

**Department of Workforce Development
Secretary's Office**
201 E. Washington Avenue
P.O. Box 7946
Madison, WI 53707
Telephone: (608) 266-3131
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Tony Evers, Governor
Caleb Frostman, Secretary

February 15, 2019

The Honorable Patrick E. Fuller
Chief Clerk of the Wisconsin Assembly
17 West Main St., Suite 401
P O Box 8952
Madison, WI 53708-8952

Dear Mr. Fuller:

Pursuant to Wis. Stat. § 230.89(2), I respectfully submit the Department of Workforce Development's (DWD's) biennial report for the calendar years 2017-2018, regarding the administration and enforcement of Wis. Stat. §§ 230.80 – 230.89(2), also known as the Whistleblower Law.

The report contains an attached spreadsheet which outlines the number of whistleblower complaints filed, accepted, resolved, and that went to hearing. Current status of each complaint is indicated. Additionally, the Equal Rights Division (ERD), which is responsible for enforcing this section, is required by the statute to report the dollar amounts of monetary settlements or final monetary awards. This report includes settlements reached during the period covered, along with monetary terms identified in the settlements.

Thank you for your attention to this matter. Please don't hesitate to contact me at 608-267-1410 with questions regarding the information contained in this report.

Sincerely,

Caleb Frostman
Secretary

Attachments

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Secretary's Office**
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Tony Evers, Governor
Caleb Frostman, Secretary

February 15, 2019

The Honorable Jeffrey Renk
Chief Clerk of the Wisconsin Senate
B20 SE Capitol
P O Box 7882
Madison, WI 53707-7882

Dear Mr. Renk:

Pursuant to Wis. Stat. § 230.89(2), I respectfully submit the Department of Workforce Development's (DWD's) biennial report for the calendar years 2017-2018, regarding the administration and enforcement of Wis. Stat. §§ 230.80 – 230.89(2), also known as the Whistleblower Law.

The report contains an attached spreadsheet which outlines the number of whistleblower complaints filed, accepted, resolved, and that went to hearing. Current status of each complaint is indicated. Additionally, the Equal Rights Division (ERD), which is responsible for enforcing this section, is required by the statute to report the dollar amounts of monetary settlements or final monetary awards. This report includes settlements reached during the period covered, along with monetary terms identified in the settlements.

Thank you for your attention to this matter. Please don't hesitate to contact me at 608-267-1410 with questions regarding the information contained in this report.

Sincerely,

Caleb Frostman
Secretary

Attachments

WHISTLEBLOWER COMPLAINT ACTIVITY - CY2017-CY2018

| Case Number | Complainant | Respondent | Status | Monetary Terms of Settlement |
|--------------------|--------------------|-----------------------------|--|-------------------------------------|
| CR201300903 | Bethards, Daniel | WI Dept of Justice | Probable Cause (PC) Initial Determination (ID) issued, 10/1/13. No discrimination found at hearing, 12/26/14. Appealed to Circuit Court, 4/14/16. Circuit Court reversed and remanded for hearing. DOJ and DWD appealed this decision to Court of Appeals. Court of Appeals reversed and dismissed, June 2017. Not appealed. Closed. | |
| CR201302058 | Bethards, Daniel | WI Dept of Justice | See CR201300903 | |
| CR2013023023 | Bethards, Daniel | WI Dept of Justice | See CR201300903 | |
| CR201500201 | Docimo, Frank | WI Dept of Military Affairs | Case was in mediation until April 2016 - Impasse. Returned to investigation. No Probable Cause found, 3/6/17. Not appealed. Closed. | |
| CR201500883 | Ruotsinoja, Edwin | UW-Madison | Preliminary determination (PD) issued, 8/16/17, dismissing case because of lack of jurisdiction - the alleged disclosures of information were not found to be protected under the statute. Not appealed. Closed. | |

WHISTLEBLOWER COMPLAINT ACTIVITY - CY2017-CY2018

| Case Number | Complainant | Respondent | Status | Monetary Terms of Settlement |
|--------------------|------------------------|----------------------------------|---|---|
| CR201501765 | Weber, Suzanne | WI Dept of Workforce Development | ID - NPC issued 10/23/15. Appealed to hearing on the issue of probable cause. After hearing, the NPC finding was affirmed - 2/28/17. Complainant petitioned for rehearing, 3/21/17. She also filed a Petition for Circuit Court review on 3/31/17. ALJ denied Petition for Rehearing on 4/14/17. Pending with Circuit Court in Columbia Countv. | |
| CR201503632 | Harris, Anthony | WI Dept of Health Services | PD - Not timely, 10/5/16. Appealed. Complainant appealed. Mediated settlement of this and 3 other ERD cases occurred. Dismissed 4/4/17. | \$ 5,000.00 to resolve 4 ERD complaints - 2 other Whistleblower cases, recorded herein, and 2 employment discrimination complaints (not included in this report). See also CR201600677 |
| CR201600218 | Yadranji Aghdam, Saeed | UW-Madison | ID-NPC issued 6/29/16. Appealed. Parties reqached settlment, 6/22/17. Closed. | \$ 24,500.00 |

WHISTLEBLOWER COMPLAINT ACTIVITY - CY2017-CY2018

| Case Number | Complainant | Respondent | Status | Monetary Terms of Settlement |
|--------------------|--------------------|----------------------------|---|--|
| CR201600330 | Potts, Jennifer | WI Dept of Health Services | ID-NPC issued 5/24/16. Appealed. Mediation held, 2017 - failed. Case went to an Administrative Law Judge (ALJ) for a hearing. ALJ dismissed for failure to state a claim under the statute. Appealed to Circuit Court. Circuit Court affirmed the dismissal (Milwaukee County Case No. 2018CV149), 7/23/18. Complainant did not appeal. Closed. | |
| CR201600677 | Harris, Anthony | WI Dept of Health Services | ID-NPC issued 10/4/16. Appealed. Mediated settlement of this and 3 other ERD cases. Dismissed 4/4/17. | <p>\$ 5,000.00 to resolve 4 ERD complaints - 2 other Whistleblower cases, recorded herein, and 2 employment discrimination complaints (not included in this report).</p> <p>See also CR201503632</p> |

WHISTLEBLOWER COMPLAINT ACTIVITY - CY2017-CY2018

| Case Number | Complainant | Respondent | Status | Monetary Terms of Settlement |
|--------------------|--------------------|----------------------------------|--|-------------------------------------|
| CR201601706 | Wall, Edward | WI Dept of Justice | ID - PC issued 2/17/17. Certified to hearing on the merits. ALJ dismissed upon the respondent's motion because complainant was not an "employee" protected under the statute when he worked for Dept of Corrections. When he worked for Dept of Justice, he was an "employee," but he did not make protected disclosures under the Act. Complainant did not appeal this dismissal. | |
| CR201602603 | Weber, Suzanne | WI Dept of Workforce Development | Dismissed - Not timely, 10/12/16. Appealed. ALJ affirmed that the complaint was untimely, 6/6/17. Complainant sought rehearing. Denied 6/30/17. Appealed to Circuit Court, 7/31/17. Columbia County Case No. 17CV233, later consolidated to another case - 17CV216, which remains open in the Circuit Court. | |
| CR201604155 | Gilboe, Andrew | UW-Madison | ID - NPC, 3/20/17. Not appealed. Closed. | |

WHISTLEBLOWER COMPLAINT ACTIVITY - CY2017-CY2018

| Case Number | Complainant | Respondent | Status | Monetary Terms of Settlement |
|--------------------|--------------------|----------------------------------|--|-------------------------------------|
| CR201604284 | Weber, Suzanne | WI Dept of Workforce Development | PD-Untimely, 3/22/17. Appealed. Affirmed dismissal, 5/30/17. Complainant Petitioned for re-hearing (denied) and appealed to Circuit Court, 7/14/17. Columbia County, 17CV216. Remains open with the Circuit Court. | |
| CR201604294 | Kloth, Karen | WI Dept of Corrections | ID-NPC, 6/26/17. Not appealed. Closed. | |
| CR201604495 | Frey, Keith | WI Dept of Health Services | Parties reached private settlement during investigation phase. Dismissed 1/27/17. | No monetary terms |
| CR201604681 | King, Veronica | WI Dept of Corrections | ID-NPC, 9/20/17. Not appealed. Closed. | |
| CR201604783 | Quednau, Veronica | UW Hospitals & Clinics | PD - No jurisdiction, 8/18/17. Not appealed. Closed. | |
| CR201604911 | King, Veronica | WI Dept of Corrections | ID-NPC, 9/20/17. Not appealed. Closed. | |
| CR201700539 | Gilboe, Andrew | UW-Madison | Dismissed, 6/26/17 - ERD mediated a settlement during investigation phase. | \$ 12,000.00 |
| CR201700547 | Kloth, Karen | WI Dept of Corrections | ID-NPC, 10/27/17. Appealed. Awaiting hearing. | |
| CR201700702 | Ramos, Ramona | WI Dept of Health Services | ID-NPC, 6/25/18. Not appealed. Closed. | |
| CR201701664 | Quednau, Veronica | UW Hospitals & Clinics | PD - No jurisdiction, 12/4/17. Not appealed. Closed. | |
| CR201701917 | King, Veronica | WI Dept of Corrections | ID-NPC, 12/21/17. Appealed. Dismissed on motion because of jurisdictional issues, 10/31/18. Not appealed. Closed. | |

WHISTLEBLOWER COMPLAINT ACTIVITY - CY2017-CY2018

| Case Number | Complainant | Respondent | Status | Monetary Terms of Settlement |
|--------------------|----------------------|---|--|-------------------------------------|
| CR201702611 | Cloyd-Brooks, Tina | WI Dept of Corrections | Dismissed - Complainant withdrew complaint because she no longer wished to pursue it, 11/7/17. | |
| CR201800314 | Gamez, Nader | WI Dept of Health Services | ID-NPC, 5/22/18. Appealed late. Dismissed. Closed. | |
| CR201800551 | Whitlow, Whitney | WI Dept of Corrections | PD-No Jurisdiction, 8/17/18. Appealed. Currently awaiting ALJ review. | |
| CR201801512 | Kettner, Christine A | Southeastern Regional Planning Commission | PD - not a state government entity, 5/31/18. Appealed. ALJ affirmed dismissal, 10/12/18. Not appealed. Closed. | |
| CR201801998 | Burton, Sabina | UW System Board of Regents | Under investigation | |
| CR201803421 | Paul, John | UW-Superior | Under investigation | |