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JUDITH VOLOVSEK,

                  Complainant,

v.

Secretary, DEPARTMENT OF  
 AGRICULTURE, TRADE AND  
 CONSUMER PROTECTION, and  
 Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS

                  Respondents.

Case No. 93-0098-PC-ER

\* \* \* \* \*

PROTECTIVE  
ORDER

Certain materials filed with the Commission as part of respondents' answer in this matter were the subject of a protective order signed by the Commission on October 20, 1993. Respondents later filed a supplementary answer and requested the Commission issue another protective order for some of the documents provided as part of that supplementary answer. These documents include test questions, rating criteria and worksheets of interviewers for a civil service exam as well as the resumes of number of the candidates. The respondents seek an order requiring that the documents "be kept in confidential files in the commission office, that no copies be made of the documents, and that the complainant or her representative be allowed to view the documents at the commission only." Complainant, who is represented by counsel, responded by requesting that the protective order state:

- 1) that copies of the certification [examination] questions be provided to me but I would not copy them or allow them to leave my possession, and 2) that copies of the notes from the test and the scoring be identified by sex, age, and member [number] in fashion similar to the method used for the interview questions. I would agree that these copies would be shown only to my client, but I need to be able to copy them so she can assist in the preparation of her case.

The respondent has not argued that the complainant is not entitled to review the documents that are the subject of their most recent request for protective order. The question before the Commission is what restrictions

should be placed on complainant's access in terms of the location at which the documents are to be maintained and whether they may be copied by the complainant's attorney.

The complainant, who lives in Milwaukee, contends that it would be an unfair burden to require her to take vacation time in order to review the material in the Commission's offices in Madison. The Commission has previously declined to require that materials be made available solely in its offices where an appellant would be significantly inconvenienced by that restriction and where other protections were adequate. Goehring v. DHSS, 92-0735-PC, 2/8/93. Here, the complainant's work schedule appears to be fairly flexible, but she clearly would have greater flexibility if the documents were maintained in the office of her attorney rather than at the Commission. It appears reasonable that complainant would need a copy of the interviewers' worksheets in order to analyze their ratings. The fact that complainant is represented by counsel also serves as a protection to the confidentiality of these materials.

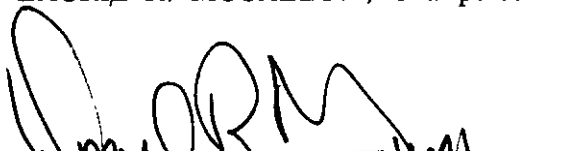
ORDER

The respondents' motion for a protective order is granted in part and denied in part. The respondent is directed to provide complainant's attorney with a copy of those documents identified as Exhibits 54a through 70. The examination questions (Exhibit 57) and the applicant resumes (Exhibits 60 through 70) may not be copied by complainant or complainant's attorney and may not leave the possession of complainant's attorney. Complainant's attorney may copy the remaining documents. All of these documents may be used by complainant or her attorney solely for the purpose of preparing for litigation of this case and may not be disclosed by the complainant or his representative for any other purpose or to any other person. The Commission will maintain its copies of these documents in envelopes marked "Confidential."

Dated: December 28, 1993      STATE PERSONNEL COMMISSION

  
LAURIE R. MCCALLUM, Chairperson

KMS:kms  
K:D:temp-11/93 Volovsek

  
DONALD R. MURPHY, Commissioner

  
JUDY M. ROGERS, Commissioner