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TOM RENARD,

Appellant,

v.

Secretary, DEPARTMENT OF HEALTH  
& SOCIAL SERVICES, and Admin-  
istrator, DIVISION OF PERSONNEL,

Respondent.

Case No. 80-317-PC

\* \* \* \* \*

INTERIM  
DECISION  
AND  
ORDER

NATURE OF THE CASE AND OPINION

This is an appeal of the denial of appellant's request for reclassification of his position. Respondent has objected to Commission jurisdiction on the ground that appellant lacks standing to prosecute the appeal since he was no longer a state employe at the time of the prehearing conference in this case. The respondent also objected to the second issue proposed by appellant for hearing on the merits. The parties agreed to one issue for hearing.

- The respondent has not followed the briefing schedule set out for its jurisdictional objection and has not submitted arguments with respect to the proposed issue. The appellant was a state employe at the time he requested reclassification and at the time he appealed. The fact that he was not a state employe at the time of the prehearing does not prevent his continuing with his appeal. He has an interest in a determination of his proper classification at the time he left state service, both for purposes of identifying his proper rate of pay and related benefits for

the affected period of employment and for any future employment prospect with the State of Wisconsin. The respondent not having persuasively shown why the appellant's proposed issue should not be heard, the issue will be included for hearing and decision by the Commission.

ORDER

1. Respondent's motion to dismiss is denied.
2. The case is to proceed to hearing on the date set forth in the Conference Report dated December 5, 1980, in Room 205, 100 North Jefferson, City Hall, Green Bay, on the following issues:

1. Whether or not the Administrator's decision to deny the reclassification of appellant's position from Client Services Assistant 4 (PR12-28) to Social Worker 1 (PR12-02) was correct.
2. Did the action of appellant's supervisors in October, 1979, of failing to forward his reclassification request significantly affect his position with respect to the reclassification request made in September, 1980?

Dated January 22, 1981

STATE PERSONNEL COMMISSION

Parties:

Mr. Tom Renard  
Division of Corrections  
1181 Western Ave.  
Box 3708  
Green Bay, WI 54303

Mr. Charles Grapentine  
Division of Personnel  
149 E. Wilson St.  
Madison, WI 53702

Mr. Donald Percy  
Secretary, DHSS  
1 W. Wilson St.  
Madison, WI 53702

Charlotte M. Higbee  
Charlotte M. Higbee  
Chairperson

Donald R. Murphy  
Donald R. Murphy  
Commissioner

Gordon H. Brehm  
Gordon H. Brehm  
Commissioner