DECISION
ON REQUEST
FOR INVESTIGATION

Before: JULIAN, Chairperson, SERPE, STEININGER, WILSON and DEWITT, Board Member

## NATURE OF THE CASE

This case began as an appeal by an employe at the Wisconsin School for Girls of the appointment of an acting principal at that institution. At a prehearing conference it was stipulated that the appeal should be treated as a request for investigation pursuant to S. 16.05(4), Wis. stats.

## DECISION

At the prehearing conference the parties stipulated that the following question was presented for investigation:

The question for investigation concerns the allegation that the Division of Corrections is using a person as a de facto acting principal at Wisconsin School for Girls who is neither certified nor certifiable as a high school principal under Department of Public Instruction standards, in a manner contrary to Subchapter 2 of Chapter 16 of the Wisconsin Statutes, or the rules prescribed thereunder.

We have reviewed the Appellant's appeal letter, the response filed by the agency following the prehearing conference, and the Appellant's reply. The Appellant originally expressed concern over the fact that he was not appointed acting principal instead of someone who was neither certified nor certifiable. Following the stipulation at the prehearing conference and the subsequent exchange of documents, his concern with respect to the acting principal's position focuses on the lack of qualifications

Page 2
Anderson v. Carballo - 75-109-I

of the person selected. The agency's response was that they were unable to fill the vacant principal's position because of uncertainty as to the continued existence of the institution. As an interim measure, a teacher at the school "was appointed as acting lead teacher to assume duties of educational director until one could be appointed, if, in fact, that occasion should ever arise." The agency also obtained on a part-time basis the educational director of the Lincoln Boys School.

In his reply to the agency's response, the Appellant questioned selecting as lead teacher someone with a Teacher 3 classification over someone with a Teacher 6 classification. He stated that the part-time principal had only been at the school for two days so far and was not due to return again for a month. He indicated that a part-time principal was not adequate to meet the needs of the institution. He also criticized the use of the vocational counselor for disciplinary purposes.

Exercise of the investigatory power is discretionary. See

S. 16.05(4), Wis. stats.: "The board may make investigations ...."

We have held that the purpose of this subsection "seems to be directed to broad policy matters related to the 'enforcement and effect' of the civil service law." Schwartz v. Schmidt, Pers. Bd. No. 74-18

1/17/75. In the instant case there is a dispute between the Appellant and the agency concerning management of the institution and personnel assignments such as the assignment of an acting principal. We see nothing in this dispute that relates to "broad policy matters" in the civil service. In this situation we decline to conduct an investigation.

ORDER

IT IS HEREBY ORDERED that this matter is dismissed.

Dated February 23 , 1976

STATE PERSONNEL BOARD

Pency L. Juliar, Jr. Chairperson