

DARLENE WHITE,
Appellant,

v.

**President, UNIVERSITY OF WISCONSIN
SYSTEM, and
Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,**
Respondents.

FINAL
DECISION
AND
ORDER

Case No. 02-0026-PC

This matter is before the Commission after a hearing on the following issue:

Whether the respondent's decision to deny the appellant's request to re-classify her position from [Program Assistant 2 (PA2) to PA3] was correct.

The parties filed post-hearing briefs.

The appellant has been employed by respondent in the Department of Life Sciences Communication since 1993. Appellant began work as a receptionist. Appellant's duties have changed substantially during that period.

Appellant's former supervisor had a very serious and extended illness and the appellant ended up taking on many of the supervisor's duties.

However, the appellant was no longer responsible for those duties by July 29, 2001, which is the effective date of the reclassification request that generated this appeal.

During the relevant time period, appellant filled one of 5 Program Assistant positions in the Department of Life Sciences Communication that reported to Darcy Veach, Department Administrator. Three of those positions fall within the very general category of "secretaries." The Department of Life Sciences Communication includes three subunits: Life Sciences Communication, Agricultural Education, and Family and Consumer Communications. Appellant's duties during this period were, for the most

part, substantially identified by her position description (Resp. Exh. 106) that was signed by the appellant in December of 2001. The position description provided, in part:

The individual in this position is responsible for independently coordinating a variety of administrative and student support services; including organizing the timetable, registration, and the departmental library; maintaining and ordering supplies; and developing and coordinating provision of office furniture, painting, carpentry and other building maintenance. The position functions under the general supervision of the department administrator.

A. 35% Administrative support for teaching and advising

A.1. Maintain appropriate records, including timetable, registration, student payroll, and leave accounting. Keep abreast of policies and procedures for the department and CALS [the College of Agricultural and Life Sciences].

A.2. Compose written correspondence, memos and reports, using complex computer word processing and spreadsheet programs.

A.3. Acting as back-up, monitor account usage on copy machines and retrieve number of copies made for each account.

A.4. Issue parking permits and building passes.

A.5. Order Masters and PhD. Warrants, as requested. Research questions asked by graduate students and advise them.

A.6. Acting a back-up, maintain the telephone accounting system.

A.7. Independently advise faculty, staff, and students regarding I-9 regulations. In conjunction with the department administrator, review and process appropriate documents.

A.8. Answer phone and advise callers regarding policies and procedures of the department.

A.9. Monitor Hatch grant expenditures and order supplies, as requested.

A.10. Maintain class rosters and final grade sheets. Coordinate proper routing of them.

A.11. Intake course change forms, grade change forms, and pass/fail forms. Check for accuracy and forward to the appropriate sections of the registrar's office for processing.

A.12. Maintain the LTE, academic and student hourly payrolls, as well as classified and unclassified leave reports for the department.

A.13. In conjunction with the department administrator, maintain Individual Appointment Department Sheets (IADS) for faculty, graduate students, and staff.

A.14. Proctor student exams when needed.

- A.15. Mail graduate students' theses to be bound and filed in the library. Contact graduate students regarding their theses.
- A.16. Prepare requisitions, work orders for shops, orders for security keys, and fleet car requests, as requested.
- A.17. Acting as back-up to the department administrator, supervise and manage main office for long periods.
- A.18. Supervise and train student hourly workers, as needed.
- A.19. Other duties as assigned.

B. 25% Management of timetable construction and tracking.

- B.1. Serve as liaison for department when dealing with the college and other agencies regarding course scheduling and timetable.
- B.2. Survey faculty and develop a draft of each term's timetable, according to established policies and procedures.
- B.3. Coordinate the Timetable Initial Call process; confirm course offerings with faculty; negotiate day and time, class size, and room and building preferences.
- B.4. Notify Timetable and Classroom Scheduling (TACS) of the departmental timetable, using the department ISIS software program. Verify and add footnotes as required. Monitor and place course controls as required.
- B.5. Independently edit and proof Timetable Call Review Audit; making any changes or updates as needed.
- B.6. Process and confirm Timetable Final Call. Edit and proofread final draft copy of timetable. Provide faculty with copies for their review and approval, making changes as needed using ISIS.
- B.7. Ensure TACS deadlines are met for Timetable final call.
- B.8. Acting as the TACS contact for the department, work closely with instructional staff in requesting room assignments.
- B.9. Coordinate changes and transactions with TACS. Maintain and update records each time a change is made. Coordinate all special room request information, and set necessary controls on any courses that require them.
- B.10. Maintain familiarity with all timetable-related transactions through DoIT and ISIS.

C. 15% Touchtone registration procedures

- C.1. Answer all telephone inquiries regarding registration procedures and advise students on what courses are offered and available through the department.
- C.2. Enter authorized registrations online as necessary.
- C.3. Tally course enrollments during the touchtone registration period.

C.4. Create waiting lists for filled courses to be coordinated with faculty.

C.5. Serve as department contact for the course add/drop procedure, the grad change procedure, and pass/fail procedure. Check for accuracy and forward to the appropriate sections of the registrar's office for processing. Serve as department contact for students wishing to add/drop a course after the add/drop deadline.

C.6. Place advisor holds in accordance with CALS Academic Student Affairs Office. Remove advisor holds after their advisor has advised the student.

C.7. Authorize graduate students to register for appropriate research credits and independent study courses. Authorize undergraduate students for honors courses and other special credits.

D. 10% Library Duties

D.1. Maintain collections of periodicals, journals, books, and theses. Renew subscriptions, replace missing volumes, and order new acquisitions in consultation with Library Committee Chair.

D.2. Check materials in and out. Maintain an inventory of library holdings. Locate or replace missing library items as needed.

D.3. Maintain controlled access to selected journals and theses.

D.4. Maintain, file and assign slides for CALS departments as needed. Assist customers with slide selection, in conjunction with photographer. Invoice customers for slides, as needed.

D.5. Assist graduate students and faculty to locate publications, including researching proper titles, dates of publications, etc. Procure and return books for faculty from various libraries.

D.6. Provide recommended reading section, as requested. Update each term, or as requested.

E. 10% Ordering supplies, furniture, building maintenance and repairs

E.1. Order supplies for the office, faculty, staff and students. Maintain an adequate inventory and accurate records of ordered materials.

E.2. Supply the department with office furniture, as needed. After purchasing furniture for the department from SWAP, pick up and have furniture distributed to the appropriate office.

E.3. Report and coordinate the maintenance and repair of the Ag Journalism Building, including carpentry, plumbing, air conditioning, and cleaning of the building.

E.4. Schedule and arrange periodic cleaning and painting of rooms, e.g., between semesters and when vacated.

E.5. Coordinate and purchase carpet for the department, as needed.

E.6. Research codes, supply contacts and arrange for remodeling, as needed.

F. 5% Course Coordination

F.1. Contact faculty and teaching staff to turn in syllabi for each course, after timetable has been set up. Make syllabi available to students and graduate students as requested.

F.2. Consult and direct students to class materials for the courses that the department offers.

F.3. Gather and maintain enrollment data. Supply information to faculty after reviewing for accuracy and comparing enrollment figures.

F.4. Order and maintain adequate supply of confidential course evaluation materials, including answer sheets.

F.5. Solve problems and explain course evaluation procedures.

F.6. Gather and process completed evaluations. Submit completed evaluation forms to the Testing and Evaluation Office.

F.7. Record student comments. Dispense summarized evaluations and written comments to appropriate faculty. File copies in departmental office.

F.8. Follow procedures to maintain the confidentiality of course evaluations.

F.9. Organize, copy, and collate evaluations for faculty annual reports.

Appellant performed the following responsibilities that were not fully explained in her position description:

a. **Counseling of students** as an adjunct to the registration process. Appellant provided students with information in terms of whether they satisfied the prerequisites for various classes and if there were "equivalent" courses that would also serve as a prerequisite to a 3rd course. Appellant might tell a student if a particular class would be outside of the appropriate curriculum for their course of study, but this information was premised on whether the class could be found on a written list of classes appropriate for a particular academic area within the department. Appellant also provided students with information found in the class syllabi because appellant collected those syllabi as part of her job.

b. **Maintaining the waiting list for classes.** Appellant maintained separate waiting lists for each of the approximately 20 classes offered by the department. In or-

der to make decisions based on the list, appellant had to find out from the student if she was a department major, as well as her class (senior, junior or sophomore) in college. There is no written policy that guides appellant in deciding to move people from a wait list into a class. If appellant is unsure, she will have the student confer with the department or division chair. Appellant may also inform someone on the wait list of alternative terms when a particular class is offered.

c. **Ordering furniture.** If staff within the Department asked appellant for furniture, she would go over to the Surplus With A Purpose (SWAP) facility, select the requested furniture and insure that it was transported back to the Department.

d. **Library work.** Appellant responded to requests for materials that were not maintained in the library by recommending to the Library Committee Chairperson that the materials be purchased.

The key to this matter is considering how the duties that were assigned to the appellant during the period preceding the effective date of July 29, 2001, relate to the language of the relevant classification specifications. The fact that the appellant is performing certain duties that are different than the duties she performed at the time she was hired does not mean that the duties she was performing as of the effective date are necessarily better described at the PA 3 level than the PA 2 level.

The classification specifications for the Program Assistant series include the following language:

II. Class Descriptions

Program Assistant 2

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions are allocated to this class on the basis of the degree of programmatic involvement, delegated authority to act on behalf of the program head, level and degree of independence exercised, and scope and impact of decisions involved. . . . Work is performed under general supervision.

Program Assistant 3

This is paraprofessional work of moderate difficulty providing a wide variety of program support assistance to supervisory, professional or administrative staff. Positions are delegated authority to exercise judg-

ment and decision-making along program lines that are governed by a variety of complex rules and regulations. Independence of action and impact across program lines is significant at this level. Positions at this level devote more time to administration and coordination of program activities than to the actual performance of clerical tasks. Work is performed under general supervision.

Program Assistant 2 – Work Examples

Provides administrative assistance to supervisory, professional and administrative staff, head of a department or program.

Schedules department facilities usage.

Maintains inventory and related records and/or reports and orders supplies.

Conducts special projects: analyzes, assembles, or obtains information.

Maintains liaison between various groups, both public and private.

Directs public information activities and coordinates public or community relations activities.

Prepares budget estimates, plans office operations, controls bookkeeping functions and handles personnel transactions.

Plans, assigns and guides the activities of subordinate employees engaged in clerical program support work.

Corresponds with various outside vendors or agencies to procure goods or information for program operation.

Develops and recommends policies, procedures, guidelines and institutions to improve administrative or operating effectiveness.

Screens and/or reviews publications; drafts or rewrites communications; makes arrangements for meetings and maintains agendas and reports; arranges schedules to meet deadlines.

Maintains extensive contact with other operating units within the department, between departments or with the general public in a coordinative or informative capacity on a variety of matters.

Prepares information materials and publications for unit involved, and arranges for distribution of completed items.

Attends meetings, work shops, seminars.

Program Assistant 3 – Work Examples

Prepares reports, research project data, budget information, mailing lists, record keeping systems policies and procedures, training programs, schedules and generally oversees operations.

Plans, assigns and guides the activities of a unit engaged in the clerical support of the program assigned.

Develops and/or revises selected policies and procedures affecting the administration of the program.

Answers questions regarding the program or division via telephone, correspondence or face-to-face contact.

May serve as an Assistant in charge of secretarial and administrative tasks in an operation handling cash procedures, equipment orders, inventory, program preparation, pricing, etc.

Composes correspondence, maintains files of program related data, sets up schedules and performs any related administrative support functions necessary to the operation of the program.

May be in charge of public relations, preparing and sending out pamphlets, brochures, letters and various program publications.

The specifications define the term "paraprofessional" as follows:

A type of work closely relating to and resembling professional level work, with a more limited scope of functions, decision-making and overall accountability. A paraprofessional position may have responsibility for segments of professional level functions, but is not responsible for the full range and scope of functions expected of a professional position.

Just looking at the class specifications, and especially the work examples, the majority of the appellant's duties are somewhat better described at the PA 2 level than the PA 3 level. Appellant schedules department facilities usage, maintains inventory and related records and orders supplies, analyzes, assembles or obtains information, maintains liaison between various groups and prepares information materials and publications and arranges distribution. The work examples at the PA 3 level focus more on developing policies and procedures, generally overseeing operations, guiding the activities of a clerical support unit, or being in charge of public relations, which are all duties that extend beyond the scope of the appellant's responsibilities. The appellant has not satisfied her burden of establishing that the majority of her time reflects a "delegated authority to exercise judgment and decision making along program lines that are governed by a variety of complex rules and regulations."

In previous decisions, the Commission has commented on the general nature of the definitional language in the Program Assistant series. In *Baldwin v. UW & DP*, 82-87-PC, 1/20/83, the Commission held:

The definitions in the Program Assistant position standard identify only very generalized distinctions between the PA 2 and 3 levels. The PA 3 definition refers to "paraprofessional" work and states that PA 3 positions "devote more time to administration and coordination of program activities than to actual performance of clerical tasks." Neither phrase is referred to in the PA 2 definition. A review of the appellant's job duties indicates that her work is not properly described as "relating to and resembling professional level work," (as the term "paraprofessional" is defined), and that she does not spend more time in "administration and coordination." Appellant's functions . . . are clerical in nature.

However, in light of the generalized distinctions set out in the respective classification levels, it is important to rely on comparable positions in reaching the ultimate decision raised by this appeal. . . . The Commission concludes that the comparable positions filled by . . . are better comparables than the other positions. . . and that the . . . position is the best comparable.

In *Gilbert v. DOA & DER*, 90-03970PC, 8/16/91, the Commission held the "language [of the classification specifications for the PA 2 and 3 levels] involves relative terms making it difficult to differentiate [the] PA 2 from [the] PA 3 classification without examining the duties and responsibilities of actual positions in the classifications. So in this instance the Commission will examine the functions of other positions in deciding the question presented in this appeal."

Georgina Lowe was the classification analyst, employed by the respondent University of Wisconsin, who audited the appellant's position and prepared the written decision that served as the basis for the appeal. Ms. Lowe articulated the basis for the respondent's decision in the denial memo, RE 108.¹

Ms. Lowe acknowledged at hearing that the evidence showed that the appellant performed *some* duties that are within the scope of the PA 3 classification level. These duties included appellant's waiting list responsibilities, some of the independence she had for ordering books, some of the duties she had for constructing the timetable and, at least theoretically, some of her responsibilities for ordering furniture. However,

¹ In her testimony, Ms. Lowe acknowledged that appellant's position had undergone a gradual change and there is no evidence in the record to support a conclusion that the change was not both logical and gradual.

many of the appellant's responsibilities do not involve the level of discretion/independence that is contemplated for a PA 3. For those responsibilities, appellant follows established procedures. Ms. Lowe estimated that appellant spent just 20 to 25% of her time performing duties described at the PA 3 level. The appellant failed to establish that she performed higher-level duties for the majority of her work time.

The Commission notes that there is a range of positions within each classification level. Some positions are at the very bottom of the range in terms of complexity, independence and discretion, while others are at the very top. The Commission has to fit the appellant's position into this continuum based on the class specifications and comparison positions.

The comparison positions that are part of the record in this matter are as follows:

a. The PA 3 position filled by Ms. **Grant** in the Department of Philosophy, College of Letters and Science. Resp. Exh. 109 The position description shows that Ms. Grant serves as Undergraduate Secretary to 150 undergraduate majors, and that the Department of Philosophy offers approximately 45 courses for 2400 students. Significant portions of the Grant position description compare to duties that the appellant performs. However, there are some distinctions. Ms. Grant spends 20% of her time on timetable construction activities. It is undisputed that the Philosophy Department offers about twice as many courses as are offered in the Department of Life Sciences Communication, which tends to support the conclusion that appellant's responsibilities in this area are somewhat less complex than Ms. Grant's responsibilities. In addition, Ms. Grant's position description shows that she "[m]akes independent judgments regarding which course sections to close" and sets and modifies registration limits. There is no indication that the appellant has comparable responsibilities. Similarly, Ms. Grant spends 20% of her time on touchtone registration responsibilities for a larger department, and she provides her department's authorized signature for course changes. Ms. Grant has been denominated as the secretary to the chairperson of her department. However, the only specific responsibility that is attached to this 25% goal that is differ-

ent from the appellant's duties is that Ms. Grant prepares and distributes meeting minutes. Respondent has not shown that this particular responsibility is more complex than the appellant's duties. The only other responsibility performed by Ms. Grant that arguably entails more discretion or complexity than the appellant's duties is the portion of Ms. Grant's Curriculum Committee duties that require her to "[p]rovide feedback" to that Committee from the undergraduate majors.² There are some distinctions between the Grant position and the appellant's position that may or may not justify a difference in classification level. In other words, this comparison is not very helpful in terms of making a decision in the present case.

b. The PA 2 position in the Department of Geography, College of Letters and Science, filled by Ms. **Pitt**. Re. Exh. 110 This position includes 15% receptionist duties that Ms. Lowe acknowledged are properly classified at the PA 2 level and it is undisputed that the appellant does not perform receptionist duties in her position. The Commission is of the opinion that Ms. Pitt's duties for the Geography Department involve somewhat less discretion and complexity than those assigned to the appellant. This position seems to be very appropriately classified at the PA 2 level, but there are some distinctions between it and the appellant's position that may or may not justify a difference in classification level. In other words, this comparison is not very helpful in terms of making a decision in the present case.

c. The position in the Department of Rural Sociology, College of Agriculture and Life Sciences, that had been filled by Ms. **Hoisington**. At the time appellant submitted her reclassification request, the Hoisington position (Resp. Exh. 115) was at the PA 3 level. However, Ms. Hoisington subsequently left the position, some of the higher level duties were removed and the revised duties (as reflected in Resp. Exh.

² Ms. Lowe described the key aspects, from a classification standpoint, of the Grant position as follows:

This position is responsible for timetable construction that encompasses 45 courses accommodating 2400 students, coordinating touchtone registration that supports 2400 students per semester, providing secretarial support to the Chair, and serving as undergraduate secretary to 150 undergraduate majors. (Resp. Exh. 108)

114) were classified at the PA 2 level. The Commission considers this position, in both of its incarnations, to be the best comparable for analyzing the appellant's position. The following are some of the key responsibilities listed in the Ms. Hoisington's PA 3 position description (Resp. Exh. 115) that suggest a higher level of complexity and discretion than has been assigned to the appellant's position:

40% A. Administrative support for teaching and advising

A1. Coordinate departmental teaching activities with Sociology Department and other centers, institutes, and departments where faculty have involvement. Serve as member of Instructional and/or Curriculum Committees.

A2. Independently assign undergraduate transfer students and new freshman to faculty advisors. Assess student interest, faculty specialty areas, number of students the advisor is already advising and student class standing. Evaluate criteria for assignment to faculty. . . .

A3. Coordinate production of a handbook for undergraduates

A5. Manage departmental undergraduate scholarship activities and awards in cooperation with appropriate faculty committees. . . .

A6. Serve as Degree Audit Reporting System (DARS) coordinator for the department

A7. Independently evaluate and monitor progress of departmental Course Change Proposal, Course Deletion Proposal, and New Course Proposal to the CALS Curriculum Committee. . . .

20% B. Management of timetable construction and tracking

B1. Survey faculty, analyze and interpret statistics, gather data and develop draft of timetable regarding teaching plans. Maintain 3 year teaching plan. . . .

B8. Independently proof final version of timetable.

5% D. Book orders, course descriptions, and syllabi

D1. After timetable is setup, contact teaching staff to coordinate ordering of textbooks

5% E. Coordinate course evaluation process

E1. Independently contacts teaching faculty to schedule time for administering course evaluations. . . .

E3. Supervise administration of evaluations and obtain student help. . . .

E5. Oversees that course evaluation handwritten comments are recorded in one document. . . .

5% G. SOAR

G1. Coordinate department representation to SOAR. . . .

While the areas of activity did not change when the position was vacated by Ms. Hoisington and was later assigned to the PA 2 level, the level of responsibility did undergo some changes as reflected in the new language from RE 114: 1) Instead of "Independently assign" students to faculty advisers in A2, the PA 2 position merely refers students to the faculty undergraduate advisor coordinator, a faculty member, for assignment of an advisor; 2) former activities A6 and A7 were deleted; 3) responsibility for maintaining 3 year teaching plan under B1 was deleted; 4) the word "independently" was deleted from activity E1; 5) the word "maintain" was substituted for the word "coordinate" in activities F1 and F3; 6) the responsibility for *devising* the key tracking system was deleted in F4; 7) the term "coordinate scheduling" was replaced with "schedule" in F11; and 8) the term "coordinate department representation to SOAR" was replaced with "serve as department representative for SOAR" in activity G1.

These changes result in less independence and discretion and support the reduction in classification from PA 3 to PA 2 for the Hoisington position.³ The resultant PA

³ Ms. Lowe's analysis of the Hoisington position per the denial memo, RE 108:

As structured at the time Ms. Hoisington held the Program Assistant 3 position, it had greater involvement than the current Program Assistant 2, particularly in the area of administrative support for teaching and advising. The depth of involvement and, consequently, the impact of decisions and judgment required were greater in the Program Assistant 3 position. The duties reflecting this involvement included: coordinating departmental teaching activities with other centers institutes and departments where faculty have involvement; independently assigning undergraduate transfer students and new freshmen to faculty advisors, assessing student interest, faculty specialty areas, etc. and evaluating criteria for making assignment; independently evaluating and monitoring progress of de-

2 position is very similar to the appellant's position in terms of overall independence and discretion, and this supports the classification of the appellant's position during the relevant time period at the PA 2 level.

The Commission views this as a close case and there is some support for a different result. However the burden of proof in this matter is on the appellant and when all of the evidence is considered, the Commission cannot say the respondents' decision was incorrect.⁴ The respondents' decision to deny reclassification is sustained.

Additional observations

The Commission notes that appellant has shown she is dedicated to her job and performs her work well. She has been willing to "go the extra mile" in order to insure that the department's work is completed, including stepping in when her supervisor was very ill. While these are commendable attributes, they do not necessarily equate to reclassification, based on duties performed in July of 2002, to the PA 3 level.

The Commission also notes that its analysis in this matter is not directed at whether Ms. Lowe performed a thorough initial audit or review of the appellant's position or whether respondents were responsible for delays in the reclassification process. The Commission must focus on whether the evidence presented at hearing has established that as of July 29, 2001, the appellant was spending the majority of her time performing PA 3 duties rather than PA 2 duties. The appellant has failed to sustain her burden of proof on that issue.

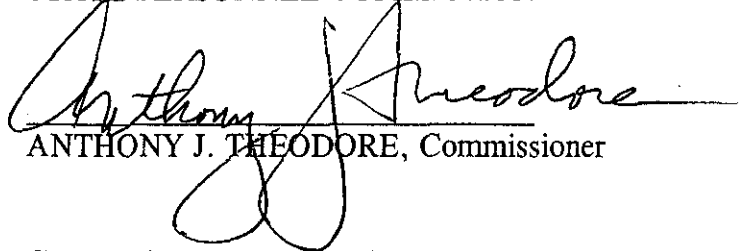
partmental Course Change Proposal, Course Deletion Proposal and New Course Proposal to the CALS Curriculum Committee; serving as Degree Audit Reporting System (DARS) coordinator, generating DARS reports for faculty and student use. These duties were also a larger percentage of the Program Assistant 3 position than the current PA2 position.

⁴ The fact that appellant deals with certain "confidential" materials such as student evaluations of professors and instructors does not have an effect on class level.

ORDER

Respondents' decision to deny the appellant's request to reclassify her position from Program Assistant 2 to 3 is sustained and this appeal is dismissed.

Dated: April 30, 2003 STATE PERSONNEL COMMISSION


ANTHONY J. THEODORE, Commissioner

KMS:020026Adec1

Commissioner Theodore is the sole sitting commissioner; the other two commissioner positions are vacant. Therefore, Commissioner Theodore is exercising the authority of the Commission. See 68 Op. Atty. Gen. 323 (1979).

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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