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 JAMES JOBELIUS and
 ROBERT HERALD,
 Appellants,
 v.
 Administrator, DIVISION OF
 PERSONNEL,
 Respondent.
 Case Nos. 80-306, 250-PC
 * * * * *

OFFICIAL

INTERIM
DECISION
AND
ORDER

These reclassification appeals are before the Commission on respondent's motion for a consolidated hearing. In a letter filed December 1, 1980, the respondent made in part, the following arguments:

"Respondent requests consolidation because these cases involve the same issue: Whether or not the decision to reclass appellants' position from Real Estate Agent 3 to Real Estate Agent 4 was correct.

The evidence proffered by the Respondent will be substantially identical. Respondent will call the same witnesses for each case. Consolidation will enable Respondent's witnesses to testify once with respect to the issue in these cases, subject of course to cross examination by each appellant. The witnesses would have to travel to the Personnel Commission just once to testify, thereby saving their time and the Commission's.

Further, Respondent has only one attorney and counsel's calendar is presently scheduled into June, 1981. Consolidation of these cases would free a day on counsel's calendar for a hearing in another case. This would be true for the Commission as well since its calendar is also scheduled for many months in the future."

Mr. Jobelius has objected to consolidation by a letter filed December 18, 1980. He argues, in part, as follows:

"His [Herald's] duties are not comparable to mine. I feel there has been an inequitable treatment in our superiors' handling of our separate jobs.

I believe our personnel department has pursued a course of action and now must stand behind it. It is for this reason and not that of economics that the Department of Personnel wants these handled together.

After all these years of attempting to have someone look at my duties, the Department of Personnel has now entered a reason without much substance to thwart what I believe is a just and fair right to review.

No comparisons should be made because of a job title but, only of the duties and functions performed. It is true that the other appellant has the same pay range and it is also true that my immediate supervisor enjoys a pay range three levels above me."

Consolidation is normally ordered when it will effect administrative economy and convenience. This typically occurs in situations where there are some common parties and some common witnesses. Here, the respondent and respondent's attorney are the same in both cases and the respondent has indicated that his evidence will be substantially the same and his witnesses will be identical in both cases. The two positions in question have the same classification and the issues for hearing are basically the same. Undoubtedly there are differences in the two jobs. However, consolidation for hearing does not mean that the same result will be reached in each case. This matter is not being heard before a jury. There is no reason to believe that the examiner would lose sight of distinctions between the positions as a result of hearing the cases on a consolidated basis.

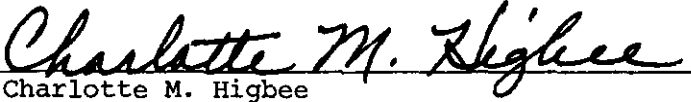
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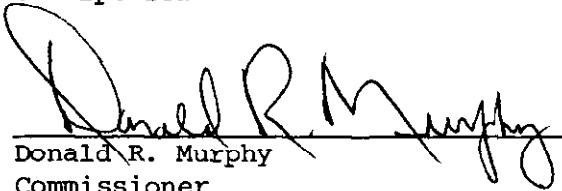
ORDER


These cases will be heard on a consolidated basis on March 18, 1981, at 9:00 a.m., at 131 West Wilson Street, Room 803, Madison.

Dated January 8, 1981

STATE PERSONNEL COMMISSION


Charlotte M. Higbee
Chairperson


Donald R. Murphy
Commissioner


Gordon H. Brehm
Commissioner

AJT:mgd

Parties

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