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ROBERT J. LOVAS, et al.

Appellants,

v.

SECRETARY, Department of
Transportation,

Respondent.

Case No. 76-239

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OFFICIAL

OPINION AND ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

NATURE OF THE CASE

This is an appeal pursuant to s. 16.05(7), Stats., of a grievance following a denial by the respondent at the third step. This originally was a group grievance with five members. All of the grievants except for Sgt. Bartol have had their appeals resolved short of hearing. This appeal has been submitted on the basis of written arguments.

FINDINGS OF FACT

1. Appellant Bartol appeared along with four other grievants before a Personnel Board hearing examiner for a prehearing conference on Case No. 76-88.
2. The appellant (Bartol) was one of five group grievants in appeal 76-88.
3. The respondent refused to pay Sgt. Bartol's salary and expenses for attendance at said prehearing conference.
4. The department did pay one of the appellants' salary and expenses for attendance at the prehearing on the theory that one representative in a group grievance is entitled to be so paid, consistent with the DOT grievance procedure.

CONCLUSIONS OF LAW

1. It was not inappropriate for the respondent to limit payment of salary and expenses to one representative of a group grievance for attendance at a prehearing conference.

OPINION

In Sheda v. Carballo, Wis. Pers. Bd. No. 76-91, 114 (6/13/77), the Board held, relying in part on an attorney general's opinion, that an employe in attendance at a prehearing conference was entitled to salary and related expenses. In France v. Weaver, Wis. Pers. Bd. No. 76-164 (6/13/77), the Board held:

"These proceedings are open to the public and anyone may attend. However, in a group grievance such as this involving 31 employes it is appropriate to designate one employe as the representative or spokesperson. The other grievants do not have an absolute right to be present at all proceedings on state time."

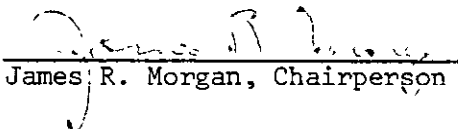
This approach is consistent with that taken by most agency grievance procedures, is felt by the Board to be a reasonable compromise between the needs of management to administer agencies and the rights of employes to present grievances, and is reaffirmed at this time.

ORDER

The position of the respondent on Sgt. Bartol's grievance is affirmed and this appeal is dismissed.

Dated: June 16, 1978

STATE PERSONNEL BOARD


James R. Morgan, Chairperson