



Appellant further has submitted that her duties and responsibilities have remained the same following her transfer. The appellant neither has admitted nor denied this assertion but has requested that the board "make no determination on the question of relief at this time. The Order of the Board is being appealed to the Circuit Court of Dane County and any further action relative to this appeal should await the court's decision." We take official notice that no petition for review has been served. Furthermore, the commencement of such a proceeding would not be a basis for deferring a decision on relief, particularly in light of Section 227.17, stats:

"The institution of the proceeding for review shall not stay enforcement of the agency decision; but the reviewing court may order a stay upon such terms as it deems proper, except as otherwise provided in Sections 196.43 and 551.62."

There is support in the record for appellant's assertion that her duties and responsibilities remained substantially unchanged following her transfer. See transcript, pp. 94-95. While the parties at the hearing stipulated to limit the evidence to the situation at Kroshage Hall, transcript, pp. 4-5, this must be considered in the light of the issue concerning the reclassification denial decision itself, the board order of March 24, 1977, directing the parties to file additional information concerning relief, and the respondent's non-denial of appellant's assertion. Therefore we find that the appellant's duties and responsibilities were substantially similar before and after the transfer, and conclude that appellant is entitled to a reclassification to Cashier 2 with back pay and benefits retroactive to August 8, 1975.

Order

The director's action denying appellant's request for reclassification is rejected and this matter is remanded to the director for action in accordance with the board's decisions in this appeal.

Dated August 1, 1977

STATE PERSONNEL BOARD  
  
Laurene Dewitt, Chairperson