

STATE OF WISCONSIN
LABOR AND INDUSTRY REVIEW COMMISSION
P O BOX 8126, MADISON, WI 53708-8126 (608/266-9850)

RUSSELL B ANDERSON, Employee

UNEMPLOYMENT INSURANCE
DECISION

Hearing No. 03002970LX

CENTURYTEL SERVICE GROUP LLC, Employer
C/O PAYROLL DEPT

**SEE ENCLOSURE AS TO TIME
LIMIT AND PROCEDURES ON
FURTHER APPEAL**

An administrative law judge (ALJ) for the Division of Unemployment Insurance of the Department of Workforce Development issued a decision in this matter. A timely petition for review was filed.

The commission has considered the petition and the positions of the parties, and it has reviewed the evidence submitted to the ALJ. Based on its review, the commission agrees with the decision of the ALJ, and it adopts the findings and conclusion in that decision as its own.

DECISION

The decision of the administrative law judge is affirmed. Accordingly, the employee is ineligible for benefits beginning in week 10 of 2003, and until seven weeks have elapsed since the end of the week of discharge and the employee has earned wages in covered employment performed after the week of discharge equaling at least 14 times the employee's weekly benefit rate which would have been paid had the discharge not occurred.

Dated and mailed

SEP 11 2003

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/s/

David B. Falstad, Chairman

/s/

✓ James T. Flynn, Commissioner

/s/

Robert Glaser, Commissioner

MEMORANDUM OPINION

The employee had received a written warning, after at least one verbal warning, about the length and content of his communications with customers, including deviating from the required script and taking too long to complete each call, and was aware that his job was in jeopardy as a result. Less than 15 minutes later, he takes a call from a customer and tells her that she hadn't received good service from the employer previously, and that the employer was losing good customer service reps, because its focus was on statistics, not service, and that he was frustrated with the employer because he had just been written up. This was an obvious and intentional violation not only of the general performance standard the employer had just finished discussing with the employee, but also of a very basic standard of conduct an employer has a right to expect of an employee responsible for maintaining good relations between the employer and its customers. The commission concludes as a result that the employer has sustained its burden to prove misconduct here.

cc: Centurytel Services Group LLC (La Crosse, Wisconsin)