

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*  
 \*  
 VERNON REDING, \*  
 \*  
                   Appellant, \*  
 \*  
 v. \*  
 \*  
 Secretary, DEPARTMENT OF \*  
 EMPLOYMENT RELATIONS, \*  
 \*  
                   Respondent. \*  
 \*  
 Case No. 83-0149-PC \*  
 \*  
 \* \* \* \* \*

INTERIM  
 DECISION  
 AND  
 ORDER

This appeal was filed on July 25, 1983, as an appeal from a reallocation decision. A prehearing conference was held on August 15, 1983. At the conference, the respondent proposed the following issues for hearing:

Whether or not the respondent's decision reallocating the appellant's position to the Research Analyst 6 - Supervisor (PR1-15) level was correct.

If not, whether the appellant's position is more properly allocated to the Program & Planning Analyst 5 - Supervisor (PR1-15) or Program & Planning Analyst 6 - Supervisor (PR1-16) level.

The appellant was provided a period of 30 days in which to identify any additional classifications beyond those referred to in the proposed issue. In a letter dated September 7, 1983, the appellant indicated that he also wanted to have the Administrative Officer 1 (PR1-16) and Budget and Management Analyst 6 (PR1-16) classifications included within the scope of the issue for hearing.

Also at the August 15th conference, the appellant proposed a separate issue:

Whether the respondent's decision illegally ignored or overlooked the requirements of §230.09(2)(c), Wis. Stats.

The respondent objected to this issue and a briefing schedule was established.

The general topic of §230.09, Stats, is classification. The particular subsection referred to within the appellant's proposed issue reads:

(c) If anticipated changes in program or organization will significantly affect the assignment of duties or responsibilities to positions, the appointing authority shall, whenever practicable, confer with the administrator within a reasonable time prior to the reorganization or changes in program to formulate methods to fill positions which are newly established or modified to the extent that reclassification of the position is appropriate. In all cases, appointing authorities shall give written notice to the administrator and employe of changes in the assignment of duties or responsibilities to a position when the changes in assignment may affect the classification of the position.

This provision clearly establishes certain responsibilities for an appointing authority in an agency anticipating changes in program or organization. It does not establish any requirements for action by the Administrator of the Division of Personnel, whose authority in the area of classifications was assumed by the Secretary of the Department of Employment Relations pursuant to 1983 Wisconsin Act 27, effective July 2, 1983. Because the responsibilities referred to in §230.09(2)(c), Stats., are charged to the appointing authority, that provision is outside of the scope of a reallocation appeal whose purpose is to review the Administrator's (now Secretary's) reallocation decision.

The appellant argues that the ability of the Administrator to delegate his or her authority as provided in §230.05(2), Stats., some how has an effect on the appropriateness of the appellant's proposed issue. The delegation that is contemplated in §230.05(2), Stats., only permits delegation of the administrator's functions, not of the responsibilities specifically assigned by statute to appointing authorities.

ORDER

The Commission sets the following issue for hearing in this matter:

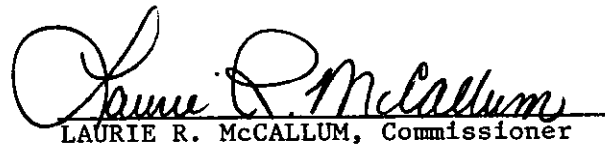
Whether or not the respondent's decision reallocating the appellant's position to the Research Analyst 6 - Supervisor (PR1-15) level was correct.

If not, whether the appellant's position is more properly allocated to the Program & Planning Analyst 5 - Supervisor (PR1-15), Program & Planning Analyst 6 - Supervisor (PR1-16), Administrative Officer 1 (PR1-16) or Budget and Management Analyst 6 (PR1-16) level.

Dated: November 9, 1983 STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

KMS:jmf

  
LAURIE R. McCALLUM, Commissioner

  
DENNIS P. MCGILLIGAN, Commissioner

Parties:

Vernon Reding  
737 Miami Pass  
Madison, WI 53711

Howard Fuller, Secretary  
DER\*  
P. O. Box 7855  
Madison, WI 53707

\*Pursuant to the provisions of 1983 Wisconsin Act 27, published on July 1, 1983, the authority previously held by the Administrator, Division of Personnel over classification matters is now held by the Secretary, Department of Employment Relations.