

STATE OF WISCONSIN

PERSONNEL COMMISSION

* * * * *

WILLIE HAMILTON,
 Complainant,

v.

Secretary, DEPARTMENT OF
 CORRECTIONS,
 Respondent.

Case No. 93-0216-PC-ER

* * * * *

PROTECTIVE
ORDER

The complainant has filed a complaint of discrimination based on race and arrest/conviction record regarding the failure to hire.

In a cover letter to its answer to the complaint, dated March 25, 1994, respondent stated:

Relevant documentation is attached. Much of that documentation pertains to five white candidates for the Officer 1 position who were not selected for employment because they had not provided correct information concerning their criminal record, or because of recent convictions. Some of that documentation concerns the Affirmative Action Planning and Reporting forms for each of the Black candidates selected to begin the July 12, 1993 program.

Both of the latter two categories of documentation include confidential personnel data which Complainant is not privileged to review. Therefore, Respondent is not sending copies of these two categories of documentation to the Complainant, although they are attached to this answer to the Commission. Respondent hereby requests a protective order precluding the disclosure of these confidential materials to Complainant.

The complainant did not respond when the Commission provided him an opportunity to indicate if he had any objections to the respondent's request for protective order.

The Commission's normal procedure as part of the investigation of a complaint is to provide the complainant an opportunity to respond to respondent's answer.

A review of the materials submitted by respondent indicates that identifying information can be redacted from the materials relating to those candidates who were rejected for failing to provide correct information concerning their criminal record or because of recent convictions. The Affirmative Action Planning and Reporting forms simply verify information already contained in another document already supplied to complainant, the list of members for the July 12, 1993 correctional officer class (Attachment), which lists the officers' sex and ethnic category. There is an insufficient basis for respondent's request to bar *any* disclosure of the materials to complainant.

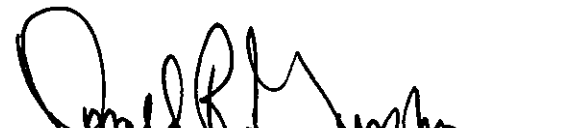
ORDER

Respondent's motion for protective order is denied. Within 14 days of the date this order is signed, the respondent shall provide complainant with 1) a redacted version of the materials relating to candidates who were rejected for failing to provide correct information concerning their criminal record or because of recent convictions; and 2) copies of the Affirmative Action Planning and Reporting forms. Respondent shall also file with the Commission a copy of the redacted version of the materials described in 1).

Dated: December 22, 1994 STATE PERSONNEL COMMISSION


LAURIE R. MCCALLUM, Chairperson

KMS:kms
K:D:temp 1/94 Hamilton


DONALD R. MURPHY, Commissioner


JUDY M. ROGERS, Commissioner