

STATE OF WISCONSIN

BEFORE THE STATE PERSONNEL BOARD

Virginia K. Poehling,

Appellant,

vs.

C. K. Wettengel, Director,
State Bureau of Personnel,

Respondent.

MEMORANDUM DECISION
ON
JURISDICTION

#394

After reading the documentation in this appeal file, the Personnel Board has no jurisdiction to hear this appeal.

Virginia K. Poehling is employed by the Department of Health and Social Services at Winnebago State Hospital. She formerly held the civil service position of Typist 2 (SR 1-03).

It appears that prior to January 28, 1971, Appellant and the Hospital made a reclassification request to the Department's Division of Mental Hygiene that Appellant's position be reclassified from Typist 2 to Laboratory Technician IV. This request was apparently initially concurred in by the Division and forwarded to the Central Personnel office of the Department.

The request ran into real trouble at Central Personnel. Central Personnel determined that the Laboratory Technician Level was out of the question for the Appellant. The Personnel Manager of the Division then went along with this conclusion.

As a result, and probably without advising either Appellant or the Hospital, the Department processed a formal request to the Respondent Director of the State Bureau of Personnel that Appellant's position be

reclassified to Laboratory Technician II. This request was over the signature of Wilbur J. Schmidt, Secretary of the Department. The request was approved effective April 4, 1971, by Kenneth W. DePrey for the Respondent. The Request Form and the action by the Respondent thereon is attached hereto.

The State Personnel Board has authority in personnel affairs as limited by the law. The law gives the Board no power or right to review any departmental personnel actions unless the action is alleged to violate the statutes or the Rules of the Board or involves a matter of discipline of an employe by way of discharge, demotion or suspension.

The Board does have the power and right to review actions of the Respondent (the State Bureau of Personnel) at the instance of any interested party.

However, an interested party to have a right of appeal from the action of the Director must be aggrieved by that action. In the instant case the Respondent did nothing himself of which Appellant can complain. He approved that which the Department requested him to approve. There was nothing before him that suggested that the Appellant's position be made anything more than a Laboratory Technician II.

If the Appellant is aggrieved her grievance is not against the Respondent, but against Central Personnel Office of the Department that refused to go along with Appellant, the Hospital and the initial evaluation of the Division.

As indicated before, this Board cannot review an action taken by

the Department's Central Personnel Office which involves a judgment decision, even if that decision should be arbitrary or capricious.

Counsel for Respondent shall draft an Order dismissing this appeal for want of jurisdiction.

Dated: May 27, 1971.

STATE PERSONNEL BOARD

BY  CHAIRMAN

Department of Administration
BUREAU OF PERSONNEL

5 copies, attaching new position description reflecting current duties and responsibilities; See "Information To Approved Allocation" on reverse side.

Date Submitted 1-28-71	Request No. 202-143
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QUEST - Non-Delegated REPORT - Delegated

ON 1: EMPLOYE DATA

Employee Number 35	Position Number 30356	Employee's Name Virginia Karen Paehling	Social Security Number 392-44-9745
Employee Name, Division, Section, Job Headquarters (Street, City) and Social Services, Div. Mental Hygiene, Winnebago State Hospital, Winnebago, Wisconsin			
Class Code 302	Present Salary \$465	Present Class Title Typist 2	Beginning Date In This Class 1-6-68
Proposed Class Code 502	Proposed Salary \$485	Proposed Class Title Laboratory Technician 2	Proposed Effective Date April 4, 1971

ON 2. JUSTIFICATION

facts that justify reclassification. Remember Positions, Not Persons, are classified. A final review will be conducted by the Bureau and if the employe does not meet the minimum training and experience requirements, the Bureau will not process the Request/Report or audit the position.

If this is a Request, indicate change in duties, responsibilities and authority, and differences in this job from other jobs in the present classification.

If this is a Report, analyze employe's qualifications for proposed classification.

Ms. Paehling has three years experience in the Neuropsychology Laboratory and has one year of college for a combined total of four years. We feel that her position should definitely be in the Laboratory Technician series and on the basis of her unique responsibilities that she be at the Laboratory Technician 2. She is responsible for:

1. Administration, scoring and recording results of neuropsychological testing of patients.
2. Clerical and managerial duties related to operation of the Neuropsychology laboratory.
3. Maintenance of the Neuropsychology Laboratory.

She also assists the professional staff in the collection and analysis of data for research. She is responsible for supervision of patients while they are being tested and generally has sole responsibility for supervision of the Laboratory programs. We feel her level of responsibility as well as her technical capabilities put her at the Laboratory Technician 2 level.

William J. Carlson

Requested by (Name and Title of Appointing Officer or Representative)

Worris J. Carlson, Personnel Manager

SECTION 3. RECOMMENDATION (to be completed by Bureau of Personnel)

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Rejected <input type="checkbox"/> Examination <input type="checkbox"/> Training & Experience	Effective Date 4-4-71
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If rejected, state approved class title and code if different from above)

Recommended by <i>Bruce J. ...</i>	Date 3-11-71	Approved <i>[Signature]</i>
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