



appellant could provide additional information and a request to re-evaluate her application if she wished.

The appellant did supply an additional statement in written form. (Respondents' Exhibits 5 and 6). The DHSS responded by a letter dated June 23, 1975 (Respondents' Exhibit 8), confirming the earlier decision and setting forth the agency's rationale in more detail. The letter further stated:

"If you do wish to discuss this matter further and can be reached at 608-266-3027 until June 24 or after June 24 you may discuss this matter with Mr. Peter Grunwald at 608-266-0846 who also reviewed the application for that position."

The appellant received this letter on June 26 or 28, 1976. She attempted to call Mr. Grunwald on July 1st, 2d, and 6th before reaching him on July 7th. On that date she was informed that interviews for the position were scheduled for that day and the next, and that she could not have an interview. She mailed an appeal dated July 8th to the board which was received July 13, 1976.

The appellant's relevant training and experience which she provided to DHSS in the correspondence mentioned above included two years as a caseworker with the Milwaukee County Welfare Department. This involved the provision of direct social and financial services to recipients of public assistance. She spent approximately six years with that agency's purchase of services program as its administrator. The services involved in the purchase program included family and children's services, care for adults, for the mentally handicapped, and for children, and para-professional employment. Through her involvement in the purchase of services program, she became familiar with all phases of the welfare department operations as well as the operations of the community social service agencies from which services were purchased, and other social service agencies in the county. The duties and responsibilities of this position involved broad planning, management, and administrative functions.

#### CONCLUSIONS OF LAW

The appeal was timely. The letter of June 23, 1976, clearly left the door open to further discussions. The appellant received a final denial from Mr. Grunwald on July 7, 1976, and on that basis the July 13th receipt of her appeal letter was well within the 15 day limit set forth in Section 16.05(2), stats. See Van Laanen v., State Personnel Board, No. 145-395 (Dane Co. Circuit Court, 8/26/75). Further, even if the June 23d letter were construed as the effective notification, the record does not support a finding as to the exact date of receipt, either June 26th or June 28th being plausible. The appeal was timely from the 28th but untimely from the 26th. On such a record we could be

inclined to avoid the harsh effect of Section 16.05(2), which cuts off appeal rights after only 15 days, and conclude that the appeal is timely.

With regard to the merits, we conclude that respondents' decision to refuse appellant admission into the examination should be sustained. The appellant's employment as a case worker clearly did not fulfill the requisite training and experience stated in the announcement. The information which she provided the DHSS concerning her duties and responsibilities as Purchase Program Administrator also failed to satisfy the requisite training and experience:

"...direct involvement in the development and/or implementation of a comprehensive human services delivery system which is defined as a way of consolidating public health, social and rehabilitation services into an integrated and coordinated program serving the total human services needs of individuals and families." (emphasis supplied)

The respondent agency did not err, in reviewing appellant's application and later amplifying correspondence, in concluding that her experience involved only social services, and not public health and rehabilitation services. The latter two areas were not apparent from the documentation she submitted.

The appellant stated at the hearing: "I thought I explained it (training and experience) as well as I could in all the correspondence I submitted, and I feel that the correspondence I submitted still speaks for itself." T., p. 36. The agency personnel people conducting the screening had to interpret this correspondence to determine whether appellant's training and experience satisfied the stated requirements, since this was the only information the appellant provided. It is not appropriate to review the agency's actions on the basis of more specific information concerning appellant's training and experience provided after the fact at the hearing.

The appellant argued at the hearing that she was never given any information about the specific areas in which the agency felt she was deficient until the hearing, but the letter of June 23rd does state that her experience in purchase of service dealt with social services programs only and not the full gamut of health, social services, and rehabilitative services stated in the announcement.

ORDER

For the foregoing reasons it is ordered that the actions and decisions of the respondents are affirmed and this appeal is dismissed.

Dated March 21, 1977.

STATE PERSONNEL BOARD

  
Laurene DeWitt, Chairperson