

REBUTAL STATEMENT OF TERESA K. HILLARY

Thank you for the opportunity to provide additional comments.

The 'grievance' that some of my fellow administrative law judges referred to did not mention me by name at all. In fact the grievance referred to all of the administrative law judges. The settlement Joe Walsh executed indicated that no Administrative Law Judge II would be promoted or given any additional pay for a period of one year. The grievance was denied at the first and second step and was not taken any further by the union.

While Mr. Walsh testified that under his leadership, the Unemployment Appeals unit regularly met the 30 day metric he is inaccurate. US DOL records show that in the 31 months he was the Chief Administrative law judge the appeals unit only met the 30 day metric during nine (9) of those thirty-one (31) months or less than 30% of the time. During the last 11 months as his tenure as Chief ALJ the unit never once met the metric.

% of cases that made the 30 day metric

Iowa

07/31/2013	9.6%
06/30/2013	14.3%
05/31/2013	9.0%
04/30/2013	40.2%
03/31/2013	55.5%
02/28/2013	30.1%
01/31/2013	6.0%
12/31/2012	26.5%
11/30/2012	38.6%
10/31/2012	57.0%
09/30/2012	56.9%
08/31/2012	61.4%
07/31/2012	57.7%
06/30/2012	68.7%
05/31/2012	74.9%
04/30/2012	78.7%
03/31/2012	73.7%
02/29/2012	50.0%

01/31/2012	19.8%
12/31/2011	47.5%
11/30/2011	54.5%
10/31/2011	68.7%
09/30/2011	68.4%
08/31/2011	63.3%
07/31/2011	56.4%
06/30/2011	54.7%
05/31/2011	59.6%
04/30/2011	71.5%
03/31/2011	53.2%
02/28/2011	9.0%
01/31/2011	6.2%

Mr. Walsh also indicated that as a matter of style he liked to visit one-on-one with those employees he supervised, including me. Attached is the e-mail I found waiting for me when I arrived at work on June 10 as well as my detailed response to Mr. Walsh. Mr. Walsh never even took the time to speak to me to find out if the spurious allegations were true before committing them to writing in an e-mail. Hardly the actions of a supervisor who prefers not to write down the details but to speak to employees instead. June 10 was also the day that Mr. Walsh signed the 'grievance' which did not name me but indicated all administrative law judge II's would not be promoted or paid any additional salary for a period of one year. And he never gave any staff either the judges or the clerical staff a performance evaluation in over two and one-half years.

Hillary, Teresa [IWD]

From: Walsh, Joseph [IWD]
Sent: Saturday, June 08, 2013 3:44 PM
To: Hillary, Teresa [IWD]
Cc: Nelson, Jon [IWD]
Subject: Work Directive

I have received numerous reports that you have made inappropriate communications about personnel matters to both current and former IWD employees. Because I have already removed your lead worker status for other reasons, I am not planning to investigate these allegations. This email is merely a work directive to cease any discussion of any other employee's confidential personnel matters with anyone – *regardless of how you may have obtained the information*. This directive includes any discussion about which staff members are under a work directive or the circumstances they have been called into the office. The most concerning allegation is that you allegedly told other individuals that two Judges were to be called into the office for performance issues *before I had even made the decision to do so*. This directive also includes any gossiping about when and how you may become the next Chief Administrative Law Judge. Even if it is true, this type of behavior is inappropriate and unprofessional and it reflects poorly on IWD. As of today, I am the Chief. If I receive any further reports that you have spoken of confidential personnel matters after June 8, 2013, I will immediately open an investigation and proceed with appropriate discipline up to and including discharge. If you have questions about this, you can speak with Jon Nelson or arrange a meeting with me.

Joseph L. Walsh

Chief Administrative Law Judge
Unemployment Insurance Appeals
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: (515) 281-8119
joseph.walsh@iwd.iowa.gov

Hillary, Teresa [IWD]

From: Hillary, Teresa [IWD]
Sent: Monday, June 10, 2013 12:22 PM
To: Walsh, Joseph [IWD]
Cc: Wahlert, Teresa [IWD]
Subject: Work Directive

I find it troubling that you put me on a work directive for unsubstantiated allegations before even speaking to me to find out if the allegations were true. You indicated that I told other individuals that two judges were going to be called into the office to work before you had even made that decn. Um, I looked at the in-house schedule for the week of June 10 and LD is here as it is her normal scheduled week to work "in house." MM and RS are to be "in house" this week and they are both on vacation. So, if two judges are working permanently in the office now, in addition to me, that is news to me as I only see one besides myself in the office today. Perhaps you are confused, as I put in my plan for cleaning up the backlog of cases, that I would bring in LD and JE due to their failure to stay current on their case list and failure to maintain adequate progress on cases. I have been very clear when speaking to you, the Director, my colleagues and the clerical staff that bringing in judges who are behind is how I would have chosen to rectify the situation. I know you are aware of that because I told you that in my e-mail to you on May 29, 2013 that had the attachment, plan to fix backlog, attached to it. Before my written plan to you I had spoken to you about that many times about bringing back to the office those judge who were not keeping up with the work load.

You say you removed my "lead worker status" for other reasons. You never even told me I was the lead worker at any time. I certainly never got paid any differential for acting as 'lead worker' I certainly never saw any paperwork from employee services saying that I was a lead worker. So, are you hinting or trying to imply that you've disciplined me prior to this "work directive" by taking away a status I did not even know I had? If so, I would challenge that as I could not have something 'taken away' that I never even knew I had.

I do not know what confidential matters I could have revealed, as I do not have access to 'confidential personnel' matters. I know I've been very adamant with you that you at least look at the problems surrounding some of the judges work performance. I am not the only judge who has brought these issues to your attention. The judges case lists, and work product are obvious to anyone who works in this section who takes the time to look. As well as the case aging reports. It was me who had Dan A come back to try and help figure out the reports that have not been dealt with really since he left in December 2012. You've had access to those lists and reports for two years. To my knowledge you did nothing to change the situation until I began nagging you about it when I came back to the office in October 2012. You did not even know that JE took over a year to ask for cases to be rescheduled until I told you about it in an email at the end of May 2013! Regular review of the old case list would have revealed to you there was a problem with at least JE and LD. Perhaps you've been reviewing them all along and I never knew that as I am not their supervisor.

Since I volunteered to come back to the office in October 2012, I've done nothing but fix problems, frankly making you look good. The unassigned case list is cleaned up, and the EAB regularly sends the unit laudatory e-mails about how fast we get cases to them. All kinds of clerical issues are cleaned up. What is not cleaned up is some of the issues surrounding the Judges that have brought you and this unit unflattering attention from the Director and the Governor's office. I've been called to the lobby more than once to speak to an unhappy claimant waiting for a long overdue decn. I had Donni develop the late decn call list that all the clerks can use to keep you informed about what calls were coming in from the litigants. Between November 8, 2012 and May 8, 2013 there were 200 hundred calls from litigants about LD's cases alone. You were sent an e-mail each time. Donni came to me on Friday to tell me what a relief it was to go two days without any late calls on LD's cases. Is that confidential information that the clerks are happy to get less angry calls from litigants asking where there decision are?

In my almost 27 years of state employment for all three division of IWD I have never been disciplined in any way at all. On the last performance evaluation I received (December 2010) I received an overall rating of "exceeds expectations." I believe your 'work directive' to me is simply retaliation for the true and correct information that you know I have provided to the Director about what is really happening, or for that matter not happening in the UI appeals unit. I am unwilling to just accept your unjustified and unwarranted discipline of me without taking it up for further review. Hence, my inclusion of your supervisor on my written response to your unjustified allegations. As you sent me a meeting request for 2:00 p.m. today, perhaps Jon Nelson could sit in on our meeting to insure that I am treated fairly by you.

Lastly, you asked a few weeks ago to have meetings with me on Monday and Thursday, but are now canceling those. I take it you've decided we no longer need those meetings? If so, could you please at least tell me that.

Thanks much

Teresa Hillary