



escape attempts along with the Lieutenant. The East Control Station also serves as the entry port for visitors to the facility.

No one is permanently assigned to any of the four posts. There is at least daily rotation between posts and, in some instances, rotation occurs for portions of shifts.

These duties and the structure involved have been essentially unchanged since 1988.

A classification survey was conducted, new class specifications were adopted and individual positions reallocated effective August of 1989. The appellants subsequently submitted a reclassification request in July of 1991. The denial of that request is the subject of this appeal. Between August of 1989 and July of 1991, there were no changes of any classification significance in the duties assigned to the various appellants. The old position description (Resp. Exh. 7) which was the basis for the classification survey differs from the new position description (App. Exh. 19) which was the basis for the reclassification request only in that one activity was moved from Goal B to Goal A, and the time percentages for those two goals were adjusted accordingly.

The term "reclassification" is defined in §ER 3.01(3), Wis. Adm. Code as the "assignment of a filled position to a different class... *based upon a logical and gradual change to the duties or responsibilities of a position...*"(emphasis added) There has been no change to the appellants' positions subsequent to the classification survey, effective August, 1989, that allocated the appellants' positions. The process for obtaining review of the reallocation was to appeal that decision, rather than to initiate a reclassification request. The respondents' decision denying the appellants' request to reclassify their positions must be affirmed because there has been no logical and gradual change to the duties performed by the appellants subsequent to the reallocation decision.

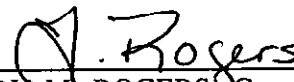
ORDER

At the request of appellants Al Henderson, Richard Schaller, Valory Brown, Mike Dowell, Floyd May, Robert Riggs, Frank Schiro and Randal Talley, this appeal is dismissed as to them. Respondents' reclassification decision is affirmed as to appellants Sara Button, Tyrone Glenn, Gene Larson, Richard Niederwerfer and Dean Paskey and this appeal is dismissed.

Dated: August 18, 1994 STATE PERSONNEL COMMISSION

  
LAURIE R. MCCALLUM, Chairperson

KMS:kms  
K:D:Merits-reclass (Henderson)

 *dkd*  
JUDY M. ROGERS, Commissioner

Parties:

Al Henderson, Richard Schaller, Valory Brown, Mike Dowell, Floyd May, Gene Larson, Richard Niederwerfer, Tyrone Glenn, Randal Talley, Frank Schiro, Dean Paskey, Robert Riggs, Sara Button  
c/o Allen Highman  
WSEU  
5 Odana Court  
Madison, WI 53719

Gerald Whitburn  
Secretary, DHSS  
P.O. Box 7850  
Madison, WI 53707-7850

Jon Litscher  
Secretary, DER  
P.O. Box 7855  
Madison, WI 53707-7855

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.

Pursuant to 1993 Wis. Act 16, effective August 12, 1993, there are certain additional procedures which apply if the Commission's decision is rendered in an appeal of a *classification-related decision made by the Secretary of the Department of Employment Relations (DER) or delegated by DER to another agency.* The additional procedures for such decisions are as follows:

1. If the Commission's decision was issued after a contested case hearing, the Commission has 90 days after receipt of notice that a petition for judicial review has been filed in which to issue written findings of fact and conclusions of law. (§3020, 1993 Wis. Act 16, creating §227.47(2), Wis. Stats.)

2. The record of the hearing or arbitration before the Commission is transcribed at the expense of the party petitioning for judicial review. (§3012, 1993 Wis. Act 16, amending §227.44(8), Wis. Stats.)