

OFFICIAL

STATE OF WISCONSIN

STATE PERSONNEL BOARD

MOLLY KEALY,

Appellant,

OPINION & ORDER

v.

Case No. 74-38

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

Respondent.

BEFORE: WILLIAM AHRENS, Chairman
PERCY L. JULIAN, JR., Member
SUSAN STEININGER, Member
JOHN A. SERPE, Member

The Appellant has appealed a decision of the Director finding that she was not qualified to take the examination for Parole Board Member because she lacked the necessary training and experience requirements as defined by the class specifications; specifically the issue in this case is whether the Appellant has the necessary training and experience required and more specifically whether her law degree and legal training, including work as a Clerk for a judge meet the training and experience requirements with respect to administrative, supervisory or upper level consultative experience in social service programs or programs primarily oriented to the needs or problems of adult or juvenile offenders.

1
2
3 We find that the Appellant is a Social Worker 2
4 employed by the Division of Corrections at the Wisconsin
5 School for Boys at Wales.

6 We find that from 1948 to 1951 she was a Law
7 Clerk to Judge Julius J. Hoffman, United States District
8 Judge for the Northern District of Illinois.

9 We find that she is a graduate of the University
10 of Chicago School of Law.

11 We find that by stipulation the parties have
12 agreed that she meets the minimum educational requirements as
13 provided by the specifications and the six years of progres-
14 sively responsible relevant work experience.

15 We find that the work experience that she had
16 with Judge Julius Hoffman is not sufficient to meet the
17 training and experience requirements provided by the job
18 specifications.

19 Further, we find that her other experience,
20 either professional or voluntary, is not sufficient to meet
21 the training and experience requirements provided by the
22 specifications.

23 We find that her professional and work experience
24 is not the "equivalent training and experience" required by
25 the specifications.

26 We find that with respect to Appellant's legal
27 education and particularly with respect to her work experience

1
2
3 with Judge Hoffman that this occurred from 1948 to 1951 and
4 in our judgment the time gap involved in that training and
5 experience is sufficient to tip the scales against Appellant's
6 contention that it meets the training and experience require-
7 ments for the present Parole Board Member position or
8 positions.

9 Further, we find that Appellant has failed to
10 sustain her burden of proof with respect to the relatedness
11 to the field of social service of her work with Judge Julius
12 Hoffman. There was no evidence that Appellant participated
13 in her work with Judge Hoffman in any way that would suggest
14 comparability between that work and the training and experience
15 required for admission to the examination of Parole Board
16 Member.

17 Appellant contends that previously she was
18 admitted to take the examination for Parole Board Member prior
19 to the adoption of the specifications presently in effect.
20 She further contends that she completed the examination and
21 was one of the top three candidates completing that examination,
22 although because of the application of veterans preference
23 points she was not considered for the position. She contends
24 that because of her previous admission and qualification she
25 should be admitted to the present examination.

26 We believe that because of the change in
27 specifications Appellant's argument is without merit.

1
2
3 We further believe that Appellant's application
4 must be treated on its face along with all other applications
5 and must be weighed on its present merits rather than upon
6 some asserted past success.

7 Accordingly on the basis of the entire record
8 herein, we unanimously find and conclude that Appellant is
9 not eligible to take the examination for Parole Board Member
and the decision of the Director is affirmed or sustained.

10 Date: *May 17, 1974.*

11
12 STATE PERSONNEL BOARD

13
14 *William Ahrens*
15 William Ahrens, Chairman
16
17
18
19
20
21
22
23
24
25