

of State. The Appellants, through Ms. Marvin's son, Bruce, who was travelling with them and did the actual calling, made it clear that they would not make it back to work by March 19 due to the snowstorm.

No discussion of whether or not any work time missed could be made up was made in the March 18 phone call. Nor was any mention of it made when the Appellants returned to work on Tuesday, March 20. The matter did arise shortly after when the Appellants were asked to sign a slip stating that the eight hours which they missed on March 19 would be allotted to their annual leave time. The Appellants signed these slips without protest.

It was not until July of 1973 that the matter arose again. On July 2, 1973, the Appellants in a letter to Robert C. Zimmerman, Secretary of State, which was routed through Mr. Harold W. Grothman, Administrator for the Corporation Division, requested permission to make up the eight hours which they each had lost on March 19, 1973, rather than have them allotted to their vacation time. When Zimmerman refused their request, the Appellants continued their appeal through the grievance procedure as provided in Administrative Practices Manual Bulletin No. 1, Part - Personnel; Section - Administration; Subject - Statewide Employee Grievance Procedures; August 24, 1966.

Failing to gain their requested relief through the grievance procedure, the Appellants appealed to the State Personnel Board. In the Appellants' appeal before this Board the facts are not in dispute. We find the foregoing facts to be the background facts material to the appeal. Other findings of fact will be made in conjunction with our discussion of the issues in the case.

The major issue in the case involves the proper interpretation of the Administrative Practices Manual Bulletin No. 15, Part - Personnel; Section - Administration; Subject - Release of Employees - Emergency Conditions; August 1, 1968, which states in part:

- "1. Absences due to inclement or hazardous weather conditions may be excused by the appointing authority as follows:
 - a. If unusual weather conditions make it impossible for employees to get to their place of work the employee shall be allowed to make up the time lost from work at a time scheduled by the employing department.
 1. Departmental policy should require that employees call their supervisor if possible."^{1/}

It is the Appellants' contention that this section of the Administrative Practices Manual pertains to all instances in which an employee is kept from getting to work by hazardous weather.

The Respondents, on the other hand, take the position that the Administrative Practices Manual, Bulletin No. 15, Part - Personnel; Section - Administration, covers only employees who are prevented from commuting from their place of residence by adverse weather. Employees who miss work because they are prevented by hazardous weather conditions from returning from a vacation or any other location besides their normal place of residence are supposedly not covered by Bulletin 15.

^{1/}The Administrative Practices Manual does not have the force of the Administrative Rule, since it is not published in the Administrative Code. The Manual is indicative of what is thought to be current, and sometimes ideal, State practice. The manual is not binding on the Board. We are, however, called upon to interpret one of its provisions, which, for purposes of this decision only, we will presume to be facially valid. We express no opinion here as to whether the Administrative Practices Manual is lawfully promulgated or is within the statutory authority of its promulgators. See also Van Susteren v. Wettengel, Wis. Pers. Bd. Case No. 73-127, (Jan. 10, 1974), at pp. 5-6.

Both the Appellants and Respondents claim that their respective interpretation of Bulletin 15 has been the ongoing policy in the Secretary of State's office. It is the Appellants' further contention that they are being discriminated against if they are not allowed to make up the time which they lost on March 19, 1973.

The Appellants Are Not Entitled to Make Up the Time
Which They Missed on March 19, 1973

We find that Administrative Practices Manual Bulletin No. 15, Part - Personnel; Section - Administration; Subject - Release of Employees - Emergency Conditions, August 1, 1968, is properly interpreted as covering only the situation in which an employee is prevented from commuting to work from his or her place of residence due to adverse weather conditions. This decision is dictated by a policy of interpreting the Administrative Practices Manual in a manner which will result in the most efficient operation of State government.

By limiting the make-up policy to employees who were stranded at their place of residence, the Respondents have some assurance that the time which will have to be made up will not exceed one or two days. In addition, whenever periods of adverse weather conditions occur, it is more likely that all employees who are at their place of residence will be equally affected and will have approximately the same amounts of time to be made up. Thus, if only employees who were at their place of residence are allowed to make up lost time, the Respondents have some assurance that the time to be made up will not exceed one or two days on any given occasion and will not occur on widely different occasions among the various employees. This will minimize

problems with scheduling and supervision for employees making up lost time. No such guarantee can be made for employees away from their place of residence.

The Appellants contend that the present policy of the Secretary of State's office is to grant all employees permission to make up lost time regardless of their location at the time they were stranded. Appellants cite the case of Ms. Betty Donnelly. Ms. Donnelly had been stranded in Wisconsin Dells due to the April 9, 1973 snowstorm. Wisconsin Dells was not Ms. Donnelly's normal residence, but her supervisor, Mr. David Halverson, still gave her the option of making up the work time which she missed due to the storm. She did not accept the option to do so.

The asserted situation of Ms. Donnelly does not change our decision in any way. Our interpretation of Bulletin 15 will have the effect of increasing the efficiency of State government. Any other interpretation would run counter to the purpose of the Administrative Practices Manual which is to make uniform and more efficient State administrative practices. As further support for our ruling is the fact that the Board is under no obligation to rely on the Administrative Practices Manual. We find that the evidence with respect to the case of Ms. Donnelly, offered by the Appellants is insufficient to prevail over the Respondents' claim that only employees stranded at their place of residence had been allowed to make up their lost work time. Ms. Donnelly had been offered the option to make up her lost time by her immediate supervisor, Mr. Halverson, but never actually did make it up. The record shows that had she decided to do so, Mr. Halverson's decision would have most likely been overruled by his supervisor, as it was in violation of the proper policy.

Conclusion

We hold that the proper interpretation of the Administrative Practices Manual, Bulletin No. 15, Part - Personnel; Section - Administration; Subject - Release of Employees - Emergency Conditions; August 1, 1968 is one which limits the option to make up work due to adverse weather to employees who were stranded at their place of residence.

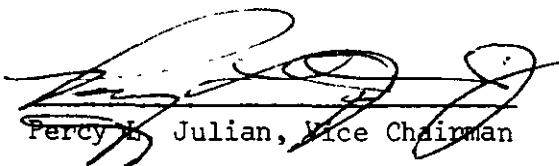
ORDER

The actions of the Respondents in refusing to permit the Appellants to make up the eight hours which they lost on March 19, 1973 is affirmed.

Dated August 14, 1974

STATE PERSONNEL BOARD

BY


Percy L. Julian, Vice Chairman