STATE OF WISCONSIN	STATE PERSONNEL BOARD
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CLAUDEAN J. ROEHMANN, *	
*	
Appellant, *	
*	OFFICIAL
v. *	OFFICIAL
*	• • • • • • • • • • • • • • • • • • •
SECRETARY, Department of Health *	OPINION AND ORDER
and Social Services and DEPUTY DIRECTOR,*	
Bureau of Personnel, *	
*	
Respondents. *	
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Case No. 77-216 *	
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Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

NATURE OF THE CASE

Appellant, who was certified for the position of Administrative Officer 1 Affirmative Action, DHSS, appealed the failure of the appointing authority to grant her an individual interview prior to appointment. She contends she was unfairly screened out of the hiring process and that there was a disparate impact on women and minorities. The respondents have objected to subject matter jurisdiction on the grounds that any appeal would have been to the director and there are no direct appeal rights to the Board under any subsection of § 16.05, stats. The appellant subsequently moved to dismiss without prejudice and the respondent objected to such a disposition and requested a ruling on the motion to dismiss. The Board has reviewed the entire file.

FINDINGS OF FACT

1. The appellant alleged in her appeal letter to the Board that she was one of 3 certified for the position of Administrative Officer 1, Affirmative Action, DHSS, that the appointing authority failed to grant her an individual interview Roehmann v. DHSS & Bur. of Pers. Case No. 77-216 Page Two

prior to appointment, that she was unfairly screened out of the hiring process, and that the screening process had a disparate impact on women and minorities.

CONCLUSIONS OF LAW

1. The Personnel Board lacks jurisdiction over the subject matter of this appeal.

2. The appeal must be dismissed with prejudice.

OPINION

Section 16.05(1)(f), stats., provides for appeals of actions and decisions of the director. While the director has control over the examination process, once certification has been made the director's functional authority ceases and the appointing authority has the authority to make an appointment from among those certified. See § 16.05(2), stats. When an applicant has been certified and his or her complaints run to post-certification actions by the appointing authority, those actions are not attributable to the director and are not appealable as an action or decision of the director under § 16.05(1)(f), stats. See Schallock v. Voigt, Wis. Pers. Bd. 74-22 (11/25/75); affirmed Schallock v. State Personnel Board, Dane County Circuit Court No. 149-334. Where there has been a timely objection to jurisdiction the board is of the opinion that the respondent is entitled to ruling on that objection and that this appeal should not be dismissed without prejudice as requested by the appellant. The board also notes that the appellant is afforded a potential remedy with respect to her discrimination complaint under chapter lll of the statutes.

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ORDER

This appeal is dismissed with prejudice for failure of jurisdiction.

Dated: May 18 , 1978 STATE PERSONNEL BOARD

James R. Morgan, Chairperson

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