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 HOLLY KLEMMER,
 Appellant,
 v.
 President, UNIVERSITY OF
 WISCONSIN SYSTEM (Milwaukee)
 and Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondents.
 Case No. 85-0134-PC
 * * * * *

FINAL
 DECISION
 AND
 ORDER

The Commission has reviewed the proposed decision and order in this matter, conferred with the hearing examiner and reviewed the record. The Commission adopts the attached proposed decision and order in its entirety with the following language added at the end of the opinion portion:

The record in this matter indicates that the appellant was provided with numerous opportunities to offer a copy of the relevant class specifications as exhibits. The conference report for a prehearing conference held on October 23, 1985 specifically reminded the parties of their obligations under s. PC2.01, Wis. Adm. Code, to exchange exhibits in advance of the hearing. The respondents did identify the class specifications as a possible exhibit by exchanging a copy to the Commission and the appellant as required by the rule.

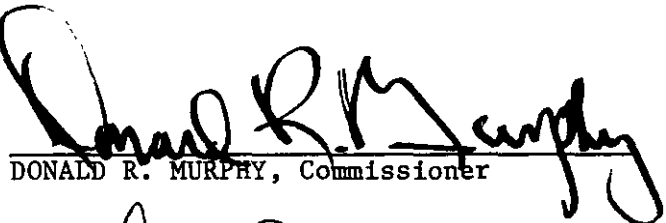
At the hearing, the appellant presented her case first. After hearing testimony from several witnesses, the examiner specifically asked whether the appellant had "any exhibits or anything of that nature." The appellant stated she did not and rested her case.

Subsequently, the appellant asked whether her position description was in the record. The respondents did not object to the introduction, by the appellant, of the position description which had been identified by the respondent as a possible exhibit. After the position description was entered, the appellant again stated that she had completed her case. The respondent then moved to dismiss, arguing that there was

nothing in the record on which the Commission could base a decision to reclassify the appellant's position above her current level, and that the appellant had failed to make any reference to the class specifications. The examiner reiterated the status of the record at that point by stating that there was no testimony "about what the LSA 2 or 3 consists of" and that the lack of such evidence created a problem. The appellant still did not seek to place the position standards into the record and the record was then closed.

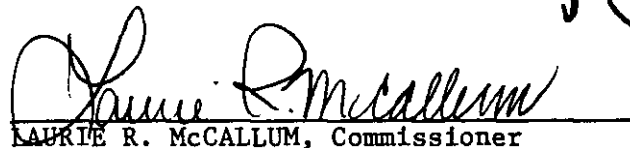
Dated: Sept 4, 1986

STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Commissioner

Attachment

KMS:vic
VIC02/2


LAURIE R. McCALLUM, Commissioner

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PROPOSED
DECISION
AND
ORDER

This action presently before the Commission is appellant's appeal of respondents' decision to deny the request for reclassification of appellant's position from Library Services Assistant 2 to Library Services Assistant 3. The following findings of fact, conclusions of law, opinion and order are based upon a hearing held June 3, 1986.

FINDINGS OF FACT

1. The appellant has been employed by respondent in its University of Wisconsin-Milwaukee Golda Meir Library as a Library Services Assistant, a permanent classified civil service position, for five years.

2. A request was made to reclassify appellant's position from Library Services Assistant 2 (LSA 2) to Library Services Assistant 3 (LSA 3).

3. On June 7, 1985, the respondent, by Mr. Gary Martinelli, wrote appellant and informed her the reclassification request was denied. Within 30 days the appellant appealed the reclassification decision to the Commission.

3. The appellant works in the Interlibrary Loan Department (ILL) at Golda Meir Library, UW-Milwaukee.

4. The ILL department is responsible for the lending and borrowing transactions for books and periodicals that are requested by various users. This service includes searching various computerized data bases for materials, requested by users.

5. The position held by appellant is responsible for performing bibliographic searches of the data bases to locate materials for patrons. This includes: preparing proper request forms, checking for copyright compliance and assigning locations where these materials might be found.

6. The appellant spends 50% of her time preparing and making searches on the requested material. The remainder of her work time is devoted to preparing materials for use, managing OCLC transactions, performing desk duties and concomittant miscellaneous duties. She works under general supervision.

7. No evidence was presented regarding the classification specifications for Library Services Assistant 2 or Library Services Assistant 3.

CONCLUSIONS OF LAW

1. The Commission has authority to hear this matter pursuant to §230.44(1)(b), Wis. Stats.

2. The burden of persuasion is on appellant to show that respondents' decision denying reclassification of appellant's position from Library Services Assistant 2 to Library Services Assistant 3 was incorrect.

3. The appellant has failed to meet that burden of proof.

4. Respondents' decision denying reclassification of appellant's position was correct.

OPINION

In a recent case, Tim Rasman v. Secretary, Department of Natural Resources and Secretary, Department of Employment Relations, Per. Comm. Case No. 85-0002-PC 7/31/85, the Commission said: "The proper classification of a position involves the weighing of class specifications and the actual work performed to determine which classification best fits the position."

In the present case before the Commission, appellant failed to present any class specifications or testimony on the point of class specifications. At the close of appellant's case, respondents moved for dismissal, urging that appellant had failed to present sufficient evidence to support her position if uncontradicted. The examiner denied the motion pending action of the Commission. Respondents rested its case without presenting any evidence.

In accordance with Rasman (supra) evidence of actual work performed and pertinent class specifications are necessary to determine proper classification of a position. In this instance, appellant did not present any evidence on class specifications. Consequently, appellant failed to present sufficient evidence to establish her claim and to require respondent to answer. For this reason, the Commission cannot decide this case on its merits or find in favor of appellant.

ORDER

Respondents' motion is granted and appellant's appeal is dismissed.

Dated: _____, 1986 STATE PERSONNEL COMMISSION

DENNIS P. MCGILLIGAN, Chairperson

DRM:jmf
ID4/2

DONALD R. MURPHY, Commissioner

LAURIE R. McCALLUM, Commissioner

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