

STATE OF WISCONSIN

PERSONNEL COMMISSION

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JEFF HOLUBOWICZ et al.,

Appellant(s),

v.

Secretary, DEPARTMENT OF
HEALTH AND SOCIAL SERVICES,
and Secretary, DEPARTMENT
OF EMPLOYMENT RELATIONS,

Respondents.

Case No. 88-0039-PC

* * * * *

INTERIM
DECISION
AND
ORDER

This matter is an appeal pursuant to §230.44(1)(b), Stats., of a denial of a reclassification request. This appeal was filed on March 29, 1988. A prehearing conference was held on May 2, 1988, at which time a hearing on the merits was scheduled for August 2, 1988. Also at the prehearing conference respondent DHSS objected "to including anyone other than appellant as a party in this appeal." This matter is now before the Commission to address this objection.

This appeal was signed by Mr. Holubowicz and he contends that it should be considered a group appeal on behalf of himself and several other employes whose reclassification requests also were denied. Respondent contends that the appeal letter does not indicate Mr. Holubowicz is appealing on behalf of a group, it should not be considered as a group appeal, and it is too late now to add the other employes to the appeal because their time for appeal under §230.44(3), Stats., has expired.

In the opinion of the Commission, there is adequate language in the appeal, particularly when read in the context of the background documents

attached to it, to consider it a group appeal and to conclude that Mr. Holubowicz's co-employees are "on board" and can have their claims heard at the hearing on the merits.

The appeal is in the form of a memo to the Commission from:

"Jeff Holubowicz
Industries Specialist et al IDC"
(emphasis added)

Et al means "and others," Webster's New World Dictionary (Second College Edition), 1972; Black's Law Dictionary (Revised Fourth Edition), 1968. The body of the appeal contains language which is consistent with a group appeal:

"... The factors which lead to this appeal request are included in my original reclass requests which I have included ... the current classification of Industries Specialist 1 is in the same wage structure as that of truck driver, yet we have the added duties in supervisory inmates...." (emphasis added)

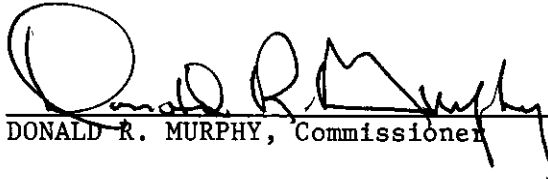
The attached documents clearly refer to a number of reclass requests, and the appeal shows copies to several employees. Respondent has pointed to some language in the appeal letter that is consistent with a single appeal -- e.g., "while my position stagnates...." However, while the appeal could have expressed more clearly that it is a group appeal, it would be absurd to deny the other employees their appeal rights because of some ambiguity in the language of the appeal letter, particularly considering it was not drafted by an attorney. Therefore, respondent's motion will be denied.

ORDER

Respondent's motion to dismiss all appellants other than Mr.
Holubowicz from this appeal is denied.

Dated: July 13, 1988 STATE PERSONNEL COMMISSION

AJT:rcr
DPM/1


DONALD R. MURPHY, Commissioner


LAURIE R. McCALLUM, Commissioner