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In re:  
Buller Request for Investigation

**OFFICIAL**

DECISION  
AND  
ORDER

Case No. 77-13-I

Before: DEWITT, Chairperson, HESSERT, MORGAN, and WARREN, Board Members.  
(DeWitt dissented from this decision and order.)

BACKGROUND<sup>1</sup>

Mr. Buller wrote on January 22, 1977, requesting that the Personnel Board investigate pursuant to Section 16.05(4), Wis. Stats., the circumstances surrounding his termination from limited term employment with the Department of Veterans Affairs. In subsequent letters to individual Board members, he requested that the Board monitor the filling of several positions at Veterans Affairs and the Higher Educational Aids Board, for which he had applied, in order to assure that there was compliance with the civil service statutes.

Mr. Buller began his limited term employment on July 12, 1976. His employment was terminated on January 7, 1977, approximately two days before the end of his six month limited term appointment.

Mr. Buller alleges that the reason for his termination was his discovery of and questioning about alleged special handling of the loan accounts of certain state employees and officials. The Department claims Mr. Buller's termination was based on his failure to comply with work procedure and his objectionable behavior in the office during working hours.

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<sup>1</sup>The following statements of fact are based on our record to date which mainly comprises of Mr. Buller's letter to the Personnel Board and its individual members, requesting an investigation, a letter from John R. Moses, Secretary of the Department of Veterans Affairs, responding to the request, and Mr. Buller's reply to that response.

Mr. Buller has applied for a position of Education Loan Collector at the Higher Educational Aids Board, and one of Administrative Assistant 2 - Loan Collector at the Department of Veterans Affairs. Normally the examinations for these classifications would be delegated. However, since the department was aware of Mr. Buller's intention of applying for the position, it requested that the Bureau conduct the certification process. The Bureau agreed to do so. The certification process for the position at HEAB remained delegated.

Mr. Buller was found to be eligible to sit for both examinations which were to be structured orals before a three member board. He took the examination for the HEAB position. Evidently that score will also be used in determining whether he will be certified for the department's position. (See Section 16.13(1), Wis. Stats., and Chapter 208, Wisconsin Personnel Manual, Staffing.) The oral board for the HEAB position was comprised of three persons from the private sector who were not state employees:

#### DECISION

The authority for the Board to investigate is found in Section 16.05(4), Wis. Stats., which provides in part:

The board may make investigations and hold hearings on its own motion or at the request of interested persons and issue recommendations concerning all matters touching the enforcement and effect of this subchapter and rules prescribed thereunder. If the results of an investigation disclose that the director, appointing authority or any other person acted illegally or to circumvent the intent and spirit of the law the board may issue an enforceable order to remand the action to the director or appointing authority for appropriate action under the law.

The above language clearly establishes that the Board's authority to investigate is discretionary as well as broad. However, we have held that we will exercise this authority generally only when a broad and important policy issue is raised. (See Schwartz v. Schmidt, Case No. 74-18, January 18, 1975; Brodbeck v. Warren and Wettengel, Case No. 74-114, November 25, 1975; and Bullette v. Rice, Case No. 75-133-I, January 27, 1976.)

We conclude that the request to investigate the termination does not raise such an issue. Mr. Buller as a limited term employee had no right to appeal his termination. (See Sections 16.05(1)(e) and 16.28(1)(a), Wis. Stats; Pers. 23.01, W.A.C.) Although he alleges serious misconduct on the part of the department, that misconduct, that is, preferential treatment of loans of state officials and employees, does not involve a violation of the state civil service statutes or rules promulgated thereunder. In addition, his allegation regarding the reasons for his termination is serious, however, it does not raise the kind of issue which we choose to investigate in light of the facts in the record to date.

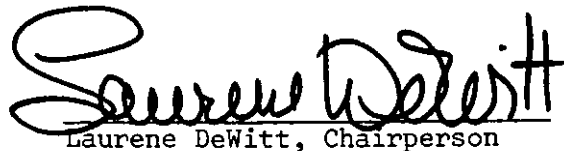
Furthermore, we conclude that we will not investigate the examination process to fill the positions at either the Department of Veterans Affairs or the Higher Educational Aids Board. We feel based on information provided by the Bureau of Personnel that the examination process appears to be properly handled. We have no reason to believe that this information is inaccurate. Furthermore, should Mr. Buller believe that there was a violation of the civil service statute in either examination process, he can then appeal to this Board under Section 16.05(1)(f), Wis. Stats.

ORDER

IT IS HEREBY ORDERED that this request for investigation be denied.

Dated April 25, 1977.

STATE PERSONNEL BOARD

  
Laurene DeWitt, Chairperson