

STATE OF WISCONSIN

PERSONNEL COMMISSION

DIANE METZIG,

Appellant,

v.

Secretary, DEPARTMENT OF
HEALTH AND SOCIAL SERVICES

Respondent.

Case No. 90-0383-PC

DECISION
AND
ORDER

This appeal arises from a decision to reassign responsibilities. The respondent has filed a jurisdictional objection and the parties have been provided an opportunity to file briefs. The letter of appeal reads, in part, as follows:

I am sending this memo to express my complaint on a personnel decision announced today, October 17, 1990 at Winnebago Mental Health Institute. Two part-time Recreation Therapy (RT) positions (50% & 65%) have been combined into one position, leaving 15% (6 hours) to be attached to another position. The 15% was attached to a COTA position.

This decision concerns me personally and professionally. The recreational therapy staff at WMHI should not be losing these hours. The Title 18 and 19 survey identified deficiencies in medical records and AT staffing particularly for weekend and evening coverage. We at WMHI have had several position and program changes. The RT's are being required to work more of the weekend/evening hours than other disciplines and medical record requirements are increased but we are losing 15% of a position.

Also, when the pending position changes were announced, I asked our AT director, Wayne Winistorfer, what would happen to the 15% if it would become vacant. He said that those were RT hours and because they couldn't hire for a 15% position, the hours would have to be attached to an existing RT position. He named the possible positions as the half-time RT positions on Sherman 7/8 and FBTU depending on the outcome of the transfer process.

As a general matter, the Commission lacks jurisdiction to review decision to reassign responsibilities from one position to another position.

Kienbaum v. UW, 79-246-PC, 4/24/80 Here, however, the appellant has alleged in her brief that duties were added to a therapy assistant position "after it was posted in house, after the test and after the interview list was received." The Commission does have the authority under §230.44(1)(d), Stats., to review a "personnel action after certification which is related to the hiring process in the classified service and which is alleged to be illegal or an abuse of discretion." The addition of certain duties is alleged to have occurred after certification, but the action of adding the duties is not related to the hiring process. There was no allegation that the action was taken in order to avoid having to consider one or more possible candidates. Therefore, the Commission issues the following

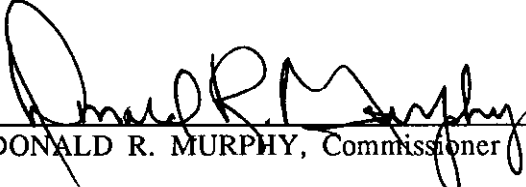
ORDER

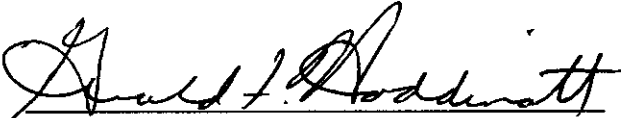
The respondent's motion to dismiss is granted.

Dated: January 24, 1991 STATE PERSONNEL COMMISSION


LAURIE R. MCCALLUM, Chairperson

KMS:kms


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

Parties:

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