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CAROL WAKELY, and
 SHIRLEY R. JOHNSON,

Appellants,

v.

Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,

Respondent.

Case Nos. 94-0153, 0163-PC

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RULING
 ON REQUEST
 FOR
 CONSOLIDATION

These matters are before the Commission on appellant Johnson's request for consolidation.

The Wakely matter is scheduled for an expedited arbitration on April 20, 1995, on the following issue:

Whether the respondent's decision to reallocate the appellant's position to the Legal Secretary-Objective classification was correct, or should the appellant's position have been reallocated to the Legal Secretary-Advanced classification.

A status conference is scheduled for March 17, 1995.

The Johnson matter is scheduled for an expedited arbitration on May 8, 1995, on the following issue:

Whether the respondent's decision to reallocate the appellant's position to the Legal Secretary-Objective classification was correct, or should the appellant's position have been reallocated to the Legal Secretary-Advanced or Program Assistant 3 classification.

In a letter dated January 13, 1995, Appellant Johnson requested that her case be consolidated with the Wakely matter, and offered the following reasons in support of her request:

Both positions:

1. Are in the Legal Secretary-Objective classification.

2. Are in the State Public Defender Offices with a Deputy First Assistant State Public Defender and two Assistant State Public Defenders.
3. Handle SPD cases for several counties.
4. Handle similar amounts of cases.
5. Have the same general duties and responsibilities.
6. Are the only secretarial positions in the office.

Respondent objects to consolidation, pointing out that the appellants have different position descriptions, work in different areas of the State and have different supervisors. Appellant Wakely has taken no position relative to the consolidation request despite having been provided the opportunity.

In Jobelius & Herald v. DP, 80-306, 250-PC, 1/8/81, the Commission offered the following observations regarding a consolidation request:

Consolidation is normally ordered when it will effect administrative economy and convenience. This typically occurs in situations where there are some common parties and some common witnesses. Here, the respondent and respondent's attorney are the same in both cases and the respondent has indicated that his evidence will be substantially the same and his witnesses will be identical in both cases. The two positions in question have the same classification and the issues for hearing are basically the same. Undoubtedly there are differences in the two jobs. However, consolidation for hearing does not mean that the same result will be reached in each case. This matter is not being heard before a jury. There is no reason to believe that the examiner would lose sight of distinctions between the positions as a result of hearing the cases on a consolidated basis.

These cases meet a basic requirement for consolidation in that both are being processed according to the expedited arbitration procedure under §230.44(4)(bm), Stats., rather than having one processed under the contested case hearing procedure and the other processed under the expedited arbitration procedure. In addition, the respondent is the same in both cases, the issues, though not identical, substantially overlap, and although there is nothing in the file specifically indicating that respondent will call at least some of the same witnesses in both cases, the Commission assumes this to be the case. Finally, the Commission notes that the factual background in the two cases are similar, although not identical, and this situation supports consolidation when placed in the context of meeting the goals of effecting "administrative economy and convenience."

Under the circumstances present in these matters, consolidation is appropriate.

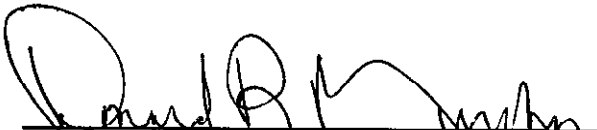
ORDER

These matters are ordered consolidated as provided in §PC 1.10, Wis. Adm. Code. The designated arbitrator will convene a status and procedure conference at 10:00 a.m., on March 17, 1995, via telephone, relating to the consolidated cases. During that conference, a decision will be made as to which of the two hearing dates, April 20th or May 8th, will serve as the arbitration date in the consolidated cases.

Dated: February 20, 1995 STATE PERSONNEL COMMISSION


LAURIE R. MCCALLUM, Chairperson

KMS:kms
K:D:temp-2/95 Wakely/Johnson


DONALD R. MURPHY, Commissioner


JUDY M. ROGERS, Commissioner