

STATE OF WISCONSIN
BEFORE THE PERSONNEL BOARD

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Michael R. Plate,)	
	Appellant)	
vs.)	MEMORANDUM DECISION
C. K. Wettengel, Director)	
State Bureau of Personnel,)	
	Respondent.)	
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This is a s. 16.05 Wis. Stats. appeal that questions the legality and validity of a civil service examination.

Respondent announced in August, 1971, that he would conduct an examination for Manpower Specialist 4 WIN Project Director, there being six vacancies due to the expansion of the WIN program. The examination was of the open competitive nature. There were 52 applicants of which 42 participated in the examination.

Among the applicants was this Appellant who was and now is a Manpower Specialist 2 with the Kenosha office of the State Employment Service with 5½ years of experience. He had served as acting director of the Kenosha WIN project from October, 1969 to April, 1970 with at the least an acceptable competency.

The Respondent decided that the examination should be a group type of oral examination in which applicants would be tested in groups of 6 to 8. The determination was made because the function of a project director requires group interaction, and that an examining board could best evaluate candidates in the group situation in which the successful people would be working. Record, page 42.

Appellant was examined in a group of 7 beginning at 10:00 a.m. on September 30, 1971.

The final grades of all candidates were compiled and Appellant along with 8 others received a score of less than 70 and accordingly failed and was not eligible for the register.

It appears that groups were brought before the same examining panel at hour and one-half intervals. 45 minutes were used by the panel to review the applications of the candidates in the group and to complete the rating forms after the examination.

The other 45 minutes were devoted to the examination. There were four prepared problems which each group was asked to discuss in dialogue between themselves. It does not appear that the examining panel participated in the discussion other than that one of the examiners presided.

Appellant does not contend that he was treated unfairly in the administration of the examination by the Bureau of Personnel or by any member of the test group. Record, page 25.

Appellant does not contend that he was treated unfairly by any member of the oral board. Record, page 22.

Appellant concedes that the members of the oral board were qualified, Record, page 22

Appellant does complain that a group type of oral examination is not a legal type of examination.

In the earlier years of the merit system oral examinations were

questioned as being lacking in the objectivity necessary to an appropriate evaluation of the candidates. As the courts considered more cases on the subject, objectivity as a specific ethic was abandoned. While an oral examination is perforce subjective, if it is framed and conducted to achieve practical subjectivity, it is an acceptable mode of examination.

This Board from its examination of the cases concludes that courts that have passed on the matter have decided that the group oral examination is as valid a method of testing as any type of oral examination, with the same principles of validity applicable.

Accordingly, a proper group oral is a valid method of examination under Sec. 16.11 Wis. Stats.

Appellant has conceded that certain of the applicable principles were present. He has not indicated which ones were not. Appellant has the burden of proof that the examination did not meet the standards of practical subjectivity. This Board, in an advisory hearing, cannot go beyond the record made, in reaching its decision. It cannot consider matters in relation to the examination that it might have discovered if it had investigated the entire examination format and procedures, going beyond the record. This Board must assume from the presentation of the case that the instant examination did meet all standards of practical subjectivity.

Returning to the Appellant's challenge of the legality of the group oral examination, he has said that in the time allotted for such an examination that it is impossible for the examiners to evaluate the candidates. This Board does observe that in 45 minutes there can be a great deal of dialogue

and interaction between 7 people. Within the confines of the problems, qualified examiners can get a very good line on the candidates.

It may be true that such an examination is not exhaustive enough to reveal all of the qualifications and shortcomings of the candidates. However, the same is true of all examinations, written, individual and/or group oral. All tests are designed only to be representative enough to in a generalization reflect the candidates' overall potential for success in the job he seeks. From what is before this Board in the record, this Board can only conclude that such design was met by the instant examination and that the Appellant was as effectively tested for Manpower Specialist 4 - WIN Project Director by this examination as he would have been by any other type of examination.

Appellant's real complaint is based on his conviction that with his experience, knowledge of the WIN Project and his own evaluation of his performance in examination that it is inconcievable that he failed. This Board cannot tell him why the examining panel failed him because the record made at the hearing does not include the examiners' rating sheets or a transcript of the examination.

In his opening remarks Appellant indicated that the Bureau of Personnel had let down people in the Employment Service, as the announcement of the examination represented that the WIN Project Directorships were an opportunity for these people to advance in position - and that such did not prove to be the case.

However, he knew that this examination was not a competitive promotional examination but an open competitive examination. Undoubtedly, the Bureau

sought to interest persons other than those in the employment service in the competition.

In an open competitive examination less weight should be accorded to the candidate's knowledge of pedantics of the position than to other qualities and characteristics that would measure the candidates' potential.

This appeal must be dismissed.

STATE BOARD OF PERSONNEL

BY _____

Dated June 15, 1972