

STATE OF WISCONSIN

STATE PERSONNEL BOARD

\* \* \* \* \*

LARRY GODLEWSKI,

Appellant,

v.

JOHN C. WEAVER, President,  
University of Wisconsin, and  
VERNE KNOLL, Deputy Director,  
State Bureau of Personnel.

Case No. 75-90

\* \* \* \* \*

**OFFICIAL**

INTERIM

OPINION AND ORDER

Before: JULIAN, Chairperson, SERPE, STEININGER, WILSON and DEWITT, Board Members.

#### OPINION

##### I. Facts

On August 7, 1975 this Board received a letter from Appellant, appealing the denial of his request for reclassification from Facilities Repair Worker 1 to Facilities Repair Worker 3. The second paragraph of this letter stated:

The position review does not truly reflect my duties (of the past eleven years), capabilities or responsibilities and does not present a broad enough explanation of my job classification.

At the prehearing conference held on October 9, 1975 Respondents moved to dismiss on the basis that eleven years is an inappropriate period of time to be utilized in determining Appellant's current classification. They cited Raup v. Wettengel, 73-60; Raup v. Clapp, 73-179 (August 29, 1975) in support of their motion.

At this same conference Respondents proposed the following issue:

Should Appellant's position be classified as Facilities Repair Worker 1 or Facilities Repair Worker 2?

Appellant agreed with this issue except that he proposed that the Facilities Repair Worker 3 classification be included as a third alternative.

Respondents indicated that they would agree to the proposed addition to the statement of the issue only if a fourth alternative classification were added, that is, Building Maintenance Helper 2. Since no agreement could be reached by the parties, the determination of this issue will be made by this Board today.

## II. Conclusions

### Respondents' Motion To Dismiss Is Denied

Appellant's letter of August 1, 1975 first informed this Board that he wished to appeal from "the actions taken by Jim Girard (Associate Director of Personnel and Payroll, UW Extension)." Appellant then went on to explain the basis of the appeal, that is, the denial of his reclassification. It is in this second portion of his letter that Appellant refers to the duties he has performed over the past eleven years.

To our knowledge, up to and including the time of the prehearing conference, Appellant was not represented by counsel. We do not require a nonrepresented, nonattorney appellant to have the knowledge and expertise of an attorney in the realm of pleading and practice before the Personnel Board. Appellant through his appeal letter apprised this Board and Respondents of his intention to appeal and the basis thereof. This appeal apparently falls within the Board's jurisdiction under Section 16.05(1)(f), Wis. Stats. and apparently is timely filed as required under Section 16.05(2), Wis. Stats.

To dismiss this appeal on the grounds raised by Respondents is too drastic a remedy. Raup (supra) does not require dismissal. Rather in Raup we simply determined the maximum and minimum periods of time to be looked at for the development of a position description. Therefore, we conclude that Respondents' motion to dismiss must be denied.

Since the prehearing conference, Appellant has retained counsel and has indicated that the evidence to be offered will date from approximately 1971

through the time of the denial of his reclassification request. In this Opinion and Order we do not reach the question of whether this evidence is relevant and admissible under Raup. That question will have to be answered at the time of the hearing when it is clearer what evidence is being offered and for what purpose.

Finally, the following will be the issue to be resolved in this appeal:

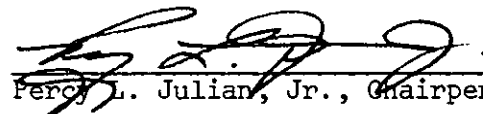
Should Appellant's position be classified as Facilities Repair Worker 1, Facilities Repair Worker 2, or Facilities Repair Worker 3?

ORDER

IT IS HEREBY ORDERED that Respondents' motion to dismiss is denied.

Dated February 23, 1976.

STATE PERSONNEL BOARD

  
Percy L. Julian, Jr., Chairperson