

affirmed Stacy v. DOC, 97-0098-PC, 2/19/98

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STATE OF WISCONSIN

CIRCUIT COURT

PIERCE COUNTY

PETE STACY,

Petitioner,

and

STATE OF WISCONSIN PERSONNEL COMMISSION,
Respondent.

MEMORANDUM OPINION

OF THE CIRCUIT COURT

CASE NO. 98CV53

Based upon the record on review and the briefs of counsel, the court affirms the . . .
determination of the commission that it lacks jurisdiction in this matter because of the
temporary nature of the reassignment of petitioner based upon the following rationale:

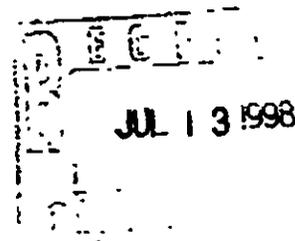
1. There is substantial evidence to support the commission's findings of fact as to the circumstances surrounding the reassignment. In fact, petitioner and respondent agree to the foundational facts and investigation concerning treatment of boot camp inmates.
2. There is substantial evidence to support the commission's finding of fact that the reassignment was temporary as all of the documentation concerning the reassignment clearly states that it is temporary. There is no contrary evidence. Furthermore, a temporary reassignment is a logical step for the Department of Corrections to take while the Superintendent of a Correctional facility's actions are being investigated. Leaving him in the Superintendent's role while the people under his control are being interviewed would most likely have a chilling effect on inmates and corrections personnel being candid with investigators due to the enormous power of the Superintendent's position over the interviewees.

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PERSONNEL COMMISSION

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3. It is not the Circuit Courts function, on review, to second guess management decisions of the Personnel Commission as to how it conducts its hearings.
4. The findings of the Commission that there has been no constructive demotion is substantiated by the rational temporary reassignment and lack of reduction in grade or compensation of the petitioner. There is substantial evidence to support to the Commissioner's determination that it lacks jurisdiction, the court affirms its decision.

Dated this 9th day of July, 1998.

BY THE COURT:



Dane F. Morey, Circuit Judge