dunkel that she was to notify the Warden or Deputy Warden, whichever applicable, in a manner that allowed for the timely processing of the pending appeals. The gravamen of the dispute is whether Dunkel knew of the 30-day time period.

I find that Dunkel knew of the 30-day timeframe since she had been evaluated regarding the timely processing of visitation appeals and these evaluations contained comments concerning her failure to follow timeframes as established by the Warden. Further, the Warden and Assistant Warden testified at the PERB hearing as to the 30-day timeframe and Dunkel in her investigatory interview acknowledged, at times, that she knew of the 30-day time period. Finally, at hearing, she admitted there was a verbal work directive concerning the processing of visitation appeals within 30 days. Thus, I find that there was a verbal work directive from the Warden that Dunkel was to

¹² An evaluation was not done for the period between July 26 and August 25, 2014.

notify the Warden or Deputy Warden, whichever applicable, in a manner that allowed for the pending visitation appeal to be processed within 30 days and that Dunkel knew of this work directive.

Dunkel received her notice of the ten-day suspension on January 30, and filed an appeal with the Department of Administrative Services (DAS) on February 5, 2015. On or before February 24, Dunkel resigned her position at ICIW. Dunkel's appeal was denied by DAS on March 17 and Dunkel timely filed this appeal with PERB on April 16, 2015, pursuant to Iowa Code section 8A.415(2)(b) and PERB rule 621-11.2.

CONCLUSIONS OF LAW

Dunkel filed this appeal pursuant to Iowa Code section 8A.415(2)(b) which provides in relevant part:

If not satisfied, the employee may, within thirty calendar days following the director's response, file an appeal with the public employment relations board. The employee has the right to a hearing closed to the public, unless a public hearing is requested by the employee. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies....

DAS rule 11-60.2 sets forth specific discipline measures and procedures for disciplining employees and provides:

Except as otherwise provided, in addition to less severe progressive discipline measures, any employee is subject to any of the following disciplinary actions when based on a standard of just

cause: suspension, reduction of pay within the same pay grade, disciplinary demotion, or discharge.... Disciplinary action shall be based on any of the following reasons: inefficiency, insubordination, less than competent job performance, failure to perform assigned duties, inadequacy in the performance of assigned duties, dishonesty, improper use of leave, unrehabilitated substance abuse, negligence, conduct which adversely affects the employee's job performance of the agency of employment, conviction of a crime involving moral turpitude, conduct unbecoming a public employee, misconduct or any other just cause.

Dunkel alleges that the ten-day unpaid suspension was not based on just cause.

In discipline cases, the State bears the burden of establishing just cause for the discipline imposed. *Rode & State (Dep't of Corrections)*, 15-ALJ-100041 at 9, *Flippin & State (Dep't of Natural Resources)*, 14-MA-13 (App. at 14); *Harrison & State (Dep't of Human Services)*, 05-MA-04 at 9. PERB has consistently found that the presence or absence of just cause rests on the reasons stated in the disciplinary letter. *Rode*, 15-ALJ-100041 at 11; *Flippin*, 14-MA-13 (App. at 14); *Eaves & State (Dep't of Corrections)*, 03-MA-04 at 14; *Hunsaker & State (Dep't of Employment Services)*, 90-MA-13 at 46, n.27. This requirement is derived from Iowa Code section 8A.413(18)(b) which provides in relevant part: “[t]he person discharged, suspended, or reduced shall be given a written statement of the reasons for the discharge, suspension or reduction....”

In this case, the presence or absence of just cause is based upon the reason set forth in the January 30 disciplinary letter; the failure to “follow the appeals process as set forth by the Warden’s office” with respect to the P-M visitation appeal. At hearing, there was considerable testimony concerning

other performance deficiencies as well as the second late visitation appeal which was part of ICIW's investigation. However, these performance deficiencies and late appeal will not be considered or given weight in determining whether ICIW had just cause for the ten-day unpaid suspension since they were not included in the January 30 disciplinary letter as required by 8A.413(18)(b). See e.g., *Hunsaker*, 90-MA-13, at 46, n. 27.

The term "just cause" as used in section 8A.415(2)(b) and DAS administrative rule 11-60.2 is not defined by statute or rule. *Rode*, 15-ALJ-100041 at 9; *Gleiser & State (Dep't of Transportation)*, 09-MA-01 at 16; *Harrison*, 05-MA-04 at 8. In determining whether the State has just cause for disciplining an employee, the totality of the circumstances is examined to determine whether just cause exists. *Rode*, 15-ALJ-100041 at 9; *Flippin*, 14-MA-13 (App. at 15); *Cooper & State of Iowa (Dep't of Human Rights)*, 97-MA-12 at 30. In examining the totality of the circumstances of the alleged misconduct, the Board has instructed that:

[w]hile there is no fixed test to be applied, examples of some of the types of factors which may be relevant to a just cause determination, depending on the circumstances, include but are not limited to: whether the employee has been given forewarning or has knowledge of the employer's rules and expected conduct; whether a sufficient and fair investigation was conducted by the employer; whether reasons for the discipline were adequately communicated to the employee; whether sufficient evidence or proof of the employee's guilt of the offense is established; whether progressive discipline was followed, or not applicable under the circumstances; whether the punishment imposed is proportionate to the offense; whether the employee's employment record, including years of service, performance and disciplinary record, have been given due consideration; and whether there are other mitigating circumstances which would justify a lesser penalty.

Rode, 15-ALJ-100041 at 10; *Flippin*, 14-MA-13 (App. at 15); *Eaves*, 03-MA-04 at 14-15.

One factor relevant in determining whether just cause exists is whether the employer conducted a sufficient and fair investigation. Dunkel contends that the investigation was not fair and reasonable as other involved employees (i.e. Witte, the Warden and Assistant Warden) were not interviewed. Based upon the evidence presented, ICIW has not established that it conducted a sufficient and fair investigation. Based upon Dunkel's investigatory interview, it was clear that she knew of the Warden's work directive; that is, that she was to provide follow-up to either the Warden or Assistant Warden for the timely processing of visitor appeals. Additionally, she admitted that she did not notify the Assistant Warden with respect to this appeal as required by the Warden's directive. However, the investigation did not sufficiently determine whether Dunkel was aware of the Warden's expectation that appeals were to be processed within 30 days. In Dunkel's investigatory interview, she gave conflicting statements as to whether she knew of the Warden's 30-day timeframe. Due to ICIW's failure to investigate further (i.e. interview others) in light of the inconsistencies in Dunkel's investigatory interview, I cannot conclude that the investigation was sufficient and fair.

Another factor relevant in determining whether just cause exists is whether the employee had knowledge of the employer's expected conduct. Dunkel contends that she cannot be in violation of IDOC and ICIW work rules since the 30-day timeframe was not a written IDOC or ICIW policy. However,

as discussed in the findings of fact, it is clear that Dunkel knew of the Warden's verbal work directive; she was to notify the Warden or Assistant Warden, whichever applicable, in a manner that allowed for visitation appeals to be processed in 30 days. Although it would have been beneficial for all involved had the Warden's directive been written, instead of verbal, the fact that it was not in writing does not negate the directive. *See e.g., F. Scott Deaver & State (Department of General Services), 87-MA-03 at 4.*

Whether there is sufficient evidence or proof of the employee's guilt is another relevant factor in determining whether just cause exists for the disciplinary action. There is no question that the P-M appeal was not processed timely as established by the email correspondence between Dunkel and Witte. Further, Dunkel admitted in her investigatory interview and at hearing that she missed the timeframe on the P-M visitation appeal, but contends that it was "a mistake." Even though it may have been a mistake, the fact remains that Dunkel did not follow the Warden's verbal work directive regarding the timely processing of the visitation appeal for offender P-M. She did not provide follow-up to the Assistant Warden which allowed for the timely processing of the appeal 30 days from its receipt at ICIW. It was only after a 90-day email reminder from Witte that the visitation appeal was processed. DOC policy AD-PR-11 and ICIW policy AD-PR-11 provide that employees are to obey a supervisor's lawful orders and follow the verbal instructions of supervisory staff. There is more than sufficient evidence to establish that Dunkel failed to follow the Warden's work directive for the timely processing of

P-M's visitor appeal within 30 days of its receipt. Dunkel's failure violated DOC policy AD-PR-11, section IV.C.2, and H.6 and ICIW policy AD-PR-11, section III.A.7 and thus discipline was warranted.

The disciplinary letter contained other IDOC and ICIW policy violations; DOC policy AD-PR-11, section IV.C.3, E.1, and E.4, and ICIW policy AD-PR-11, section III.A.11. Because these policies appear to be related to the other performance issues not documented in the disciplinary letter, I conclude that the State has failed to establish violations of the referenced IDOC and ICIW policies.

There are additional factors which support Dunkel's ten-day unpaid suspension. One such factor is whether progressive discipline was followed. Dunkel's prior disciplinary actions and job performance weigh in favor of the disciplinary action. PERB has long recognized that the purpose of progressive discipline is to correct an employee's behavior rather than to punish. *Flippin*, 14-MA-13 (App. at 21); *Bell & State of Iowa (Dep't of Corrections)*, 88-MA-11 at 7; *Wullner & State of Iowa (Dep't of Corrections)*, 87-MA-16 at 4.

The ten-day disciplinary suspension was not punitive but was based upon Dunkel's disciplinary history and job performance. Under IDOC's progressive discipline policy, Dunkel had received increasing penalties; a written warning, and both a three-day and five-day unpaid suspension. These three disciplinary actions had occurred within five months and within nine months of this disciplinary action; a relatively short period of time.

Further, Dunkel's job performance as to processing visitor appeals was substandard. In her evaluations, timely processing visitation appeals was an issue and except for Dunkel's last special evaluation, her inability to timely process visitor appeals was noted. Processing visitation appeals was an integral part of her job and appeals needed to be timely processed in order for visitors to be placed on an offender's visiting list. Although Dunkel admitted she made a mistake when she missed the P-M visitation appeal, Dunkel did not accept responsibility for this mistake. Instead, she deflected her responsibility by noting that the Warden should have known about the overdue pending appeal since she too was copied on Witte's emails. However, Dunkel had been given a work directive by the Warden. It was Dunkel's responsibility, not the Warden's, to monitor appeals so that they would be processed in a timely manner. By failing to follow the Warden's verbal work directive with respect to visitor appeals, an appeal was missed. The result of the untimely processing of the visitation appeal resulted in a visitor not being placed on offender P-M's visiting list for almost 90 days.

Considering all of the factors relevant to a just cause determination in this case, I cannot conclude that the ten-day unpaid suspension was excessive under the circumstances. While the investigation was not sufficient, this factor alone does not outweigh the other relevant factors discussed above that support the discipline imposed.

In the disciplinary appeal, Dunkel also alleges that ICIW retaliated against her with respect to other state employment as she was offered another

position in state government but this offer was withdrawn a few hours after it was offered. This retaliation claim was never raised prior to the appeal to PERB, and thus cannot form the basis for a finding of an independent rule violation. *Tieglund & State (Dep't of Corrections)*, 03-MA-10 (App. at 6); *Cooper*, 97-MA-12 at 33. Nor can the substance of Dunkel's claim be considered part of the totality of circumstances analysis, discussed above, in determining whether just cause existed for the disciplinary action since Dunkel's retaliation claim is based upon events which took place after the discipline was imposed. *See e.g. Cooper*, 97-MA-12 at 33.

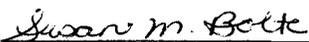
Having considered the entirety of the record and all of the arguments raised by the parties, whether or not specifically addressed above, the State had just cause within the meaning of section 8A.415(2) to impose a ten-day unpaid suspension.

Consequently, the following is proposed:

ORDER

Emily Dunkel's state employee disciplinary appeal is hereby DISMISSED.

Dated at Des Moines, Iowa this 27th day of January, 2016.



Susan M. Bolte
Administrative Law Judge

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