

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*

GERALD GERMANSON, et al.,

Appellants,

v.

Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondent.

Case Nos. 91-0223, 224, 225, 226  
227, 228, 229, 230-PC

\* \* \* \* \*

INTERIM  
DECISION  
AND  
ORDER

This matter is before the Commission on a dispute as to the appropriate issue for hearing. During a prehearing conference held on January 10 and 17, 1992, the following issues were proposed by the Commission.

91-0223-PC (Germanson)

Whether the respondent's decision reallocating the appellant's position to Architect Supervisor 5 rather than to Architect/Engineer Manager 1 or 2 was correct.

91-0224-PC (Lauersdorf)

91-0226-PC (Bares)

91-0227-PC (Heberlein)

Whether the respondent's decisions reallocating the appellants' positions to Civil Engineer-Advanced 2-Management rather than to Architect/Engineer Manager 1 [were] correct.

91-0225-PC (Wegener)

91-0228-PC (Cook)

91-0229-PC (Seaman)

91-0230-PC (Boldt)

Whether the respondent's decision[s] reallocating the appellants' positions to Architect-Advanced 2-Management rather than to Architect Supervisor 5 or Architect/Engineer Manager [1] [were] correct.

The parties were provided an opportunity to file alternative statements of issue. The appellants offered the following modification "to each statement of the issue."

The Appellants propose that the phrase (or positions with equivalent pay ranges) be inserted after the words "Architect/Engineer Manager 1

or 2" for Germanson; after the words "Architect/Engineer Manager 1" for Lauersdorf et al.; and after the words "Architect/Engineer Manager 1" for Wegener et al.

The respondent objected to the proposed modification, noting: "Principles of due process require that we have notice of what specific issues we must defend against."

The Commission agrees that merely referring to alternative classifications "with equivalent pay ranges" provides inadequate notice to the respondent of the appellants' allegations. An appellant in a classification appeal may be required to specify, prior to hearing, which classifications better describe his position. This result is consistent with the notice requirement found in §227.44, Stats, which requires that the notice of hearing shall include:

(c) A short and plain statement of the matters asserted. If the matters cannot be stated with specificity at the time the notice is served, the notice may be limited to a statement of the issues involved.

ORDER

The issues for hearing in these matters shall be as follows:

91-0223-PC (Germanson)

Whether the respondent's decision reallocating the appellant's position to Architect Supervisor 5 rather than to Architect/Engineer Manager 1 or 2 was correct.

91-0224-PC (Lauersdorf)

91-0226-PC (Bares)

91-0227-PC (Heberlein)

Whether the respondent's decisions reallocating the appellants' positions to Civil Engineer-Advanced 2-Management rather than to Architect/Engineer Manager 1 were correct.

91-0225-PC (Wegener)

91-0228-PC (Cook)


91-0229-PC (Seaman)

91-0230-PC (Boldt)

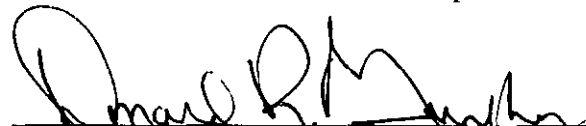
Whether the respondent's decisions reallocating the appellants' positions to Architect-Advanced 2-Management rather than to Architect Supervisor 5 or Architect/Engineer Manager 1 were correct.

Dated: March 19, 1992

STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

KMS:kms

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner