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GARY GRUETER, \*

Appellant, \*

v. \*

Secretary, DEPARTMENT OF \*

HEALTH & SOCIAL SERVICES, \*

and Administrator, DIVISION \*

OF PERSONNEL, \*

Respondent. \*

Case No. 79-268-PC . . \*

\* \* \* \* \*

DECISION  
AND  
ORDER

This matter is before the Commission on consideration of the proposed decision and order of the hearing examiner, a copy of which is attached hereto. The Commission has considered the objections and arguments of the appellant and consulted with the hearing examiner.

The Commission adopts the proposed findings #1-6, rejects finding #7, and substitutes the following finding in its place:

"7. Techniques in Political Science Research (778-817) is a relevant course as set forth in the position standard."

The Commission adopts the proposed conclusions of Law #1 and 2, and rejects conclusions #3 and 4, and substitutes the following in their place:

"3. Appellant has demonstrated by a preponderance of evidence that respondents' decision was incorrect.

4. Respondents improperly refused to find the course in question relevant to appellant's duties and responsibilities."

The Commission adopts the first full paragraph of the proposed opinion, rejects the second full paragraph, and substitutes the following in its place. This amendment of the opinion also explains the rationale for the aforesaid

*Original*

changes in the findings and conclusions:

"The appellant gave substantial testimony that this course was relevant to his teaching. The following excerpts from the transcript are illustrative:

MR. WILLIAMSON: Could you tell the examiner what the course Techniques of Political Science Research was, what you learned in it?

MR. GRUETER: The emphasis was on the role of science and of social studies, particularly in this case in political science, with emphasis on theory, theory testing, data collection and work test theories. The data collection was a part of, but data does not stand by itself. The data services the purpose of theory building and falsifying or verifying the theory. So the underlying theme throughout the course was that data does not stand alone. It serves a purpose to reinforce. T., ll.

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MR. WILLIAMSON: Does the question of the validity of the various theories discussed in that text book, do you teach that?

MR. GRUETER: It inevitably comes up in terms of, when I talk about Freud for instance, and there might be a question of what he is saying, hey that doesn't apply in this situation and we will explore what he is saying and whether or not we can make it applicable. We might look at, for instance, the context of the times that a theory was formed in, you know as a response to the times.

MR. WILLIAMSON: And how, if at all, does that discussion relate to what you learned in the Techniques of Political Science Research?

MR. GRUETER: Techniques in Political Science Research, as I said, emphasized science theory building and things like this. Also a critical look, the critical evaluation of theories and strategies to look at tests.

MR. WILLIAMSON: Turning your attention to political science, do you utilize text book in that?

MR. GRUETER: I utilize two text books in that course, (unclear) and Irony of Democracy.

MR. WILLIAMSON: And in the, in either of those is there a discussion of whether political science is a science?

MR. GRUETER: At the beginning of The Irony of Democracy they explore what is a science, they explore what is a theory and they relate those discussions in a general social science sense to the particulars of political science.

MR. WILLIAMSON: And do you teach that material?

MR. GRUETER: That is correct.

MR. WILLIAMSON: And in teaching that material do you rely in any part on what you learned in the Techniques of Political Science Research?

MR. GRUETER: I rely on it in the sense of establishing what is the theory, establishing calls of relationships, an exploration of how can we critically look at and maybe reject what this author is saying, counterpointing another possible theory, another possible interpretation. At times in a book like, for instance, *Irony of Democracy*, the author himself will explore three theories and lay them up against the reality of the situation.

MR. WILLIAMSON: Is that part of what you are teaching?

MR. GRUETER: That is correct.

MR. WILLIAMSON: And is part of what you learned in Techniques of Political Science relevant to what you were teaching, when that kind of discussion ensues?

MR. GRUETER: That is correct." T., pp. 17-19.

The educational director at the Waupun Correctional Institution, who disapproved this course, testified as follows as to his rationale:

"MR. SMULLEN: Mr. Grueter has explained that he does teach students who have anywhere from a 7th to a 12th grade background. Mr. Grueter's students learn at very basic and rudimentary levels. It is my opinion that a person certified by the Department of Public Instruction, one must assume that one can handle the structure of the classes at the secondary level if the teacher is certified at that level.

MR. WHITCOMB: Now, you heard Mr. Grueter testify concerning what he learned about distinction between, for instance a science as opposed to something else as an undergraduate. Do you have any opinion as to whether or not he would have learned how to make that distinction or elucidate that distinction as an undergraduate?

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MR. SMULLEN: My assumption again of a person who has a certification in secondary education, broad field social studies, should understand that at a basic level, yes, and should be able to impart that to students on the secondary level. T., pp.50-51.

The position standard for Teacher 4 calls for a Bachelor's degree, plus 24 additional relevant credits. In its decision as to this particular course, the respondent's interpretation of relevancy was too narrow. The examiner conceded in the proposed decision, that the course "may have enhanced appellant's insight into his work . . ." The appellant testified that the course had direct application to his work. The fact that as a certified teacher the appellant presumably had the basic skills to teach at the seventh and eighth grade levels without further training, does not render the course irrelevant to the discharge of his duties and responsibilities. Carried to its logical extreme, the respondents' rationale would render all advanced coursework irrelevant, which obviously is not the intent of the position standard."

ORDER

The Commission rejects the proposed Order and substitutes the following in its place:

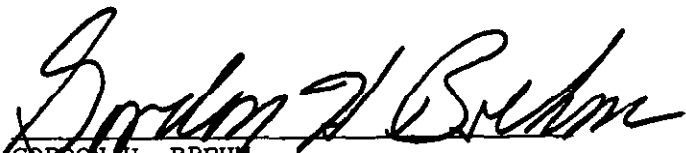
"The respondents' action is rejected and this matter is remanded for further action in accordance with this decision."

Dated: Sept. 23, 1981

STATE PERSONNEL COMMISSION

AJT:nwb  
Parties

Donald Percy  
Secretary, DHSS  
1 W. Wilson Street  
Madison, WI 53702

  
GORDON H. BREHM  
Chairperson

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CHARLOTTE M. HIGBEE  
Commissioner

Gary Grueter  
c/o John Williamson  
Suite 220, 777 E. Wisconsin Ave.  
Milwaukee, WI 53202

Dissenting:

  
DONALD R. MURPHY  
Commissioner  
For SWS

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 GARY GRUETER,  
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 Appellant,  
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 v.  
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 Secretary, DEPARTMENT OF HEALTH  
 & SOCIAL SERVICES, and  
 Administrator, DIVISION OF  
 PERSONNEL,  
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 Respondent.  
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 Case No. 79-266-PC  
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PROPOSED  
 DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This matter is before the Commission on a question of reclassification. The specific question under consideration is whether the course, Techniques in Political Science Research (778-817), University of Wisconsin-Milwaukee is relevant to appellant's teaching position. The following findings and conclusions based upon an evidentiary hearing are made by the examiner.

FINDINGS OF FACT

1. Since November, 1977, appellant has been a social studies teacher in classified civil service at Waupun Correctional Institution. His primary responsibility is to teach several courses including Black history, sociology, psychology, elementary social studies, human relations, political science and G.E.D. preparation to seventh and eighth grade level student residents of the institution.
2. When appointed by respondent, appellant possessed a Bachelor of Science degree in secondary education and history, teacher certification for broad field social studies and 18 graduate school credits.

3. At some time prior to February 25, 1980, appellant submitted 24 credits to respondent in support of his request to be reclassified from Teacher 3 to Teacher 4. The respondent determined that only 21 of those credits were relevant and denied reclassification.

4. The State of Wisconsin teacher position standard provides in pertinent part:

"Teacher 4 (degree)

A Bachelor's degree from an accredited college or university and certification as a teacher by the Department of Public Instruction or the State Board of Vocational, Technical and Adult Education plus 24 additional relevant credits approved by the employing department...

Note: For purposes of interpreting this schedule, relevant credits are those approved by the employing department...."

Appellant needed 24 relevant credits to be reclassified Teacher 4.

5. The purpose of the course, Techniques in Political Science Research (778-817) for which credit was denied, was to teach graduate students how to collect data in order to move through master's and doctoral degree programs.

6. Appellant taught adult students, ages 19-40, who had seventh and eighth grade level formal educational training. The courses were multi-grade; students at various academic levels were placed in the same classroom. Everyone used the same texts and were taught at the same rate. The students were not given research assignments. The courses taught by appellant were directed toward a high school diploma or equivalency.

7. Techniques in Political Science Research (778-817) is not a relevant course as set forth in the position standard.

CONCLUSIONS OF LAW

1. The Commission has authority to hear this matter as provided in §230.44(1)(b), Wis. Stats.

2. Appellant has the burden to show that respondent's decision to deny credit for Techniques in Political Science Research (778-817) was incorrect.

3. Appellant has not demonstrated by a preponderance of evidence that respondent's decision was incorrect.

4. Respondent properly refused to find the course in question relevant to appellant's duties and responsibilities.

OPINION

Appellant argues that an appropriate master's degree would entitle appellant to a higher reclassification. Techniques of Political Science Research (778-817) is a required course for a Master's degree in Education, therefore it is relevant to appellant's duties and responsibilities as a teacher of social studies courses at Waupun Correctional Institute. Specific courses which are required to obtain a particular degree, may not be inherently job-related. However, if this were the intent of the position standard, it would have made acceptable any credits earned in required courses directed toward a master's degree in an appropriate master's program rather than require "relevant" credits.

In the instant case, while the course for which credit was denied may have enhanced appellant's insight into his work, it was not viewed by the institution's educational director as being relevant to appellant's

teaching position. Based upon testimony and documentary evidence, this  
examiner believes respondent did not err in evaluating the relevancy  
of the course and denying appellant credit for same.

ORDER

Respondent's action is affirmed and this appeal is dismissed.

Dated \_\_\_\_\_, 1981

STATE PERSONNEL COMMISSION

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Donald R. Murphy  
Commissioner

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Gordon H. Brehm  
Commissioner

DRM:mek

Parties:

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