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DIANE GRINNELL,  
 Appellant,

v.

Administrator, DIVISION OF  
 PERSONNEL,  
 Respondent.

Case No. 81-101-PC

\* \* \* \* \*

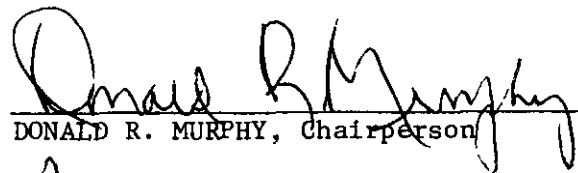
ORDER

The Commission entered its final decision and order in this matter on April 29, 1982. In a letter filed May 7, 1982, the respondent suggested that certain language in the opinion appeared to be in conflict with an opinion of the Attorney General, 680 AG 191,199 (1979), and should be changed to avoid possible confusion.

At page 2 of the aforesaid opinion, the last sentence is as follows:  
 "Section 230.09 requires the respondent administrator to apply the principle of comparable worth when assigning classification pay ranges." It is ordered that the opinion be amended as follows: "Section 230.09 requires the respondent administrator to apply the principle of equal pay for work of equivalent skills and responsibilities when assigning a classification to a pay range."

Dated: May 12, 1982 STATE PERSONNEL COMMISSION

AJT:ers

  
 DONALD R. MURPHY, Chairperson

  
 JAMES W. PHILLIPS, Commissioner

Parties

Diane Grinnell  
 113 Lawrence St.  
 Madison, WI 53715

Charles Grapentine  
 149 E. Wilson St.  
 Madison, WI 53702

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 Appellant,  
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 Administrator, DIVISION OF  
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 Case No. 81-101-PC  
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 \* \* \* \* \*

DECISION  
 AND  
 ORDER

This is an appeal of the effective date of a reclassification. The parties to this action agreed not to have a hearing. Briefs were filed upon stipulated facts and the question of the appropriate effective date for appellant's reclassification. The following findings, conclusions, opinion and order are based upon the stipulated record.

FINDINGS OF FACT

1. At all times relevant, the appellant, Diane Grinnell, was employed in a permanent state classified civil service position at the University Hospital.

2. In December, 1980, the appellant requested reclassification from Registered Nurse 2 (RN2) to Nursing Clinician. As part of the process, the appellant appeared twice before a review committee. On February 12, 1981, appellant was advised orally by a review committee representative that the committee voted in favor of reclassification. On February 23, 1981, the committee recommended to the Director of Nursing Service that the appellant's position be reclassified. The recommendation was received by the appointing authority on February 26, 1981.

3. On March 20, 1981, the appointing authority signed the reclassification form for reclassification of appellant's position from RN2 to Nursing Clinician with an effective date of March 22, 1981. The appellant received her first pay increase April 14, 1981.

4. The University of Wisconsin Hospitals set the effective date of appellant's reclassification in accordance with written policy established by the respondent administrator of the Division of Personnel.

5. The appellant appealed to this Commission within the statutory time limit and alleged, subsequently, that respondents violated state civil service law by failing to pay the appellant, from December, 1980 to March 22, 1981, at a level comparable to her rendered services.

#### CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to §230.44(1)(a).

2. Appellant has the burden of proving that respondent's action was an abuse of discretion or violation of state classified civil service laws.

3. The appellant failed to prove respondent violated any state classified civil service law or abused its discretion by setting March 22, 1981 as appellant's reclassification date.

#### OPINION

The appellant argues that respondent's application of its policy regarding effective dates of reclassification violates sections 230.01(2) and 230.09 of the Wisconsin Statutes. Section 230.01(2) is a statement of policy which provides for fair treatment of employes based upon the value of each employe's services. Section 230.09 requires the respondent administrator to apply the principle of comparable worth when assigning classification pay ranges.

Applying the policies set forth in these statutes, appellant asserts that respondent arbitrarily deprived her of at least one month's increased pay by its policy of setting effective reclassification dates at the beginning of the second pay period after receipt of a reclassification request.

Declarations of policy must be viewed with the utmost circumspection as the basis of judicial determination. Under Pers 29.03, Wis. Adm. Code, respondent was given specific authority to establish effective dates for pay adjustments resulting from reclassifying employees. Without deductive evidence to the contrary--which was absent in the instant case--the schedules provided by respondent for setting effective reclassification dates may be construed to effectuate the state policy of matching pay with services.

Administrative convenience and uniformity are rational bases for respondent's actions. While other pay adjustment formulas may be devised, it cannot be said the current pay adjustment schedule, regarding the effective date of reclassification, violates state policy. The effective date established for the reclassification of the appellant's position does not include a ministerial "error" as defined in Kimball v. DP & DHSS, Case No. 79-236-PC, which distinguishes Kimball from this case. Also, the time period between the request and granting of the reclassification is not of a duration sufficient to violate state policy, considering ministerial demands.

The respondent's action of establishing the effective reclassification date of the position occupied by the appellant was an exercise of authorized administrative regulation.

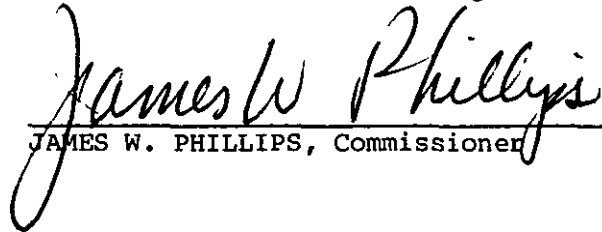
ORDER

Respondent's action of setting March 22, 1981 as the reclassification date for the position of Nursing Clinician occupied by appellant is affirmed and appellant's appeal is dismissed.

Dated: April 29, 1982 STATE PERSONNEL COMMISSION

DRM:jmf

  
DONALD R. MURPHY, Chairperson

  
JAMES W. PHILLIPS, Commissioner

Parties:

Diane Grinnell  
113 Lawrence Street  
Madison, WI 53715

Charles Grapentine  
DP  
149 E. Wilson Street  
Madison, WI 53702