STATE OF WISCONSIN PERSONNEL COMMISSION

RICHARD D. DORAN
and EDWARD KELM,

Appellants,

v.

Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondent.

Case Nos. 94-0277, 0278-PC

DECISION
AND
ORDER

These matters arise from respondents' decision to reallocate the appellants' positions, effective June 26, 1994, to the classification of Graphic Reproduction Technician - Senior (GRT Senior). The appellants contend their positions should have remained classified at their previous class level of Engineering Technician 4 (ET 4).

The appellants work in the Department of Transportation's Photo Lab. For organizational purposes, the lab is part of the Technical Services Section in the Bureau of Highways. The primary mission of the Photo Lab is the production of engineering photo products used for highway design and construction.

The bulk of the work performed by the photo lab relates to aerial photographs taken for highway and airport projects. Before the photographs are taken, a survey crew will typically place large white targets at strategic locations and will measure the distances between the targets. After the flight, lab employes develop negatives from the film and prints from the negatives. (Appellants did not perform these responsibilities during the period in question.) The prints are then sent to the appropriate Division of Highways district office, where engineers analyze them and return them to appellant Kelm with a request for plan sheets covering specified areas. If the photographs include targets, the engineers will send along the survey notes indicating the distances between those targets or will send engineering drawings with the targets located. If the photographs do not include targets, the instructions will indicate start and stop points. Mr. Kelm then uses an aerial ratio rectifier,

which is a horizontal enlarger, to project an image through the aerial film negative onto a screen (control board) which can be adjusted in any direction. If the order included engineering drawings, Mr. Kelm will place the appropriate drawing on the screen and then "tip and tilt" the screen until the targets shown in the projected image line up with the target points on the engineering drawing. The tip and tilt process counteracts differences in the attitude of the photographer's airplane. Once the images are lined up, Mr. Kelm uses the enlarger/rectifier to shoot a half-tone or other positive of the result. If the order included survey notes rather than engineering drawings, Mr. Kelm tips and tilts the screen until the surveyed distances between the targets correspond to the scaled distances he measures between the targets projected on the screen. Mr. Kelm uses a three-sided engineering ruler for scaling. As of 1991, he spent about 15% of his time using these engineering scales. Some work orders require Mr. Kelm to perform math calculations in order to convert from inches and feet to the metric system or to generate an image in a desired scale. For example, if the request is for a scale of 1 inch to 200 feet and Mr. Kelm knows it is 400 feet between two targets or reference points, he uses the rectifier to adjust the image so it is 2 inches between the two targets. Some plan sheet instructions require Mr. Kelm to use two aerial photographs so that a mosaic may be made of the subject property. The mosaic is actually constructed by other staff within Technical Services. The base plan sheets produced in the lab are sent back to the district where the design engineers create overlays showing the highway design. Appellants neither design the highways nor draw the designs.

Mr. Kelm received one week of training from the technician who installed the aerial rectifier in approximately 1969. The training included maintenance of the machine. The Technical Services unit also sent Mr. Kelm to study photogrammetry with a professor at the University of Wisconsin Engineering School, one day a week for six months.

Appellant Doran primarily operates a massive camera, approximately 30 feet long, occupying two rooms. This camera can enlarge an image up to 10 times or reduce it to 13% of original size. The work orders provided to Mr. Doran usually indicate the desired size as well as the type of paper. Mr. Doran also uses other equipment including various copy machines specifically designed for large format images. Mr. Doran received training from other DOT

employes familiar with the equipment. The training lasted approximately two months. The length of the training was primarily due to the variety of film and materials he may need to use.

In addition to the plan sheets described above, the photo lab follows a similar procedure for the production of right-of-way sheets. The lab also prepares photo mosaics for use in public hearings and court proceedings and enlarges images for a variety of uses.

Commencing in 1975, the appellants' positions were classified at the Graphic Reproduction Technician 4 level, a classification written in November of 1975. That specification provided, in part:

> Definition:
>
> This is highly technical graphic reproduction shop work. Positions allocated to this class are independently responsible for the operation, calibration, adjustment, and maintenance of the most complex lithographic equipment such as the Motor Motion Camera at the University of Wisconsin Extension and the Aerial Ratio Rectifying equipment at the Department of Transportation. Work is performed under general supervision and normally limited to a review of production results.
>
> Examples of Work Performed:
>
> Operates, calibrates, adjusts and maintains a Motor Motion Camera.
> Operates, calibrates,adjusts and maintains a lithographic Aerial Ratio Rectifying enlarger.
> Produces complex line and half tone positives or negatives and continuous tone prints from aerial cut and roll film.
> Corrects aircraft tip, tilt and attitude according to known geodetic points, usually ground control panels.
> Focuses enlarger according to precise scaling to obtain correct size of objects in acrial photographs.
> Selects and positions screens or negatives to break up shadings in objects for half tone printing.

Effective June 17, 1990, respondent completed the Engineering classification survey which included the creation of the Engineering Technician - Transportation classification series. The survey did not encompass the appellants' positions. The survey also created the Engineering Specialist series which specifically identified the position occupied by Don Hartman in the Division of Business Management at the Advanced 1 level. Mr. Hartman was

assigned to do audio-visual and graphics work for the Division of Highways. The work included putting together slides for public hearings, videotaping hearings, videotaping work on projects for publicity purposes as well as performing an otherwise unidentified role in terms of the exhibits at the state fair. The Engineering Specialist specifications identified Mr. Hartman's position by working title and also described the duties of the position.

The Engineering Technician series includes positions performing "sub-technical to technical work in the field of architecture/engineering in the planning, design, construction, operation and maintenance of transportation facilities." The specifications list several exclusions, including the following:

> 3. Technical program support assistants, more appropriately identified by other class series such as Communication Technician, Electronic Technician, Mechanician, Instrument Maker, Maintenance Mechanic or Craftsworker, etc., whose work involves complex and specialized electronic, electrical, mechanical, communication or craft functions involving the design, installation, systems analysis, repair, calibration, testing, modification, construction, maintenance or operation of equipment, machines, control systems, instruments or other comparable devices. These positions do not provide direct technical assistance to professional architectural or engineering employes, activities and programs.
>
> * * *
>
> 5. All other positions which are more appropriate[ly] identified by other classification specifications.

The ET 4 classification includes the following language:

> ENGINEERING TECHNICIAN 4
>
> This is journey level engineering technician work in the planning, design, construction, maintenance and operation of transportation facilities. Positions allocated to this level differ from those allocated to lower levels by assignment of different duties; independence of work; and complexity of work.
>
> Examples of typical duties of positions at the Engineering Technician 4 level are listed below.
>
> Construction/Design Technician
>
> These positions are *located in the Construction and/or Design Sections or the Construction/Design pool* performing construc-

> tion-related activities and/or design related activities. These positions assist the construction project manager or the design squad leader, occasionally function as the project leader for small construction projects or function as a design squad leader, or complete technical tasks in highway design and construction. Specific construction duties include.... Specific design duties include: Assist in preparation and completion of highway design plans and specifications; develop plans and other contract documents for proposed highway improvement project; lay out details for proposed intersections, roadway geometrics, and other design features; compute estimated construction quantities; instruct and direct other technicians; compute and plot information from field surveys for use in plan development of a design project; assist drafting personnel with the layout and drafting of details, plan sheets, and plats. (Emphasis in italics added)

In a memo dated June 21, 1990, just four days after the effective date of the ET series, Ken Brockman, manager of the Geometronics Section of the Office of Technical Services recommended that the appellants and three other employes in the Photo Lab Unit be reclassified to either the ET or Engineering Specialist series.

Jean Radtke, a Personnel Specialist in DOT's personnel office responded to the memo. Her initial response included the conclusion that the positions were appropriately classified in the GRT series. However, by memo dated April of 1991, Ms. Radtke recommended reallocation of all five positions. Ms. Radtke recommended reallocating appellants' positions to the ET 4 level. The April memo also included the following statements:

> 2. The reallocation notices will be processed with the reason for reallocation being to "correct an error - positions should have been reallocated at the time of the implementation of the Engineering Survey."
>
> * * *
>
> While DER may go ahead with a survey of Graphic Repro. positions, we concluded that the positions in the Photolab Unit were more closely tied to the Engr. Survey, and should be reallocated to Engr. related classifications.

Appellants were subsequently notified of the reallocation of their positions to the ET 4 level. The reallocations were made effective June 17, 1990, the effective date of the survey. The notification cited §ER 3.01(2)(e), Wis. Adm.

Code, which defines a reallocation based upon "the correction of an error in the previous assignment of a position."

Ms. Radtke's decision was based on the inclusion of the Hartman position in the Engineering Specialist series.

In 1992, DER undertook the Visual Arts Survey, a process managed by June Streveler of that agency. In a March, 1992 memo, Ms. Radtke agreed to serve as DOT's coordinator for the Visual Arts Survey, and acknowledged that "ALOT of heated debate occurred" when the decisions were made to reallocate the appellants' (and the three other) positions into the Engineering series.

Appellant Doran's position was a "benchmark" position in the Visual Arts Survey and was audited as part of that survey. The Graphic Reproduction Technician Series, created as of June 26, 1994, includes the following language:

> I. INTRODUCTION
>
> A. Purpose of This Classification Specification
>
> This classification specification is the basic authority... for making classification decision relative to present and future positions that duplicate printed material on sensitized paper, plates, cloth, or film according to customer specifications....
>
> B. Inclusions
>
> Positions allocated to this series are, for a majority of the time, responsible for EITHER the operation, calibration, and maintenance of a variety of complex gallery or horizontal lithographic cameras, automatic sheet film processors, printers, and enlargers OR for the operation and maintenance of aerial ratio rectifying equipment. Positions are responsible for the maintenance of all equipment in the graphic reproduction area; and reading work orders, determining the process, techniques, equipment, and materials required to complete the work orders.
>
> C. Exclusions
>
> Excluded from this series are the following types of positions:
>
> * * *
>
> 3. Positions which, for a majority of the time, provide direct technical assistance to professional engineering employes, activities and programs and are more appropriately identified by the Engineering Technician or Engineering Specialist classification specifications.

> 4. All other positions which are more appropriately identified by other classification specifications.
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> * * *
>
> III. DEFINITIONS
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> * * *
>
> GRAPHIC REPRODUCTION TECHNICIAN-SENIOR
>
> (1) This is senior graphic reproduction lab work. (2) Employes possess **extensive knowledge** of the area of graphic reproduction. (3) The majority of time is spent producing continuous tone negatives and halftone positives. (4) Evaluate negative densities and compute exposures. (5) Select appropriate halftone screens. 6. Determine multiple shot formatting and overlap for subsequent matching and assembly of films. (7) Produce film positives and provide negatives and positives for the printing process. (8) Scale and reproduce a wide variety of maps, charts, plans, artwork and documents. (9) Process exposed film through an automated lithographic processor. (10) Consult with clients. (11) May conduct quality control inspections of the laboratory. (12) May specialize in a particular field such as engineering, chemistry, botany, etc. or perform lead work duties. (13) Work is performed under general supervision. (Emphasis in original, numbering in definition has been added.)

On or about July 21, 1994, the appellants were notified that their positions had been reallocated to the classification of Graphic Reproduction Technician - Senior, effective June 26, 1994.

Respondent reallocated five positions, all within DOT, to the GRT Senior classification. In addition to the appellants' positions, the following positions were classified at that level:

a. The position in the Technical Services Photo Lab occupied by Richard Jacobson which spends 70% time on processing aerial film. This position had also been previously reallocated with the appellants from Graphic Reproduction Technician 4 to Engineering Technician 4. The position summary for the Jacobson position reads

> Operation of complex electronic aerial processing and printing equipment ie: Log Etronics aerial scanning printers, computerized aerial processors and Zeiss aerial roll film developing equipment.

> Processing and printing of all DOT black and white aerial films. Production of diapositive glass plates, prints and related aerial photo products for highway engineering applications ie: plan sheets, planimetric mapping, aerial mosaics etc. Extensive technical knowledge of aerial photography and appropriate related lab procedures are required for this position. Close co-ordination between the aerial lab and the photo operations and analytics units is essential for continuity of work flow in this area.

Mr. Jacobson retired soon after the reallocation of his position to the GRT Senior level and did not appeal that decision.

b. The positions held by Vincent Valenza and Daniel Leikness in DOT's Print Shop. The print shop is in DOT's Division of Business Management. The relevant position summary reads, in part:

> This position is responsible for the production of the highway contract letting engineering plans, graphic reproduction of CADDS mapping, aerial photography and geometric illustration, halftones, photographic plate development, photo-mechanical conversions for use by State agencies, Federal agencies and local units of government.... Production of these activities are performed on a 24" horizontal front and backlight process camera. Operator is responsible for calibration, camera maintenance procedures of this and other allied photographic equipment.

The camera used by Mssrs. Valenza and Leikness is much smaller than the one used by Mr. Doran but is otherwise similar. The majority of the work done in the print shop is the reproduction of highway plans for the bid letting process.

As a consequence of the Visual Arts Survey, Mr. Hartman's position was reallocated to the newly created classification of Engineering Communication Specialist, which specifically identified that position.

The question raised by these appeals is whether the appellants' positions are better described at the Engineering Technician 4 level or the Graphic Reproduction Technician Senior level. As noted above, the appellants' positions were reallocated in 1991, effective in June of 1990, from the GRT 4 classification to the ET 4 level. This controversial decision was based on the existence of the Hartman position which was specifically identified in the Engineering Specialist classification specifications. Respondent now takes the position that the 1991 decisions to reallocate the appellants' and other positions was erroneous and that the appellants' positions should never have been

moved out of the old GRT series. As part of the subsequent Visual Arts survey, respondent reanalyzed its previous decision and concluded that appellants' positions were not properly described by the Engineering Technician 4 specification, created a new GRT series which included much of the same language as the old series and reallocated the appellants' positions into the newly created GRT Senior classification. At the same time, respondent reallocated several other positions at DOT, including the Hartman and Jacobson positions.

The appellants' primary function is to provide photographs requested by the engineering staff that are then used by the engineering staff for the preparation of the design. The appellants' work product is used in the design process although the appellants themselves do not participate in the design of the highway.

The appellants' duties closely track the language of the GRT Senior classification definition. Mr. Doran and Mr. Kelm acknowledge they have extensive knowledge of graphic reproduction (sentence #2 of the GRT Senior definition statement) and they spend 75% and 90% their time producing continuous tone negatives and halftone positives (#3). Appellants also acknowledge they evaluate negative densities and compute exposures (#4). The appellants' first and second level supervisors both agreed the appellants determined multiple shot formatting and overlap for subsequent matching and assembly of films (#6). In terms of sentence #7, ("Produce film positives and provide negatives and positives for the printing process."), the negatives and positives provided by Mr. Kelm do not go directly into the printing process. Mr. Doran's negatives and positives only seldom go directly to the printing process. Mr. Doran satisfies sentence #8 ("Scale and reproduce a wide variety of maps, charts, plans, artwork and documents."), although Mr. Kelm's work is limited to aerial materials. Both appellants process exposed film through an automated process, but not an automated *lithographic* processor (#9). Appellants consult with clients (#10), conduct quality control inspections (#11) and work under general supervision (#13). Appellants' second level supervisor testified the appellants specialize in the field of engineering (#12), although Mr. Kelm testified his area of specialty was limited to plans, right of way sheets and highway maps. Mr. Kelm spends approximately 90% of his time operating and maintaining aerial ratio rectifying equipment as is specifically referenced in the "Inclusions" section of the new GRT series.

The appellants contend their positions are better described at the ET 4 level. If that were the case, their positions would be excluded from the GRT series by the specific language in paragraph 3 of the "Exclusions" section of that series. Respondent contends that in order to be properly classified at the ET 4 level based upon the performance of design or construction activities, a position must actually collect the engineering data, do some interpretation of that data and have an influence on the information going into the actual design/construction of the transportation facility.

The ET specifications are lengthy and include numerous representative positions at each level. For example, the ET 3 level includes a very general definition statement followed by 13 representative positions spread between DOT district offices (in the areas of design, construction, planning and traffic) as well as DOT's central office (in the areas of program management, traffic and in the division of planning and budget). The ET 4 level identifies district office positions in construction and/or design, as well as central office positions in the area of materials.

The appellants' positions do not fit within any of the representative positions at the ET 4 level. The appellants contend that their positions fall within the description of the design technician position. However, the initial sentence of that description refers to positions "located in the Construction and/or Design Sections or the Construction/Design pool." The appellants' positions are in the central office and are located in the Photo Lab in the Technical Services section, rather than in either construction or design. The representative position for design technician also identifies specific design duties as follows:

> (1) Assist in preparation and completion of highway design plans and specifications; (2) develop plans and other contract documents for proposed highway improvement project; (3) lay out details for proposed intersections, roadway geometrics, and other design features; (4) compute estimated construction quantities; (5) instruct and direct other technicians; (6) compute and plot information from field surveys for use in plan development of a design project; (7) assist drafting personnel with the layout and drafting of details, plan sheets, and plats. (numbering system added)

While it is true, in a general sense, that appellants' rectification and enlarging work means they assist in the completion of highway design plans[1] (clause #1), their assistance is not in doing the actual designing as would be performed by someone working in a district design pool indicated by the prefatory language to the representative position. To the same limited extent, it can be said appellants "develop plans" for a proposed project (#2). There is no evidence they develop other contract documents, however. Mr. Kelm testified he enlarges highway maps and legal documents for litigation purposes and Mr. Doran testified he made enlargements for public hearings but none of this work falls within the scope of developing contract documents. Mr. Doran acknowledged he does not "lay out details" (#3). Mr. Kelm testified he made halftone positives of all intersections on an annual basis, but this does not qualify as the lay out of details, which is part of the design/drafting process. Neither appellant computes estimated construction quantities (#4) nor instructs and directs other technicians (#5). Mr. Doran agreed he does not compute and plot information from field surveys (#6). Mr. Kelm does receive the survey information for some work orders, but the evidence indicates he simply reads the information expressly provided by the survey, rather than computing and then plotting it. Neither appellant assists drafting personnel with layout and drafting (#7).

To sum up, some of the specific work duties listed in the ET 4 design technician representative position describe, in a general sense, appellants' duties. However, the appellants do not work in a design section or pool, nor do they perform the majority of the listed work examples.

The overlap of two or more job specifications in describing a given position is usual and expected. The specification providing the "best fit" is used to determine the proper classification. DER & DP v. Pers. Comm. (Doll), Dane County Circuit Court, 79-CV-3860 (9/21/80). Here, both specifications exclude positions which are "more appropriately" described by other specifications.[2]

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[1]The appellants do not assist in the preparation and completion of highway design specifications.

[2]In order to fall within exclusion 3 in the GRT series, a position must spend a majority of time providing "direct technical assistance to professional engineering employes, activities and programs" ***and*** must be "more appropriately identified by the ET specifications.

Generally, a classification specification which specifically describes the duties and responsibilities of a position provides a closer fit than a specification which only generally describes such duties and responsibilities. Steinhauer et al. v. DER, 90-0216-PC (3/30/93). Mr. Kelm spends 90% of his time operating and maintaining the aerial ratio rectifier. The GRT Senior specifications expressly include positions which are, for the majority of the time, responsible for the operation and maintenance of aerial ratio rectifying equipment. This very specific reference strongly supports classification of Mr. Kelm's position as a GRT Senior.

Another aid in classifying positions which are described in two or more classifications is comparison positions. Appellants did not offer any comparisons to positions currently classified at the ET 4 level. The closest comparisons for the Doran position are the Jacobson, Leikness and Valenza positions, all of which are classified at the GRT Senior level. The Jacobson position is especially telling. Mr. Jacobson also worked in the Photo Lab where he was primarily responsible for processing and printing the aerial film used for designing transportation facilities. Mr. Jacobson's role relative to highway design was very comparable to the role played by Mr. Doran who generates enlargements for the design process. There is also a strong comparison between Mr. Doran's work with the very large format overhead process camera and the work by Mssrs. Leikness and Valenza with their smaller 24" horizontal front and backlight process camera in the print shop, even though the focus of the print shop is on the reproduction of plans for letting purposes in comparison to Mr. Doran's work which occurs earlier in the design process.

The final basis for concluding the appellants' positions are better described at the GRT Senior level than the ET 4 level is the analysis of the language in the GRT Senior definition statement and the language in the definition section of the ET 4 specification. As outlined above, much more of the language in the GRT Senior definition accurately describes the duties performed by the appellants.

Appellants contend the respondent's reallocation decisions do not meet the definition of "reallocation" in §ER 3.01(2), Wis. Admin. Code, which provides:

> "Reallocation" means the assignment of a position to a different class by the secretary... based upon:

> (a) A change in concept of the class or series;
> (b) The creation of new classes;
> (c) The abolishment of existing classes;
> (d) A change in the pay range of the class;
> (e) The correction of an error in the previous assignment of a position;
> (f) A logical change in the duties and responsibilities of a position; or
> (g) A permanent change in the level of accountability of a position such as that resulting from a reorganization when the change in level of accountability is the determinant factor for the change in classification.

In their post-hearing brief, appellants suggest there was no assertion that new classes were created in 1994 under par. (b). However, the exhibits indicate that effective June 26, 1994, the old specifications of GRT 1 through 5 were abolished and a new GRT series, including GRT Entry, GRT and GRT Senior, was created. Portions of the new specifications were quite similar to the old GRT series. The creation of the new GRT series satisfies the definition of reallocation under par. (b).

Ms. Radtke, who prepared the analysis that was the basis for the 1991 reallocation of the appellants' positions to the ET 4 level, testified that her decision was premised on the specific inclusion of the Hartman position in the related Engineering Specialist series. One of the consequences of the 1994 Visual Arts survey was to reallocate the Hartman position out of the Engineering Specialist series and into the newly created classification of Engineering Communications Specialist. This change also supports the decision to reallocate the appellants' positions into the new GRT Senior classification.

Appellants also contend that the respondent's reallocation decision was based upon pay considerations rather than upon the language of the class specifications. It is undisputed that Mr. Kelm's rate of pay would have increased by $2.60 per hour due to implementation of a new pay grid applicable to positions classified in the ET series as of June 26, 1994. There is no reason to believe the reallocation did not have a similar effect on Mr. Doran's rate of pay. Appellants contend respondent's decision saved nearly $11,000 per year in payroll costs. However, June Streveler, respondent's personnel specialist who was responsible for the Visual Arts Survey, testified she was unaware of the specific pay effect of the 1994 reallocation decision on the appellants, and

also testified that management and the union had negotiated that personnel surveys would be implemented before the implementation of the new pay grid. There is no indication that the effect on the appellants' pay was considered by respondent in making its reallocation decisions. The Visual Arts survey had been underway for a long period before the 1994 decision and the appellants' positions had been identified by March of 1992 as, at least potentially, falling within the scope of the survey.

The Commission recognizes respondent reached different conclusions in 1991 and 1994 in terms of the applicability of the ET 4 classification to the appellants' positions. Respondent's witnesses testified the 1991 decision was erroneous. The 1991 decision is separate from that made in 1994. One of the consequences of the later survey was to reallocate the Hartman position which had served as the basis for the decision to move appellants into the ET series. Under these circumstances, respondent is not prohibited from reallocating the appellants to the GRT Senior level, even though that classification is very similar to the initial class specification for GRT 4. The appellants argue respondent should be barred from challenging their own 1991 reallocation decision in these appeals. The sole issue before the Commission in these cases is the correctness of the 1994 decision. There has been no effort by DER to formally change the 1991 action by reallocating the appellants *back* to the GRT 4 classification for the period from June 17, 1990, until June 26. 1994. The respondent has not reopened the 1991 decision. It has merely said that the decision made at that time was inconsistent with the existing class specifications.

ORDER

Respondent's decisions reallocating the appellants' positions to the Graphic Reproduction Technician Senior classification are affirmed and these matters are dismissed.

Dated: March 7, 1996 STATE PERSONNEL COMMISSION

LAURIE R. McCALLUM, Chairperson

DONALD R. MURPHY, Commissioner

JUDY M. ROGERS, Commissioner

KMS:kms
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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 (except an order arising from an arbitration conducted pursuant to §230.44(4)(bm), Wis. Stats.) 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.) 2/3/95