

problem. The 50% requirement to 4:30 p.m. is unjustified. Give consideration and encouragement to car pools. Give the supervisor the authority as provided by Wis. Statute Chapter 196, Laws of 1977 Sec. 230.215(2) and comply with the intent of the legislature."

FACTS

1. Both appellants work for the Department of Revenue as auditors in the Inheritance and Excise Tax Division.

2. That Division had a flexible time schedule in effect between 1973 and early 1978 which permitted employes to start as early as 7:00 a.m. and leave as early as 3:30 p.m.

3. On March 27, 1978, the flexible schedule was changed to eliminate the 7:00 a.m. and 3:30 p.m. parts of the schedule, along with other changes.

4. Appellants filed the grievances which lead to the appeals in this case.

5. On January 2, 1978, change was again made in the flexible work schedule. This new schedule allowed the appellants to start at 7:00 a.m. and leave work by 3:30 p.m. The new schedule allows some discretion to an employe's supervisor.

OPINION

The respondent has requested that the appellant's case be dismissed since their relief sought has been received and there is no longer any issue to be resolved.

Testimony at the hearing, and the guidelines as set down for the flexible schedule as of January 2, 1979 prove that the issue of starting time and quitting time have been resolved. Testimony also indicates that the car pools broken up by the March, 1978 schedule have been arranged again by the appellants.

No longer are 50% of the employees required to work until 4:30 p.m. so that requested remedy has been complied with.

Therefore, the only issue in the grievance left in doubt is whether supervisors have been granted the authority as provided in §230.215(2) of the Wisconsin Statutes.

The authority of the supervisor is limited to approving the employees' selection of "a time of arrival to and departure from work." However, the change in the flexible time schedule effective January 2, 1979 in Section 3, 2 limits the discretion of the employee with the approval of the supervisor to unilateral changes within the guidelines just once a year.

Of all the issues raised in the employees requested remedy's, only the one relating to the authority of the supervisor remains.

ORDER

That all issues raised in the appeals by appellants are dismissed with the exception of the single issue of:

Does the flexible working hours schedule - effective January 2, 1979 for employees of the Inheritance and Excise Division of the Wisconsin Department of Revenue comply with §230.215(2) of the Wisconsin Statutes with regard to the authority the supervisors have to approve changes in employees arrival and departure from work times.

The parties are reminded and instructed to limit their evidence at any hearing on this issue to the specific issue remaining in this case. A date for hearing in this matter will be scheduled at the convenience of the parties.

Dated: Feb 5, 1979.

STATE PERSONNEL COMMISSION

Joseph W. Wiley
Joseph W. Wiley, Chairperson

Charlotte M. Higbee
Charlotte M. Higbee, Commissioner

Edward D. Durkin
Edward D. Durkin, Commissioner