

STATE OF WISCONSIN

PERSONNEL COMMISSION

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DAVID SIEGLER,
 Appellant,

v.

Secretary, DEPARTMENT OF
 NATURAL RESOURCES, and
 Administrator, DIVISION OF
 PERSONNEL,
 Respondents.

Case No. 82-206-PC

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INTERIM
 DECISION
 AND
 ORDER

This is an appeal pursuant to §230.44(1)(b), Stats., of the denial of a reclassification request. This matter is before the Commission on a dispute as to discovery.

In a letter to the Commission dated January 14, 1983, Mr. Siegler asked that discovery be compelled of certain notes taken by the DNR personnel analyst who effectively denied the request for reclassification:

Sue Steinmetz, Department of Natural Resources, Bureau of Personnel, interviewed all the technicians in the Bureau of Research as part of the process of recommending which Technician 1's should be reclassified to Technician 2's. I believe I need the the notes she took while conducting the interviews and her subsequent recommendations to prepare my case. However, my request for these materials was denied.

The response of the respondent DNR, see letter of February 3, 1983, was that the notes were not "public records," pursuant to §19.31(2), Stats.: "'Record' does not include drafts, notes, preliminary computations and like materials ..." Alternatively, it is argued that if the notes are public records, they are exempt from disclosure pursuant to §§19.35(1)(a) and 19.85(b), (c), or (f), Stats.

The Commission rules provide at §PC 2.02, Wis. Adm. Code, that parties shall have the same discovery rights as are available to parties to judicial proceedings under Chapter 804, Stats. There is no basis to believe that the provisions of the public records law restrict the right of a litigant to effect discovery which is proper under Chapter 804, because the party from whom discovery is sought is a government body or official. In the opinion of the Commission, the purpose of the public records law is to provide for access to governmental records by persons approaching government bodies for this purpose, not to rewrite the law on discovery for persons involved in litigation with the government. On this record, the discovery sought is proper within the principles contained in Chapter 804, and should be allowed.

ORDER

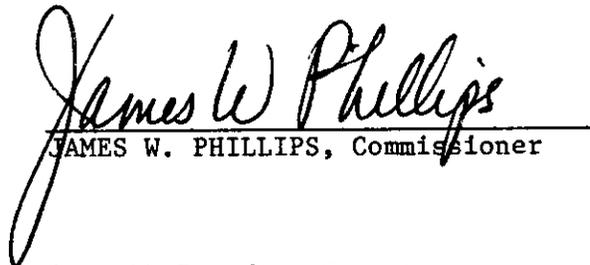
The respondent DNR is directed to provide the appellant within 20 days of the date of this order, the documents set forth in his letter of January 21, 1983.

Dated; March 4, 1983 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

AJT:jmf


LAURIE R. McCALLUM, Commissioner


JAMES W. PHILLIPS, Commissioner

Parties:

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