STATE OF WISCONSIN PERSONNEL COMMISSION

ROMAN A. KAMINSKI et al.
(Carl Lippert, Dennis R. Sorenson, Leroy G. Jansky, Allen C. Wendorf, Karl J. Schultz, and Duane Steiner),

Appellants,

v.

Secretary, DEPARTMENT OF EMPLOYMENT RELATIONS,

Respondent.

Case No. 91-0121-PC

FINAL DECISION AND ORDER

The parties submitted written and oral arguments regarding the Proposed Decision and Order. After re-conferring with the hearing examiner, the Commission adopts the Proposed Decision and Order as the Final Decision and Order, except as shown by the footnotes.

This case represents a combined appeal filed against the Department of Employment Relations (DER) by the following seven appellants: Roman A. Kaminski, Carl Lippert, Dennis R. Sorenson, Leroy G. Jansky, Allen C. Wendorf, Karl J. Schultz and Duane Steiner. At the time the appeal was filed, all appellants were employed by the Department of Industry, Labor and Human Relations (DILHR) in Environmental Specialist 6 (ES6) positions, having previously been reclassified from the Private Sewage Consultant 2 (PSC2) classification.

The hearing was held and oral arguments were heard by Commissioner Gerald F. Hoddinot.

The parties initially defined the hearing issues during a prehearing conference on September 6, 1991, as follows:

a. What is the proper effective date for the reclassification of appellants' positions to ES6?

b. Whether appellants' positions should be reclassified to Environmental Engineer-Senior (EE-Sr.) as a result of the Engineering

Survey, June 17, 1990. **Sub-issue:** If so, what is the proper effective date?

The parties indicated on the first day of hearing that the first issue recited above was withdrawn based on Respondent's action which changed the effective date from February 24, 1991, to November 19, 1989.

The second issue was modified in recognition of the fact that the Environmental Engineer series was unavailable as a classification series until the Engineering Survey was completed on June 17, 1990. As modified, the remaining hearing issue is as follows:

a. Was DER correct in reclassifying appellants' positions to ES6, rather than to EE-Sr. some time after that series began on 6/17/90? **Sub-issue:** If not, what is the proper effective date?

FINDINGS OF FACT

1. At all times relevant to this case, appellants were employed at DILHR in the Division of Safety and Buildings in the Bureau of Building Water Systems in the Private Sewage Section in the Field Consultation Unit.

2. There is no dispute that the duties of appellants' position have changed logically and gradually since as early as 1984, and continuing up to the date of hearing. The basic change since 1989, has been a lessened emphasis on enforcement activities with an increase on providing consultation on soils and sewage systems. This change was possible, in large part, due to county personnel taking over the day-to-day enforcement activities. Other factors contributing to the evolution of these positions include changes in sewage-system technology and the laws measuring environmental pollution.

3. The appellants' reclassification request to ES6 was approved by letter dated June 11, 1991, and (ultimately) was effective on November 19, 1989.

4. The duties which appellants performed at least through February 13, 1991, are shown by the PD labelled in the record as R's Exh. 3; which was developed by appellants' supervisor, Edmond Drozd, with input from at least some of the appellants and from Bennet Day Burks, Chief of the Sewage Section. Portions of the PD are shown below.

Time		Goals and Worker Activities
10%	A.	Conductance of field pedological [soil] studies and provision of interpretations of soil characteristics as they relate to water movement and wastewater treatment as part of verifying soils data submitted for proposed large onsite wastewater infiltration systems (LOWIS) and subdivisions not served by public sewer.
15%	B.	Analysis of the performance of alternate technology and experimental onsite wastewater systems and report on performance and problems.
	B1.	Consult on and decide locations for groundwater quality monitoring.
	B2.	Inspect monitoring wells for proper installation.
	B3.	Conduct groundwater sampling and monitoring of hydraulic and treatment performance for experimental systems against established quality criteria.
	B4.	Develop methodology for and conduct vadose zone monitoring of systems designated as experimental or others as requested by the supervisor.
	B5.	Utilize recognized scientific protocols and testing procedures for monitoring field performance of systems.
	B6.	Keep abreast of technical research reports and engineering studies that affect soil investigations and water movement in soil and instruct local officials in the proper use of this technology.
	B7.	Develop and maintain an accurate and readily-available set of reports and records for experimental systems.
5%	C.	Coordination and implementation of sanitary surveys for sanitary districts and other legal entities.
30%	D.	Consultation with a variety of persons, including architects, engineers, plumbing designers, plumbers, certified soil testers, local code enforcement agencies and property owners.
	D1.	Consult with engineers, architects, plumbing designers, and plumbers as to proper design of onsite sewage systems. These systems include

D1. Consult with engineers, architects, plumbing designers, and plumbers as to proper design of onsite sewage systems. These systems include conventional, mounds, in-ground pressure, holding tanks, and experimental systems.

D2. Consult with certified soil testers regarding evaluating soil and site conditions for proper siting of onsite sewage systems.

D3. Consult with landowners, realtors and local officials as to the results of field investigations and notify all interested parties as to the code compliant options available to permit the installation of an onsite sewage system.

D4. Consult with local units of government, property owners, and other interested parties to determine which alternative onsite sewage systems may be considered for use on nonconforming sites, to provide guidance in preparation of petitions for variance, and to provide recommendations to the supervisor as to what actions are to be taken.

D5. Arbitrate disputes between soil testers or plumbers and local officials relative to soil and site suitability for onsite sewage systems.

D6. Advise officials of their obligations and responsibilities under applicable laws and regulations and make recommendations to improve program quality.

D7. Respond to requests to handle special projects as may be designated by the supervisor.

10% E. Enforcement of the rules and statutes dealing with onsite sewage systems and the license requirements for persons engaged in soil testing and system installation and inspection. Completion of administrative tasks and performance of statutory mandates.

10% F. Provision of specialized and technical training seminars to help county code administrators, members of the industry, and other interested parties acquire a more thorough understanding of soil and site evaluation, and the technology of onsite sewage systems and design, installation and inspection.

5% G. Consultation with county district attorney's office and the state attorney general's office for obtaining compliance of Wisconsin Statutes and Administrative Codes.

15% H. Examination of onsite sewage system designs, plans and specifications, and engineering calculations in the [various Regional Offices] submitted by engineers, architects, plumbing designers or master plumbers for compliance to chapters 145 and 160, Statutes, and the provisions of the state Onsite Sewage Code, chapter ILHR 83, Wisconsin Administrative Code.

H1. Provide plan review service in the [District] Regional Office for a twelve county area.

H2. Review and evaluate soil reports and site data reported by soil testers. Verify the data reported by county and district staff to determine the suitability of the proposed system design to protect the groundwater.

H3. Evaluate plans regarding the location of system components and the elevation of the absorption area for compliance with code requirements.

H4. Analyze calculation on wastewater loads from the structure served, and verify the size and geometry of the proposed system design to ensure that the soil absorption area is sized to the provisions of the code and protects the groundwater.

H5. Evaluate the design with regard to compliance of septic tank and/or dose chamber sizing to the criteria established by the Onsite Sewage Code.

H6. Analyze calculations for the design of pressure distribution networks for compliance to code requirements.

H7. Analyze plans which employ pumps or siphons for compliance with the Onsite Sewage Code. Analyze site data and the proposed plan in regard to the total dynamic head and discharge rate for the pump or siphon selected and determine the suitability of the design and equipment.

H8. Evaluate plans, specifications and design calculations for mound systems to the provisions of the Onsite Sewage Code.

5. The class specifications for ES6 positions (R-s Exh. 1) provides, in pertinent part, as follows:

Inclusions: This series encompasses the professional nonsupervisory environmental specialist positions which are located predominantly within the Department of Natural (DNR). These positions are primarily responsible for the investigation, abatement, control, and prevention of environmental pollution which adversely affects the State's environment and the health of Wisconsin citizens. Within DNR, these positions are organizationally located either in the central administrative office, a district office, or an area office within a district. (typically 10-18 counties).

* * *

Environmental Specialist work is considered professional when the work is: 1) predominantly intellectual and varied, requiring knowledge of an advanced type customarily acquired by a prolonged course of specialized intellectual instruction in an institution of higher learning: 2) involves the consistent exercise of discretion and judgment; and 3) is of such a character that the output produced or result accomplished cannot be standardized in relation to a given period of time. (Emphasis added.)

* * *

Major Programs: Major programs as described within this specification are in the Department of Natural Resources. As of March, 1985, these include Air, Environmental Analysis and Review, Solid and Hazardous Waste, Wastewater, Water Regulation and Zoning, Water Resources Management, and Water Supply. The extent and scope of these programs varies across districts and contributes to the complexity of program coordination.

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II. CLASS DEFINITIONS AND REPRESENTATIVE POSITIONS

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Environmental Specialist 6 (PR 15-06)

Definition:

This is very responsible professional environmental program coordinative work. Positions allocated to this class typically function as: 1) an area or district program specialist responsible for implementing a major environmental program in a portion of a district where program decisions have been delegated and where the extent and complexity of the program easily distinguishes it from objective level specialists at the Environmental Specialist 5 level; 2) a district specialist responsible for districtwide expertise and program coordination of a significant portion of a major environmental program where the extent and complexity of the assignments easily distinguish it from objective level specialists at the Environmental Specialist 5 level; 3) a district specialist

responsible for an environmental enforcement program which provides support to other district environmental programs; 4) a central office staff specialist responsible for independently planning, coordinating, and implementing all segments of a significant statewide environmental program; 5) an advanced environmental scientist which is distinguished from the previous level by the complexity and depth of knowledge required and the greater scope of standards developed or decisions recommended. Work at this level is performed under general direction.

Representative Positions:

* * *

Positions Functioning Out of a District Office

Environmental Enforcement Specialist: This position is responsible for the administration of environmental enforcement activities in a defined geographic area through performance of line and staff duties with responsibility for planning, coordinating and implementing enforcement programs for wastewater, solid waste, air and water supply. Provides guidance to field staff; coordinates with attorney general's office; investigates civil and criminal violations; performs audits to insure proper guidelines and procedures are being consistently applied by varied environmental program staff.

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Positions Functioning As Environmental Scientist

Hydrogeologist: utilizing considerable knowledge of the geology and hydrogeology of the state, review, evaluate and approve as appropriate, feasibility reports for existing and proposed waste disposal sites; evaluate the compatibility of the proposed site design and construction techniques with the environment; analyze and predict the impact disposal sites will have on the environment (surface and groundwater quality); and provide technical assistance and guidance to consultants and local units of government on locating, selecting, designing, constructing, and operating sanitary landfills.

6. The ES6 class specifications referenced in the preceding paragraph were written at a time when most ES6 positions were in the Department of Natural Resources (DNR) and prior to DILHR having any ES6 positions. This, however, would not preclude application of the ES6 classification to appellants' positions.

7. The class specifications for EE-Sr. (R's Exh. 2) provides, in pertinent part, as follows:

> Inclusions
>
> This series encompasses professional engineering positions. These positions devote the majority of their time and are primarily responsible for providing engineering expertise in their assigned program area (building water supply, building drain and vent systems, drinking water and waste water treatment products, private sewage systems, platting, large on-site waste water infiltration systems, and ground water protection). These positions regulate the design, construction, installation and operation of systems governed under Chapters 145, 160, and 236, Wis. Statutes.
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> II. DEFINITIONS
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> Environmental Engineer - Senior
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> This is Senior level environmental engineering work involving difficult technical assignments which include consideration of complex variables and issues, unusual conditions, or unique circumstances not typically dealt with at lower levels. Positions at this level differ from lower level positions in that most objectives are broadly defined in relation to the position's total assignments. Examples of work performed include complex plan examinations, product examinations and inspections; reviews of precedence - setting petitions for variance and plans for experimental systems and complex code interpretations and code-change draft preparation. Positions at this level independently deal with contractors, consultants, and other agency staff. Work is performed under general supervision.
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> Representative Position
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> Large On-Site Sewage Systems DILHR - In addition to large private sewage system plan reviews performed by positions at the Journey level, review plans for proposed unsewered subdivisions to determine the accuracy of submitted reports and data and to determine their compliance with code and statutory requirements. This work requires a more extensive knowledge and understanding of related engineering principles than is required at lower levels. Perform additional complex functions, including review of plans for experimental systems, evaluation of complex or precedent-setting variance requests, participation in complex code interpretation issues, and monitoring local inspection programs. Provide highly technical consultative

services, involving a wider variety of complex issues than at the journey level.

8. Neither the ES6 nor the EE-Sr. classifications require appellants to possess an engineering license from the Wisconsin Department of Regulation and Licensing, or any other professional engineering registration or certification. The appellants do not possess any engineering license, registration, or certification; but all possess college degrees in disciplines other than engineering.

9. DILHR employs other individuals who review sewage system designs for approval on a year-round basis, whereas appellants review such designs only during the peak summer months. Some of the year-round design-review positions are classified at the EE-Sr. level, and appellants believe such positions are comparable to appellants' positions.

10. The job duties of the year-round design reviewers classified at the EE-Sr. level is shown by the position description labelled in the record as Apps' Exh. K. A portion of the PD is shown below.

Time		Goals and Worker Activities:
40%	A.	Examination of onsite sewage system designs, plans and specifications, and engineering calculations submitted by engineers, architects, plumbing designers or master plumbers for compliance to chapter 145, Statutes, and the provisions of the State Onsite Sewage System Code, chapter ILHR 83, Wisconsin Administrative Code.
	A1. - A7.	Contains the same text as H1-H7 in appellant's position description.
	A8.	Evaluate plans, specifications and design calculations for mound systems, other alternative systems, at-grade systems, other experimental systems for compliance with the provisions of the Onsite Sewage System Code.
	A9.	Perform similar duties of thc other plan review offices relating to the plan review process when the workloads for those offices exceed the time available at those offices.
	A10.	Make on-site sewage site investigations with the district private sewage consultants. Perform field trouble shooting of complex problems occurring

during installation or operation of onsite sewage systems.

A11. Enter plan tracking data into the computer and generate approval and abeyance letters associated with submitted plans. Develop procedures for computerizing plan review calculations.

10% B. Examination and evaluation of preliminary hydrologic reports, engineering analysis, and design specifications for onsite sewage systems receiving more than 8,000 gallons a day.

10% C. Review of petitions for variances to code requirements.

20% D. Consultation with the general public, owners of projects, general contractors, licensed plumbers, plumbing system designers, engineers, architects, plumbing inspectors, other governmental agencies, attorneys and legislators and their staff, concerning onsite sewage system.

10%. E. Utilization of Environmental Engineering knowledge, theories and practices.

5% F. Development of standards, codes and publications relating to the Onsite Sewage Section.

5% G. Provide quality services to both our external and internal customers.

11. Appellants' positions are not similar to the EE-Sr. year-round plan-review positions. For example, the position held by Mr. Dave Russell is above the unit supervisors[1] on DILHR's organizational chart. Mr. Russell serves the following three functions: 1) review plans, primarily of large systems, 2) review plans of experimental systems and 3) review plats of proposed unsewered subdivisions. As stated by the Section Chief, Mr. Burks, appellants "are learning" to do everything Mr. Russell does. However, appellants' positions at least through February 13, 1991, do not share a focus on plan review at the frequency or level of involvement as Mr. Russell.

12. DILHR management realizes that appellants are familiar with the sites and soils in each of their assigned districts. DILHR management values this knowledge as a prevention measure in the plan-review process. For

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[1] The words "section chiefs" were replaced by "unit supervisors" to correctly reflect Mr. Russell's placement in the organizational structure of the Private Sewage Section of the Bureau of Building Water Systems.

example, a proposed plan may call for burying some system components. The year-round plan reviewers may consult with the appellant assigned to the applicable district and learn that appellant has been onsite and thereby knows if components are buried too deep a different soil would be involved which could cause problems. The prevention goal here is to help ensure that unsuitable plans are not approved by the year-round plan reviewers.

13. Some duties appellants perform involve making engineering judgments, but the majority of their duties do not involve the application of engineering principles. Furthermore, the majority of engineering judgments which appellants make do not meet the level of complexity required at the EE-Sr. level. Specific examples are noted in paragraphs 14-17 below.[2]

14. Appellants felt the duties they performed during construction of an approved system constituted engineering-related design work. This is true only to a limited extent. The majority of this work involves onsite verification that construction comports with the approved plan. If an engineering judgement is involved in checking actual onsite systems to the approved plan, such task would not meet the engineering complexity required in the EE-Sr. class specifications.[3]

15. Sometimes during construction, appellants observe that the approved system is incompatible with the site because, for example, the soil onsite differed than the soil-type assumed in the approved plan. On these occasions, appellants may recommend alternative viable systems, or alterations to the approved plan. The complexity of this task is significantly diminished where the system is governed by administrative code prescriptions which serve as a "cookbook". Some experimental systems lack detailed prescriptions in the code. The appellants do make an engineering judgement at the EE-Sr. level, when recommending modifications to those experimental systems. However, appellants' recommendations must be reviewed and approved by others if a significant change is involved because those

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[2] This new paragraph was added to provide a transition for the four following paragraphs and to highlight the significance of the findings made in those paragraphs.

[3] Changes were made to the final sentence to clarify the distinction being made in the text.

experimental systems must be approved by a petition-for-variance process which appellants did not perform, at least through February 13, 1991.

16. Appellants failed to show that the engineering judgements they make at the EE-Sr. level comprised the majority of their time.

17. Appellant Kaminski acknowledged that the plan review task for EE-Sr. (App. Exh. K) comprised 40% of the position, as compared to 15% of appellants' positions. He contended, in response, that he could do all the plan-review duties at the EE-Sr. level. However, the ability to perform at a higher level classification standing alone would enhance promotional chances but would not justify reclassification of the currently-held position.

18. A dispute exists over whether Ed Taylor's position is representative of appellants' positions. Appellants failed to show that it is not. Mr. Taylor also is classified at the ES6 level and his PD is the same as the appellants' PD. Mr. Taylor may not possess all knowledges that appellants do, but such difference is due to particular needs in his assigned district and to his later hiring date with the resulting shorter period to learn through on-the-job training.

19. The class specifications lack definitions of engineering work and science work. DER classification specialists, however, used a working definition for each concept as is addressed in more detail in the Discussion section of this decision.[4]

20. The representative position of "hydrogeologist" is found in the ES6 class specifications and would fit appellants' positions almost to perfection, if amended to reflect the use of soil science in the sewage disposal setting.

21. The ES6 classification is the best fit to appellants' position duties, up through February 13, 1991. Therefore, the ES6 classification is the most appropriate.

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to s. 230.44(1)(b), Stats.

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[4] The wording of this paragraph was changed for clarification. (This was paragraph 18 in the Proposed Decision and Order.)

2. Appellants have the burden of proving by a preponderance of the evidence that their positions are most appropriately classified at the EE-Sr. level, rather than at the ES6 level.

3. Appellants have failed to sustain their burden of proof.

4. Respondent's decision to classify appellants' positions at the ES6 level was not incorrect.

DISCUSSION[5]

In determining the correctness of a reallocation action in cases such as this one, the Commission weighs the classification specifications against the actual work performed. It is not uncommon to find that the duties and responsibilities of a position may be described by two or more classification specifications or found in other position descriptions for positions classified at higher or lower levels than the position under review. The most appropriate classification for a position is the one which describes the duties and responsibilities to which the position devotes a majority of time. [Bender v. DOA and DP, Case No. 80-210-PC (7/1/81); Division of Personnel v. State Personnel Commission (Marx), Court of Appeals District IV, 84-1024 (11/21/85); DER & DP v. State Personnel Commission, Dane County Circuit Court, 79-CV-3860 (1980).

The class specifications lacked definitions for science (or science-related) tasks as compared to engineering (or engineering-related) tasks. The appellants, therefore, turned to the statutory definition used to define professional engineering for state licensure purposes. Section 443.01(6), Stats., defines the practice of professional engineering as shown below (in relevant part).

> [The] "practice of professional engineering" includes any professional service requiring the application of engineering principles and data, in which the public welfare or the safeguarding of life, health or property is concerned and involved, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction, alteration, or operation, in connection with any public or

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5 The DISCUSSION section has been rewritten. The Commission as a whole was persuaded that the definition of the practice of professional engineering found in s. 443.01(6), Stats., should not be summarily dismissed. Rather, the statutory definition should be considered as providing potential guidance where (as here) the class specifications lack definitions for key terms.

> private utilities, structures, projects, bridges, plants and buildings, machines, equipment, processes and works. . . .

A DER classification specialist, Jean Hale, was involved in reviewing DILHR's recommendation to classify appellants' positions at the ES-6 level. She used working definitions of engineering and science work which are paraphrased below:

> Engineering tasks involve taking disciplines relating to the design of machines, buildings and structures (which could include sewage systems) and from this creating answers to problems.
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> Science tasks involve observation and research to define the natural laws of different areas such as chemistry, physics and botany; and such work may include problem solving.

Similar working definitions were used by DER classification specialist, Jean Bidner.

Ms. Hale's working definitions are compatible with the statutory definition of professional engineering found in s. 443.01(6), Stats. Specifically, her definition places an emphasis on the use of engineering principles and data to solve problems such as the design of machines or responsible construction supervision.

Ms. Hale's working definitions also are compatible with the class specifications for Environmental Engineers and for Environmental Specialists. Her definition, for example, reflects the class specifications' recognition that problem solving can occur in a specialist position as well as in an engineering position. Her definition also reflects the requirement in the engineering class specifications that the majority of time and primary responsibility of engineers is the provision of engineering expertise to problem solve in the design, construction, installation and operation of systems. (See Finding of Fact, par. 7)

The appellants' hearing definition of engineering as including all forms of problem solving was too broad on a common-sense level and as compared to the class specifications. Common sense would lead a reasonable person to recognize that problem solving occurs in many occupational fields other than engineering. For example, legal work involves problem solving. Most importantly, the class specifications for environmental specialists also involve problem solving. Nothing in Ch., 443, Stats., prohibits DER from using problem solving as a task acceptable in non-engineering classifications.

In oral argument regarding the Proposed Decision and Order, appellants defined engineering as the application of scientific principles to solve real-world problems. This definition is too brad as well because it is not tied to engineering judgements. For example, a hydrogeologist would be considered as an engineer under appellants' definition even if he/she knew nothing about engineering judgements.

In their objections to the proposed decision, appellants also challenged the examiner's conclusions on the basis that appellants' supervisors all testified that appellants performed engineering work. The supervisors, however, included all problem solving as engineering work without recognizing that the class specifications for Environmental Specialists also include problem solving. Furthermore, each supervisor's opinion was motivated by factors other than the class specifications.[6] Specifically, The Bureau Director, Ron Buccholz, testified that not all plan reviewers were classified as engineers and the current situation was bad for morale. The first-line supervisor, Edmond Drozd, testified that he initiated the reclass request for appellants because they had had no reclass for several years. He initially used "environmental" to characterize appellant's work because he perceived it as the "buzzword" required to achieve reclass. He went on to say that if today's buzzword is "engineer", he would add engineer to describe appellants' work. The Section Chief, Bennet Day Burks, stated that friction exists in the workplace because appellants are not classified as engineers. Yet, Mr. Burks was part of the science survey rating panel and acknowledged that no panel member questioned inclusion of appellants' positions in the science survey at the time of survey.

Appellants also noted that Mr. Russell's position has been changed from an engineer at the senior level to an engineer at the advanced 1 level. They requested that the Commission somehow take note of the change. The alleged change, however, is outside of this hearing record. Furthermore, Mr. Russell's

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[6] This conclusion involved witness credibility impressions. Prior to issuing the final decision, the hearing examiner was re-consulted and this particular aspect of the case was discussed. The hearing examiner indicated the supervisors were motivated in their testimony, in part, by a desire to address morale problems in the Bureau and to reward appellants for their longevity in their positions. The Commission, therefore, limited the weight placed on the supervisors' opinions regarding the correct classification for appellants.

alleged increased classification would not change the result in appellants' case.

ORDER

Respondent's decision to reallocate appellants' positions to Environmental Specialist - 6, rather than Environmental Engineer - Senior, is affirmed and this appeal is dismissed.

Dated: September 30, 1993 STATE PERSONNEL COMMISSION

LAURIE R. McCALLUM, Chairperson

JMR

DONALD R. MURPHY, Commissioner

JUDY M. ROGERS, Commissioner

Parties:

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NOTICE
OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION

Petition for Rehearing. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all

parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

Petition for Judicial Review. Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats., and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the Commission's order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. Unless the Commission's decision was served personally, service of the decision occurred on the date of mailing as set forth in the attached affidavit of mailing. Not later than 30 days after the petition has been filed in circuit court, the petitioner must also serve a copy of the petition on all parties who appeared in the proceeding before the Commission (who are identified immediately above as "parties") or upon the party's attorney of record. See §227.53, Wis. Stats., for procedural details regarding petitions for judicial review.

It is the responsibility of the petitioning party to arrange for the preparation of the necessary legal documents because neither the commission nor its staff may assist in such preparation.