

STATE OF WISCONSIN

PERSONNEL COMMISSION

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RON BLASCOE, SANDRA CLEVELAND,  
SUE COCHRAN, DOROTHY ELLEGAARD,  
GAIL KRC, CHRIS SWART,  
NINA TROIA and TIM TYSON,

Appellants,

v.

Secretary, DEPARTMENT OF  
HEALTH AND SOCIAL SERVICES,  
and Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondents.

Case No. 94-0920-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

A hearing was held in the above-noted case on July 13-14, 1995. The parties submitted post-hearing briefs, with the final brief received by the Commission on September 18, 1994.

The parties agreed upon a hearing issue at a prehearing conference held on March 10, 1995, as noted below:

Whether the decision by respondents to deny appellants' requests for the reclassification of their positions from Program and Planning Analyst 5 (PPA-5) to PPA-6 was correct.

FINDINGS OF FACT

Appellants' Positions

1. Appellants' positions are located in the Department of Health and Social Services (DHSS), in the Office of Policy and Budget (OPB) attached to the Secretary's Office. The OPB has three sections; evaluation, planning and budget. All appellants work in the Evaluation Section. (Exh. A-2)
2. The appellants' position descriptions (PDs) are essentially the same. The position summary and main goals and worker activities are shown below, using the PD format. (Exh. A-4)

POSITION SUMMARY: Under the very general direction of a unit supervisor, this position is responsible for 1) designing evaluation studies of highly complex, sensitive and controversial DHSS programs or policies, 2) independently collecting and

analyzing data to answer highly complex, sensitive, controversial questions or issues identified in the study designs, 3) development and presentation of highly complex, sensitive, controversial evaluation study results and recommendations, 4) monitoring implementation of the study results, 5) providing highly complex technical assistance to operating divisions in the area of evaluation and improving the overall level of evaluation and human service knowledge in the agency. This position may also be responsible for developing the evaluation language for Requests for Proposals (RFP) and contracts for federal waiver evaluations, and for reviewing products from contracted waiver studies. In addition, on a frequent basis, this position relates to high level managers both within the Department and its Divisions and outside the Department, such as officials of other state agencies, county and local officials, federal officials, consultants, professional organizations, and the Legislature. This position sometimes involves responsibility for directing the activities of lower level analysts, staff from operating divisions, limited-term employees, and work-study students in the conduct of evaluations.

Time Goals and Worker Activities

- 20% A. Development of design for highly complex, sensitive and controversial evaluation studies of programs or policies involving more than one of the department's divisions, or major aspects of a single division's program, frequently involving federal and/or local levels of government. (The work results in an independently developed, methodologically sound, study design that will guide data collection and analysis and define the scope and direction of the study. These study designs may be broadly developed in conjunction with implementation of the departmental evaluation plan, or in response to an evolving need of the department for a federal waiver or a program evaluation. The work also ensures that the completed study will be useful and acceptable to program managers and departmental management in deciding whether to expand, curtail, or eliminate programs, or to make changes necessary to effectively run programs or carry out policies according to the intentions of the state DHSS Secretary, Governor, Legislature, federal DHHS.)
- 35% B. Collection and analysis of data to answer highly complex, sensitive, controversial questions identified in study design. (The work provides the empirical basis for answering the program/policy issues and questions prompting the evaluation and identified in the study design by the analyst. It is performed with a high level of independence.)
- 25% C. Development and presentation of highly complex, sensitive, controversial evaluation study results and

recommendations for program/policy changes. (The work provides policymakers -- Department Secretary, division administrators, bureau directors, Department of Administration, Legislative Fiscal Bureau, the Governor, the legislature, or federal DHHS -- with information and recommendations on policy questions such as whether or not the Community Options Program is cost/effective when compared to institutionalization.) These activities are performed with a high level of independence.

- 10% D. Implementation of evaluation study results. (The work assists department management in ensuring that the recommendations and policy changes decided upon by management are incorporated in budgets, planning documents, and policy statements and are carried out by program managers.) This work is performed with a high level of independence.
- 5% E. Provision of highly complex technical assistance to operating division staff conducting evaluation studies of divisional programs and review of completed evaluation studies. (The work assists divisional staff in producing sound and useful evaluations of programs that have impact primarily within a particular division, e.g., an evaluation of mental health institute consultation and training. These studies typically result in changes in the management of the programs or divisional policy guiding them.) This work is performed with a high level of independence.
- 5% F. Maintenance and improvement of knowledge of evaluation methodology and human service programs of department staff. (The work contributes to the proficiency of the analyst and other staff in the section, and to awareness by division management of issues in the human services area.)

PPA Standard - General Analytical Framework

1. The position standard (Standard) for PPA classifications is in the record as Exh. R-2, and is dated 4/83. The Standard covers several classification levels from Program and Planning Analyst 1 (PPA-1) to PPA-7, as well as Planning and Analysis Administrator 1 through 4. A position's placement at a specific level in the Standard is dependent upon the position's total score under the factor evaluation system (FES) described in the Standard. PPA-5 requires a total FES score between 410-500, and PPA-6 between 505-604. (Exh. R-2, p. 9)
2. The Standard includes the following factors in the FES: a) Scope (S) and Impact (I), b) Complexity (C), c) Knowledge and Skill (KS), d) Nature of

Contacts (NC) and their Purpose (PC), and e) Discretion (D) and Accountability (A). The first factor involves determining the proper level for Scope and the proper level for Impact. The two levels are then compared against a grid to arrive at a point score for the combined factor of Scope and Impact. The fourth factor is similar to the first in that a separate determination is made for Nature of Contacts and for Purpose of Contacts, which are then compared against a grid to arrive at a point score for the combined factor of Nature and Purpose of Contacts. The remaining factors do not use the grid principle, but result in the assignment of points for each factor.

3. The "objective level" of the PPA Standard is the PPA-5 classification. (Exh. R-7, p. 6.) The term "objective level" is defined in the Standard as shown below. (Exh. R-2, p.5.)

The classification level which any employe in any position allocated to that classification series can reasonably expect to achieve. That maximum class level is then determined to be the objective level for all positions with similar duties and responsibilities, in that series, within the employing unit.

#### Disputed Areas of DHSS' FES Analysis of Appellants' Positions

4. DHSS' evaluation of appellants positions under the Standard resulted in a total score of 445 points, as shown below. (Exh. R-9) The resulting total of 445 points translates in the Standard to a PPA-5 classification level.

<u>Factor</u>	<u>Degree Level</u>	<u>Score</u>
Scope/Impact	S-3/I-3	140
Complexity	C-2	70
Knowledge/Skill	KS-3	80
Personal Contacts	NC-3/PC-3	75
Discretion	D-3	80
Accountability	A-0	<u>0</u>
	TOTAL	445

5. The parties dispute the scores shown in the prior paragraph for the factors of Complexity, Knowledge/Skill and Accountability. The scores DHSS gave to the remaining factors are undisputed.
6. The chart below shows the additional FES points which would be awarded if appellants' arguments were accepted.

<u>Factor</u>	<u>Resulting Appellants' Claims</u>	<u>Additional Points</u>
Complexity	C-3	+45
Knowledge/Skill	KS-4	+30
Accountability	A-1	+15
	TOTAL	+90

Appellants need an additional 60 FES points to be awarded the PPA-6 classification. This would be achieved if appellants show entitlement to the C-3 level, plus either the KS-4 or A-1 level.

### Complexity

7. The Standard describes the Complexity factor as shown below in relevant part. (Exh. R-2, starting on p. 13) The text is reorganized below to clarify the 3-part test created therein, as described in testimony from Anthony Milanowski and as detailed on p. 3, item "F" of the Standard (Exh. R-2, p. 3).

### Complexity of Work \* \* \*

#### C-2 70 Points

- 1) Assignments consist of a variety of analytic and coordinative, and/or supervisory tasks involving problems with many diverse, poorly defined, novel, or conflicting factors, requiring the analyst to adapt a variety of general standards, policies, or theories, and to plan, coordinate, and conduct studies, projects, or evaluations.
- 2) Deciding what needs to be done requires relating the assigned problem to broad factors such as theoretical or policy issues, or the operation of a variety of programs, as well as testing different technical approaches to determine the most appropriate methodology.
- 3) Doing the work is complicated by the need to develop new measures of variables or apply more complex analytic techniques (such as quantitative analysis techniques like regression, linear programming, or mathematical modeling; formalized cost/benefit analysis; formalized case studies), make numerous, subjective judgements on the validity of information, the soundness of arguments, or the interpretation of standards, and to take into account diverse precedents and potential trade-offs in developing conclusions. Or, the work is complicated by the need to plan, assign, coordinate, and review the work of professional subordinates.

**C-3 115 Points**

- 1) Assignments involve either: a) particularly intensive, technically-sophisticated analysis or b) the synthesis of a particularly broad and diverse range of facts, objectives, views, and concepts, in order to establish innovative conclusions or recommendations.  
[- Re: a):] Intensive technical analysis involves such things as refining or developing multi-variable quantitative models of social processes, designing cost/benefit analyses or quasi-experimental studies, or utilizing the latest, specialized theories or research results in a professional field.  
[- Re: b):] Characteristic synthetic activities include directing multi-disciplinary planning or evaluation studies and developing policy proposals involving multiple programs.
- 2) Deciding what needs to be done requires considerable analysis to clarify the problem to be addressed as well as to choose methods and approaches, due to the novel or obscure nature of the problem, conflicting/ambiguous goals, policies, or precedents, or changing program objectives.
- 3) Doing the work is complicated by a variety of factors such as: the need to define and develop measures for previously undefined variables, to work out the application of advanced analytic techniques, or to make decisions or develop policies involving extensive trade-offs between conflicting objectives, views, standards, or policies; severe time constraints, the long-range (10-20 years) nature of plans or policies to be developed, the lack of directly applicable precedents or guidelines, or the need to establish a new frame of reference to solve the assigned problem.

8. Samples of appellants' work are in the record as Exhs. A-9 through A-16. Appellants' supervisor, Bob Wagner, described the samples as representative of the range of complexity (and knowledge/skill required) of each appellant's assignments. He identified Exh. A-9, as an example of the upper range of difficulty presented by appellants' assignments. The assignment reflected in Exh. A-9 was more complex than the typical assignment because: a) the comparison group not only had to have similar group characteristics, but also had to be similar in terms of pregnancy risk, and b) a unique assessment tool was utilized. Mr. Wagner estimated that about 10-15% of the studies performed by appellants are in this range of difficulty, which he equated with a score of C-3 under the Standard. Mr. Milanowski also characterized the study in Exh. A-9, as meeting the C-3 requirements.

9. About 20% of the studies performed by appellants meet the C-3 requirement described above under 1) b); to wit: "the synthesis of a particularly broad and diverse range of facts, objectives, views, and concepts, in order to establish innovative conclusions or recommendations". (See, s. A of appellants' PDs.) However, only 10-15% of the studies meet the C-3 requirement described above under 1) a); to wit: "refining or developing multi-variable quantitative models". Further, only 10-15% of the studies meet the C-3 requirements described above under 2) and 3). Accordingly, the typical studies performed by appellants do not meet the C-3 level requirements.

Knowledge/Skill Required

10. The Standard describes the Knowledge/Skill factor as shown below in relevant part. (Exh. R-2, starting on p. 16)

Knowledge and Skill Required: Since positions covered by this position standard are found in a wide variety of specializations, the factor level definitions cannot specifically mention all types or combinations of Knowledge/Skills that may be required for any one position. Rather, the factor level definitions are based on differences in the breadth and depth of the following broad types of Knowledge/Skills:

- Technical knowledge, typically of the practices, concepts, techniques, theories and results associated with a professional or academic discipline, (including related quantitative and data processing analytic techniques) and the skill to apply them. The most common disciplines from which technical knowledge is drawn are economics, psychology, urban and regional planning, civil engineering, biology, or sociology. Technical knowledge may also be drawn from fields like statistics, systems analysis, accounting, or finance. . . .
- Knowledge of the program or subject matter area to which analysis is to be applied, including knowledge of the pertinent program issues, guidelines, regulations, laws, or policies, the operations and interrelationships of other programs or levels of government in the area, the operation of industries, socio-economic conditions of clients or communities, historical land use or demographic patterns, or similar features of the environment in which the programs or facilities being planned, analyzed, or evaluated operate.
- Administrative knowledge and skills, including those required to plan, organize, and control the work of others, the operation and principles of relevant administrative systems, (e.g., budgeting, personnel, purchasing) and

techniques of contract administration, training, public relations, or similar functions.

Note: To be used as a basis for selecting a level under this factor, knowledge or skill must be required and applied on a continuing basis.

**KS-1 15 Points**

This level encompasses the basic knowledge and skills needed to perform professional analytic assignments in functional areas such as planning, program evaluation, policy analysis, or methods and procedures development. Positions at this level require a considerable knowledge of the specific tools (e.g., package computer programs), methods, procedures, and guidelines used in the work unit, the basic concepts and approaches of planning, quantitative analysis, program evaluation, systems analysis, or similar function, and the operation of the executive/legislative decision-making process.

In addition, positions at this level require either:

- a) Working knowledge of a recognized academic or professional discipline, allowing the analyst to independently locate and apply a variety of techniques, results, principles, or theories pertinent to the assignments, explain or interpret the rationale for these applications in terms of broader theory or accepted principles, and relate conclusions to theoretical or professional issues; or
- b) Broad program knowledge of the subject of analysis, extending beyond the regulations, policies and operations of the immediate and closely-related programs, typically in the form of working to considerable knowledge of a variety of things such as the socio-economic characteristics of the population being served, the history of government involvement with an industry or social problem, current public issues in the area, impacts of policies and programs of other agencies or levels of government in the area, or the experience of other jurisdictions with similar problems/programs. This knowledge is used to explain the rationale behind specific regulations and procedures, interpret or defend decisions, and suggest substantive modifications of policies or regulations.

Some knowledge of administrative techniques or systems (e.g., budgeting, contract administration, training, public relations techniques) also may be required at this level.

\* \* \*

**KS-2 50 Points**

Positions evaluated at this level require both:



- a) Working knowledge of a recognized academic or professional discipline, as described at Level KS-1, and
- b) broad program knowledge or knowledge of the subject of analysis, as described at Level KS-1.

\* \* \*

**KS-3 80 Points**

This is the first advanced level of knowledge, requiring, in addition to that described at Level KS-2, either:

- a) More extensive technical knowledge is required, typically in the form of a considerable knowledge of a professional or academic discipline (or working knowledge of several different disciplines), sufficient to allow the analyst to independently select, adapt, and apply a wide range of theories, principles, or methods, of the discipline(s), make significant departures of standard approaches, act as a resource to other staff, and produce results consistent with accepted professional standards in response to a wide variety of technical problems; or
- b) Knowledge of the program area includes not only the broad range of elements described at Level KS-2, but also a particularly expert and extensive knowledge<sup>1</sup> of the particular program or subject matter area. This knowledge is applied by the analyst to provide authoritative consultation and interpretation on program policy, history, and operation, or develop major policy recommendations. Typically, the analyst is considered the primary agency "expert" in a specialized area such as an income maintenance program shoreland management, the programs and problems pertaining to a client group, farmland preservation, job training for disadvantaged youth.

\* \* \*

**KS-4 110 Points**

This level requires a greater depth and/or breath of knowledge than that described at Level KS-3, in one of the following ways:

- a) An advanced technical knowledge, including extensive knowledge of a professional or academic discipline, or a

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<sup>1</sup> "Extensive Knowledge" is a term defined on p. 5 of the Standard as shown below:

Extensive Knowledge - implies an advanced knowledge of the subject matter so as to permit solution of unusually difficult work problems or issues, advising on technical questions and planning methods for resolving these problems or issues.

considerable knowledge<sup>2</sup> of several diverse disciplines related to a specialized function, is required. This knowledge is needed to allow an analyst to recognize, adapt, and apply the latest, state-of-the-art techniques, theories, or research results to unusually difficult assignments, provide authoritative advice or direction to others on highly technical, or sensitive applications of these techniques, theories, or results, and to take responsibility for the design and defense of work products which are likely to be scrutinized by other technical experts due to the use of the product to support a controversial or sensitive position. Little or no assistance from other subject matter experts in the discipline is received; or

- b) An expert knowledge of a broader program or subject-matter area than described for Level KS-3 (b) is required. The assignments require considerable to extensive knowledge of almost all the laws, policies, programs, and public issues relating to a major field of government endeavor, (e.g., education, health, employment security, social services, transportation) as well as familiarity with current professional thinking in the area, functional relationships to other program areas, and history of government involvement in the field. This knowledge is applied to provide final and authoritative interpretation of policy in cases of apparent contradiction, or develop or critique large-scale policy modifications or concepts for top management and serve as a primary advisor in the broad program area to Division Administrators, Department Secretaries, the Governor's Office, or the Legislature. The analyst is considered by peers and policy-makers to be a professional authority in the specific area of public policy; or
- c) Knowledge required includes knowledge described at Level KS-3 (a) and (b) above, applied as described; or
- d) Knowledge of, and skill in applying, a wide variety of principles and practices needed to manage a large organizational unit with complex functions and subordinate supervisors may be substituted for either (a) or (b) at this level.

\* \* \*

11. Appellants' positions meet the Standard requirements of par. a under the KS-3 level. This fact is undisputed.

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<sup>2</sup> "Considerable Knowledge" is a defined term on p. 5 of the Standard, as shown below:

Considerable Knowledge - implies enough knowledge of the subject to enable the employee to work effectively in a wide range of work situations and with little direct supervision.

12. Appellant's positions do not meet the Standard requirements of par. b under the KS-3 level. They do develop major policy recommendations in about half of their assigned studies. While it is true that each appellant has "areas of specialization" as shown in Exh. A-23, each appellant is expected to perform assignments whether the topic is within their own specialty areas or not. The language of their PDs (Exh. A-4) demonstrates the expectation that appellants will meet with program staff (i.e. at the Bureau level) as part of appellants' efforts to obtain the program knowledge required for a specific assignment. (See, for example, PD tasks A1, B4, C1 and C4.) The interchangeable nature of assignments among appellants and appellants' expected access to program staff to obtain program knowledge leads to the conclusion that appellant's "areas of specialization" are well below the level of knowledge contemplated under par. b of the KS-3 level.
13. Appellants' positions meet only part of the Standard requirements of par. a, at the KS-4 level and, accordingly, are not entitled to points under par. a, at the KS-4 level. Details are provided below.

Appellants' positions are expected to handle the full range of assignments, including the 10-15% which are the most difficult. Accordingly, they perform the following tasks of par. a, at the KS-4 level:

- a) Appellants have advanced technical knowledge including extensive knowledge of analysis techniques.
- b) They use this knowledge to recognize, adapt and apply the latest, state-of-the art techniques, theories or research results to the 10-15% of their assignments which Supervisor Wagner characterized as the most difficult.
- c) They take responsibility for the design and defense of their work products, which is most likely to occur in federal waiver studies where federal oversight includes a review of their analysis/methodology.
- d) They receive little or no assistance from Supervisor Wagner (or any others) regarding the design and analysis appellants choose for any particular assignment.

Appellants' positions do not meet the following requirements of par. a, at the KS-4 level.

e) Appellants do not function as lead workers. Accordingly, they do not provide authoritative advice or direction to others on highly technical, or sensitive applications of these techniques, theories, or results.

f) Even though they perform tasks listed above as "a)" through "d", such tasks are performed only for 10-15% of their position's time. Such time percentage is insufficient to meet the Standard requirement that this level of knowledge or skill "be required and applied on a continuing basis". (See, "Note", p. 16 of Exh. R-2.)

14. Appellants' positions do not meet the Standard requirements of par. b, at the KS-4 level. Par b, requires broader program or subject-matter expert knowledge than required at the KS-3 (b) level. Since appellants' positions do not meet the KS-3 (b) level, they cannot meet the KS-4 (b) requirement.

15. Appellants' positions do not meet the Standard requirements of par. c, at the KS-4 level. Par. c, requires appellants' positions to meet both pars. a and b, at the KS-3 level. As detailed in par. 12 above, it already has been determined that appellants' positions do not meet par. b, at the KS-3 level.

16. Appellants do not claim that their positions meet par. d, at the KS-4 level. Nor would the duties recited in their PD support such a conclusion.

#### Accountability

17. The Standard describes the Accountability factor as shown below in relevant part and which has been reorganized in format for clarity. (Exh. R-2, starting on p. 23.)

#### Subfactor: Accountability

This subfactor applies only to positions which have responsibility for:  
a) the line supervision of professional staff or  
b) the administration of a policy analysis, planning, program evaluation, or comparable program<sup>3</sup>.

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<sup>3</sup> The term "program" is defined on p. 7 of the Standard, as shown below.

After determining the points to be credited for the Discretion subfactor, add the following values for Accountability as indicated below.

Note: If a position is reporting to the supervisor indicated on the position description for administrative purposes only, the position should be assigned a level under this subfactor based on the organizational level of the position which is accountable for the work of the position being evaluated.

**A-0 0 Points**

Position reports to a unit supervisor or a lower level in the organization.

**A-1 15 Points**

Position reports to a section chief or equivalent. The position may report through a deputy.

18. It is undisputed that appellants' positions do not have responsibility for the line supervision of professional staff.
19. Mr. Milanowski wrote the Standard. He said the intention was to provide accountability points for program administration, whether such program was policy analysis, planning, program evaluation, etc. His testimony was found to be persuasive and consistent with the text of the Standard.
20. Appellants' positions are involved in policy analysis, planning and program evaluation. However, their responsibility is on a project (or assignment) basis rather than on a program basis. The program responsibility rests with their supervisor's position. Mr. Wagner's position functions as Chief of the Evaluation Section within the OPB.

#### DISCUSSION

Appellants had the burden at hearing to show entitlement to the PPA-6 classification by a preponderance of the evidence. They failed to meet this burden.

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**Program** - - An ongoing set of coordinated activities carried out by a number of people, aimed at providing a specific service or benefit to a specific group, organization or group of organizations. A program typically has a unique set of policies, regulations, or procedures, a unique set of activities to be performed in providing the service or achieving the program's goals, and a unique set of persons specializing in carrying these out. A program involves a variety of specific projects or functions coordinated to achieve program objectives.

A main problem with appellants' analysis of entitlement to the PPA-6 classification, is their piecemeal reading of the Standard requirements. For example, Appellants in their final brief (p. 5) make the following statement:

Applying "state-of-the-art" technical knowledge is one indication in the Position Standard of Knowledge & Skill Level 4, as is defending products before technical experts. And, we believe we are eligible for Level 4 based on that degree of technical knowledge alone.

As detailed in par. 13 of this decision, application of state-of-the-art technical knowledge is only one of the stated requirements of par. a, at the KS-4 level. Further examples of appellants' piecemeal approach are shown in Exhs. A-7 (appellants' analysis of the complexity factor), A-22 (appellants' analysis of the knowledge/skill factor), and A-24 (appellants' analysis of the accountability subfactor).

Appellants also disputed respondents' characterization of the complexity factor as a 3-part test. (See, appellants' final brief, p. 2.) The Commission acknowledged the 3-part test, as shown by pars. 7-9 of this decision. The Standard itself evidences the intent to use a 3-part test for the complexity factor. Specifically, pages 3-4 of the Standard provide an overview of each classification factor. The overview relating to the complexity factor is shown below:

Factor 2 - Complexity of Work:

- a. Nature of the work;
- b. Difficulty in deciding what needs to be done; and
- c. Difficulty in performing the work.

The positions held by appellants perform some tasks at the higher level, but not for a sufficient amount of time, or not all tasks required; as detailed in the findings of fact. Appellants may wish that the Standard did not contain so many requirements for the higher levels. The Commission, however, must apply the Standard as written. The Commission has no authority to rewrite the Standard. Zhe. et al. v. DHSS & DP, 80-285, 286, 292, 296-PC (11/18/81; aff'd by Dane County Circuit Court, Zhe. et al. v. Pers. Comm., 81-CV-6492 (11/82).

ORDER


That respondents' decision to deny appellants' requests for reclassification to the PPA-6 level, is affirmed and this appeal is dismissed.

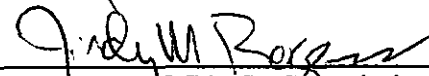
Dated December 20, 1995.

STATE PERSONNEL COMMISSION

  
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JMR

  
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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