

STATE OF WISCONSIN

STATE PERSONNEL BOARD

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SAM AMACHER INVESTIGATION
Case No. 76-54
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OFFICIAL

OPINION AND ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

Mr. Amacher took a promotional examination for an Administrative Secretary 1 position at the Wisconsin Board of Vocational, Technical and Adult Education. He was certified but not appointed to the position. In an interim opinion and order the Board determined that it had no jurisdiction over this matter as an appeal, since there was no appealable action by the director once the certification was made, but that it would assume initial jurisdiction under the Board's discretionary investigative authority pursuant to §16.05(4), stats., based on the appellant's allegation of discrimination as a man seeking a position traditionally held by women. Included in a further statement filed by the agency following this interim opinion and order was the information that appellant was pursuing an appeal of this transaction with the equal rights division of DILHR. The agency urged the Board to defer to that proceeding. Mr. Amacher has objected to such deferral.

The Board's investigative authority is discretionary. Although in this case the Board found that there were no civil service appeal rights it decided it would take jurisdiction under §16.05(4), stats., because the appellant had made a charge of sex discrimination. It was noted in that opinion that the decision to assume jurisdiction was strictly a threshold determination "and at this juncture we do not make any determination as to the nature of any investigatory activity that may or may not be decided on in this case."

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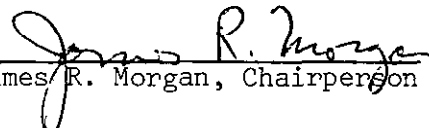
The jurisdiction of the equal rights division is concurrent with that of the Personnel Board in this case. The Board's exercise of its jurisdiction has been and continues to be discretionary. In the Board's opinion it is inappropriate to duplicate the efforts of the equal rights division. The only basis for the Board's initial decision to exercise its jurisdiction was the appellant's allegation of sex discrimination which is squarely within equal rights' purview. In deference to the exercise of jurisdiction of that agency, we will dismiss this investigation.

ORDER

This investigation is dismissed.

Dated: April 11, 1978

STATE PERSONNEL BOARD


James R. Morgan, Chairperson