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 PAUL M. COSTELLO,
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 Appellant,
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 v.
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 C. K. WETTENGEL, Director,
 State Bureau of Personnel,
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 *
 Respondent.
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 Case No. 73-90
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OFFICIAL

OPINION
AND
ORDER

Before JULIAN, Chairman, SERPE, AHRENS, STEININGER and WILSON.

OPINION

Facts

The Appellant, Paul M. Costello, has been employed by the Division of Mental Hygiene of the State Department of Health and Social Services for over 19 years. For nearly the first half of those 19 years, he was classified as an Institutional Aid I, but for the last 10½ years, Appellant has been classified as a Maintenance Mechanic I, SR 3-07. On May 14, 1973, Appellant received a form designated as a "Reallocation Notice" dated May 3, 1973, indicating that Appellant's position had been reallocated, effective April 29, 1973, as the result of a Maintenance Survey. Under the heading "Present Class Title," Appellant's classification was listed as Maintenance Mechanic 1; under the heading "New Class Title," Appellant's classification was again described as Maintenance Mechanic 1. Appellant's "present" pay range and his "new" pay range were both listed as 3-07. The only change appearing on the face of the reallocation notice is in the "class code," a multi-digit number necessary to the correct disbursement of the payroll to state employees. Under the heading "Present Class Code," the number "76541" appears; under the heading "New Class Code," the number "76521" appears.

Because the old class code was being deleted from the payroll and a new class code substituted in its place, it was necessary for payroll purposes that the employing agency have notice of this change. The reallocation notice carries on its face the class code change and other information essential to the payroll process, and it was the purpose of the reallocation notice, itself a new form, to serve in this instance as the vehicle for informing the agencies of the class code change. If the agencies were not so informed, it was probable that the incumbent in a particular position, e.g., the Appellant in the Maintenance Mechanic 1 classification, would not receive his paycheck on a continuing basis, indeed, not until the class code change were accomplished.

Reallocation notices contain copies for both the employing agency and the employee. In the instant case it was not the intent of the Respondent to reallocate Appellant's position but merely to effect a clerical change in the administration of the payroll. After the Department of Health and Social Services had been sent the reallocation notice by the State Bureau of Personnel, it mistakenly forwarded the "Employee" copy to the Appellant. Appellant thereupon thought, not unnaturally, that the Respondent had taken an action concerning the reallocation of his position. But the Maintenance Survey conducted during 1972-73 resulted in no recommendation concerning the Maintenance Mechanic 1 classification. The Respondent did, however, recommend to the Board, and the Board approved, the creation of a Maintenance Mechanic 2 classification. The Maintenance Mechanic 1 classification remained unchanged.

On May 24, 1973, Appellant appealed what he believed to be the reallocation action of the Director to this Board, which appeal was received on May 29, 1973, 15 days following receipt by the Appellant of the reallocation notice. A hearing was held in this case on March 22, 1974, at Oshkosh, Wisconsin, before Percy L. Julian, Jr., Vice Chairman of the Board, acting as hearing officer on behalf of the Board, pursuant to Sec. 16.05(3), Wis. Stats. The full Board has subsequently considered all of the testimony and exhibits in this matter.

We find the foregoing facts to be true and to be material to a determination of the instant appeal.¹

Conclusions

The appeal in this case was timely, and, in that sense, jurisdiction is present. See Sec. 16.05(2), Stats. We do not believe, however, that there has been in this case an action or decision of the Director within the meaning of Sec. 16.05(1)(f), Stats., which is appealable to this Board.

Our primary difficulty is that no reallocation appears to have taken place. We have found that as a result of the Maintenance Survey conducted in 1972 and early 1973, no recommendation was made to this Board concerning the Maintenance Mechanic 1 classification. Nothing was altered concerning it. Reallocation is defined in the Wisconsin Administrative Code as "the assignment of a position to a different class by the director as provided in Section 16.07(2), Wis. Stats...." (Emphasis supplied.) Wis. Adm. Code Section Pers. 3.02(2). Clearly, since Appellant's position remained in the same class with the same pay range as before--Maintenance Mechanic 1, SR 3-07--no reallocation action was taken by the Respondent concerning the Appellant's position. There was therefore no action or decision of the Director within the meaning of Sec. 16.05(1)(f), Stats., from which an appeal to this Board could be taken.

The sending of the reallocation notice to the Appellant, we have found, was a mistake on the part of the employing agency. But even if it were not, the mere change of a class code would not normally be that type of action or decision of the Director properly appealable to this Board. Sec. 16.05(1)(f), Stats., contemplates appeals by interested parties or appointing authorities from actions or decisions of the Director which, at least to some discernible degree, have an

¹ It is intended that the facts recited above constitute the Board's findings of fact after hearing, pursuant to Sec. 227.13, Stats.

adverse impact on the party perfecting the appeal. It can hardly be said that the changing of a class code which allows a party to continue receiving his paycheck is an action adverse to his interests.

We conclude that, in the circumstances of this case, the changing of the class code for the Appellant's position classification was not an appealable action or decision of the Director within the meaning of Sec. 16.05(1)(f), Stats. We are therefore left with no alternative but to dismiss the appeal. See Wisconsin Telephone Co. v. Wisconsin Employment Relations Board, 253 Wis. 584, 589. See also State v. WERC, 65 Wis. 2d 624, 631.

Although we intimate no views on the merits of Appellant's case, we realize that it was Appellant's intention to contest what he feels is his improper classification, but such an effort must be processed through normal channels. This means that Appellant must first direct his request for reclassification to the proper personnel officer within the employing agency so that the agency and, if necessary, the Director, may pass upon it. If merit were found in the request and the request were granted, it would be unnecessary for Appellant to seek relief from this Board.²

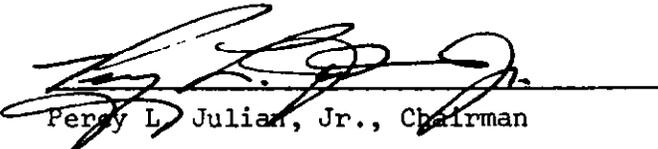
ORDER

IT IS THEREFORE ORDERED that the Appellant's appeal is dismissed.

Dated February 25, 1975

STATE PERSONNEL BOARD

By


Percy L. Julian, Jr., Chairman

²It is intended that the foregoing section entitled "Conclusions" encompass both the Conclusions of Law required by Sec. 227.13, Stats., and this Board's "reasons" for deciding this case as we do, as required by Transport Oil Inc. v. Cummings, 54 Wis. 2d 256, 263-265.