

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 MARGARET MARTIN, BONNIE *
 SPENCER, DEBBIE EGAN & *
 ROBERTA EARLY, *
 *
 Appellants, *
 *
 v. *
 *
 Acting Administrator, *
 DIVISION OF PERSONNEL, *
 *
 Respondent. *
 *
 Case Nos. 83-0031, 0035, *
 0036, 0037-PC *
 *
 * * * * *

INTERIM
 DECISION
 AND
 ORDER

These matters were filed with the Commission as appeals from decisions of the Administrator, Division of Personnel, denying reclassification of the appellant's positions. A prehearing conference was held in the Martin appeal on March 8, 1983. At that conference, the respondent proposed the following issue for hearing:

Whether or not the decision of the administrator denying the reclassification of the appellant's position from Community Service Technician 2 to Planning Analyst 2 was correct.

A prehearing conference was held for the remaining three cases on April 5, 1983. Respondent proposed an issue that was substantially similar to the issue proposed in Martin. However, the appellant's proposal would have added the following sub-issue:

If not, should the appellant's positions have been classified as a Planning Analyst 2 or 3.

After the prehearings had been held, all four appellants made a joint request for the consolidation of their cases. Respondent initially opposed the appellant's request but subsequently withdrew his objection.

A review of the documents in the case file, indicates that the available position descriptions of the positions in question are similar. The appellants also state that the witnesses they will call for supportive testimony are the same in all four cases and that there would be a significant cost savings as a result of consolidating the hearings. Therefore, the Commission concludes that it is appropriate to order consolidation of the cases for hearing purposes.

The second question is the appropriate issue for hearing. Respondent argues that the only decision being appealed from was to deny reclassification from the Community Services Technician 2 to the Planning Analyst 2 level. Respondent suggests that in order to obtain reclassification to the Planning Analyst 3 level, a separate reclass request must be filed. All of the letters of appeal indicate that the appellants had only requested reclassification to the Planning Analyst 2 level and not to the 3 level. In the absence of either a decision with respect to the higher level or a stipulation by the respondent, the issue must be framed in terms of the Planning Analyst 2 reclassification request. The jurisdictional basis for these appeals is §230.44(1)(a), Stats., which provides for appeals from decisions of the administrator. To look beyond the Planning Analyst 2 level would be to go beyond the scope of the administrator's decision and to conduct an "independent inquiry" as to the appellant's proper classification. Such an inquiry is outside of the Commission's authority. Werth v. DP, Case No. 81-130-PC (8-5-81).

The appellants suggest that the respondent is now about to "arbitrarily change the classification ... to Program and Planning Analyst 2 ... [even though] that was not requested." The Commission must assume that if the change in classification referred to by the appellants actually

occurs, it will be as a result of a reallocation, pursuant to §ER-Pers 3.01(2), Wis. Adm. Code, rather than a reclassification.

ORDER


These appeals are ordered consolidated for hearing purposes. The issue for hearing will be as follows:

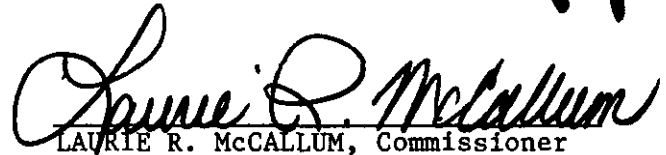
- Whether or not the decision of the administrator denying the reclassification of the appellants' positions from Community Service Technician 2 to Planning Analyst 2 was correct.

The Commission will contact the parties with respect to scheduling.

Dated: May 25, 1983 STATE PERSONNEL COMMISSION

KMS:lmr


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner

James W. Phillips, Commissioner,
did not participate in the decision
of this matter.

Parties:

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