

STATE OF WISCONSIN

PERSONNEL COMMISSION

 WILLIAM C. RUFF,
 Appellant,
 v.
 INVESTMENT BOARD,
 Respondent.
 Case No. 78-30-PC

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POSTHEARING
ORDER

This is an appeal of a layoff pursuant to §230.44(1)(c), Wis. Stats. (1977). During the hearing certain of appellant's evidence was received subject to relevancy objections by the respondent. This evidence fell into two categories.

This first category is evidence "which demonstrates that the Investment Board personnel failed to take any action to place Mr. Ruff in new positions at the Investment Board, which these personnel were aware of many months before Mr. Ruff was laid off." (Appellant's brief filed 11/6/78.) The focus is on §98, Chapter 196, Laws of 1977 (§230.01(1) and (2), Wis. Stats. (1977)):

"It is the purpose of this chapter to provide state agencies ... with competent personnel who will furnish state services to citizens as fairly, efficiently and effectively as possible. ... It is the policy of this state to ensure its employees opportunities for satisfying careers and fair treatment based on the value of each employe's services."

The appellant argues in his brief:

" ... the ultimate issue before the commission is whether the actions of the Investment Board toward Mr. Ruff conformed with the statutes and administrative rules of the state of Wisconsin. ... the evidence in question makes it more or less

probable that the Board acted in an arbitrary and capricious manner, and more or less probable that the Board violated the spirit of Chapter 230 of Wis. Stats."

In the opinion of the Commission the statutes and administrative code rules with which the respondent must demonstrate compliance are those relating to layoffs. Statutes stating general legislative intent provide guidance to the agencies and may be useful in interpreting specific transactions governed by specific statutes.

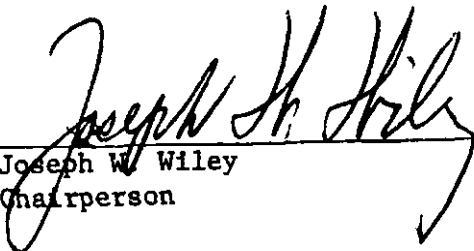
If the Commission were to accept any evidence bearing on the question of whether the agency acted in accordance with the state's policy "to ensure its employes opportunities for satisfying careers and fair treatment based on the value of each employe's services," it would then be pursuing a quasi-legislative, open-ended type of inquiry. The respondent's objections are sustained.

The second category of evidence involves matter which the appellant "believes shows that the investment board acted with considerably less than due diligence in attempting to place him in a position after he was laid off." Appellant's brief filed November 6, 1978.

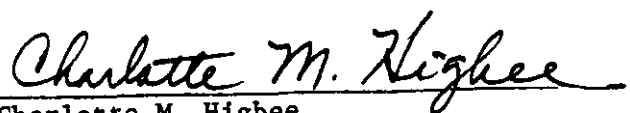
The administrative code contains specific provisions in Chapters pers. 16 (Reinstatement and Restoration) and pers. 22 (Layoffs) relating to mandatory reinstatement or restoration. In the opinion of the Commission the questions relating to reinstatement or restoration in turn relate to the question of whether the agency handled the layoff transaction in accordance with applicable procedures, see Weaver v. Wisconsin Personnel Board, 71 Wis. 2d 46, 237N.W. 2d 183 (1976). Therefore, the respondent's objection to this evidence is overruled. The Commission notes, however, that as set forth with respect to the first objection, this evidence will not be considered in the context of compliance with §230.01, stats.

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Dated: January 3, 1978.



Joseph W. Wiley
Chairperson



Charlotte M. Higbee
Commissioner