

STATE OF WISCONSIN

BOARD OF PERSONNEL

ALTON SCHALLOCK,

**

OFFICIAL

Appellant,

**

FINDINGS OF FACT
AND

vs.

**

CONCLUSIONS OF LAW

C. K. WETTENGEL, DIRECTOR
STATE BUREAU OF PERSONNEL,
and L. P. VOIGT, SECRETARY
DEPARTMENT OF NATURAL RESOURCES,

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Respondents.

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73-29

Hearing was held in this matter by the State Board of Personnel on March 23, 1973, in Room 1120-D, State Office Building, 1 West Wilson Street, Madison, with the following Board members present: William Ahrens, Chairman, Percy L. Julian, Jr., and Susan Steininger. Charles Brecher and John Serpe were absent. The appellant appeared personally and was not represented by counsel. Respondent, C. K. Wettengel, Director, State Bureau of Personnel, appeared by D. J. Sterlinske, Attorney, State of Wisconsin, Department of Administration; and respondent, L. P. Voigt, Secretary, Department of Natural Resources, appeared by Edward D. Main, Attorney, Pyare Square Building, Department of Natural Resources. The Board having reviewed the transcript of the proceedings, together with all exhibits admitted into evidence, makes and files the following:

FINDINGS OF FACT

1. The appellant, Alton Schallock, is a permanent tenured employe of the Wisconsin Department of Natural Resources with the classification of Natural Resources Specialist 2, salary range 1-10.

2. A position of Natural Resources Specialist 5-District Forester became vacant in the Southeast District-Milwaukee and a recruitment for applications for this examination was commenced by the Department of Natural Resources on November 24, 1972.

3. The examination was restricted on a competitive promotional basis and the applications for this position were limited to permanent

classified employes of the Department of Natural Resources who possessed the prerequisite qualifications indicated by the position and qualification standards of the Bureau of Personnel. These were set forth in promotional recruitment announcement circulated by the department.

4. The training and experience required were four years of experience on a professional level for natural resources work in forest management activities. One year of such experience was required to have been served at the Natural Resources Specialist 3 level (salary range 1-11) or higher.

5. The appellant submitted an application for consideration for eligibility for examination of this position.

6. The review of applications for this position vacancy was the responsibility of C. K. Wettengel, the respondent herein, and that pursuant to section 16.03(2), this responsibility was delegated to Paul Willihnganz, a personnel officer of the Department of Natural Resources, and the examination was likewise a delegated one.

7. That on January 17, 1973, Paul Willihnganz, on behalf of the Director of the Bureau of Personnel, notified the appellant of the rejection of his application on the basis of lack of one year experience at the Specialist 3 level, and requested additional information relating to his qualifications in the event they were available.

8. On January 22, 1973, the appellant, Alton Schallock, by letter supplied additional information relating to his qualifications for application for examination. Based on the initial application and additional information submitted, the respondents rejected the appellant's application for examination, and he was notified in writing by letter dated January 25, 1973. The appellant, by letter dated January 30, 1973, appealed his application rejection to the State Personnel Board.

9. The State Bureau of Personnel maintains position qualification standards and within the Natural Resources Specialist series. Preliminary

requirements for the 5 level are graduation from college and four years of experience in the professional level in natural resources work in the appropriate area of specialty. One year of this experience must be at the Specialist 3 (salary range 1-11) level or above. An equivalent combination of education and experience is permitted.

10. The appellant has had varied duties within the conservation field. His work experience submitted indicates that he has not met the requirement of one year experience at the Natural Resources Specialist 3 level within the field of forestry.

OPINION

The job allocation pattern of the Natural Resources Specialist series, together with the basic preliminary prerequisites for career ladder progression within this series, has been considered and approved by the Board at the time of the approval of the class specifications and position standards. These prerequisites for job qualification are well thought out. They indicated to all employes the classes in which one must acquire prior experience before proceeding to higher level positions within this classification. The position being examined for in this case is that of a District Forester within the Milwaukee office, and in order to adequately function in this capacity, the bureau has indicated in its prerequisites that in order to be eligible for consideration, an employe must have performed duties at the range 11 level for one year before being considered for examination in the higher level (13). The State Bureau of Personnel has likewise in its administrative practices directives consistently outlined a rule of equivalents for the substituting of qualifying education or experience in meeting the minimum prerequisites for classified positions. These directives have been published for some time and clearly indicate to all employes the type of experience they must seek to become eligible for aspired positions in higher salary ranges. Failure to secure the necessary prerequisite experience must of necessity pre-

clude an applicant from being considered for an examination for the higher level position. There is no showing on the record that any of these bureau prerequisites are improper or unreasonable. Accordingly, the appellant has failed to meet his burden of proof that he possessed clearly and unequivocally the basic prerequisites as required by Bureau of Personnel standards, or that such requirements are improper or unreasonable. His exclusion from examination was therefor proper.

The Board having entered the foregoing Findings of Fact and Opinion enters the following:

CONCLUSIONS OF LAW

1. The Director's decision made by the Personnel Department of the operating agency, to exclude the appellant from examination for this position vacancy, was a proper and valid exercise of his discretion.

2. The Board has jurisdiction to hear the appeal and it was timely filed by the appellant.

3. That the Director's decision to exclude the appellant from examination for the position of Natural Resources Specialist 5 is a valid exercise of discretion and should be sustained.

4. That the appellant has failed to meet his burden of proof showing that he possessed the basic preliminary training and experience required for application for examination.

ORDER

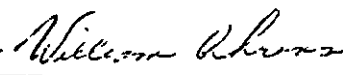
The Board having entered its Findings of Fact, Opinion, and Conclusions of Law herein, makes and files the following Order:

1. It is ordered that the determination to exclude the appellant from examination for the position of Natural Resources Specialist 5, salary range 1-13, be and the same is hereby affirmed,

2. That the appeal from the Director's decision be and the same is hereby dismissed on its merits.

Dated at Madison, Wisconsin this 6th day of July, 1973.

STATE PERSONNEL BOARD, By



William Ahrens, Chairman