

ISSUE INDEX

The Issue Index is arranged alphabetically. The issue headings appear on the left margin underlined and in bold. Below each heading you will find short, descriptive summaries of the Commission's rationale and holdings. Each summary, in turn, is followed by a citation to the applicable 2012 Commission decision.

NOTE: The summaries are not law. Please refer to the official Commission decisions for the actual text, rationale, and holdings.

Rule 190 Discipline

Insubordination is a “willful or intentional disregard of the lawful and reasonable instructions of the employer.” It has also been similarly defined as a deliberate or willful refusal by an employee to obey a reasonable order or directive which an employer is authorized to give and entitled to have obeyed. Accordingly, a finding of insubordination requires proof that the employee intentionally or willfully disregarded a lawful and reasonable instruction from an employer or supervisor.

Idaho State University v. Laurie Schorsch, IPC No. 11-10 (Decision and Order on Petition for Review, October 10, 2012)

“Conduct unbecoming a state employee or conduct detrimental to good order and discipline in the agency” under Rule 190.01.e. has always been a general category for proving proper cause for discipline. It is often a fact-intensive inquiry and depends on the particular circumstances presented.

Idaho State University v. Laurie Schorsch, IPC No. 11-10 (Decision and Order on Petition for Review, October 10, 2012)

IPC Rule 190.01.g. provides that “careless, negligent, or improper use or unlawful conversion of state property, equipment, or funds constitutes proper cause for disciplinary action against a state employee.

Michael Praegitzer v. Idaho Transportation Department, IPC No. 10-27 (Decision and Order on Petition for Review, January 10, 2012)

Using a bead blaster for personal use was a violation of Rule 190.01.g. Personal use of state equipment is improper whether used on personal time or state time. ITD policies and IPC Rule 190.01.g. do not require a showing of improper, personal use of state equipment or property while on state time.

Michael Praegitzer v. Idaho Transportation Department, IPC No. 10-27 (Decision and Order on Petition for Review, January 10, 2012)

Due Process

“[A]ll that is required is a sufficient account of the charges to put the employee on notice of what he/she allegedly did wrong in order to allow the employee to facilitate a meaningful response.”

Michael Praegitzer v. Idaho Transportation Department, IPC No. 10-27 (Decision and Order on Petition for Review, January 10, 2012)

Standard and Scope of Review

When considering a petition for review, the Commission reviews the record of the proceeding below together with any briefs or transcripts submitted by the parties. On petition for review, the Commission may “affirm, reverse or modify the decision of the hearing officer, may remand the matter, or may dismiss it for lack of jurisdiction.” Idaho Code § 67-5317(1).

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