

KATHERINE VOLLMER,

Appellant,

v.

President, UNIVERSITY OF WISCONSIN SYSTEM (Stevens Point) and Secretary, DEPARTMENT OF EMPLOYMENT RELATIONS,

Respondents.

Case No. 89-0056-PC

INTERIM DECISION AND ORDER

This matter is before the Commission on the request of the respondent University of Wisconsin (UW) that it be removed as a party to the proceeding. During a prehearing conference held on June 26, 1989, respondent DER agreed that it should be the sole respondent. The parties have been provided an opportunity to file briefs regarding UW's request.

The letter of appeal filed in this matter states, in part, as follows:

The position I hold in News Service and Publications at UW-SP has received approval for reclassification by the State Department of Employee Relations with an effective date of 7/31/88.

I wish to appeal the State Department of Employee Relations recommended reclassification date and request an effective date of 3/13/80. This reflects a date six months after a significant change in my job duties.

The basis for the UW's request is found in its letter brief dated July 27th:

It is undisputed that DER had the sole authority to grant appellant's reclassification and to establish the effective date for that action. The DER's authority to do so was not delegated to the UW System. It is, therefore, clear that DER is the only proper party respondent.

The appellant has advanced five arguments in support of her position that the UW should continue to be named as a respondent. The initial argument reads as follows:


First, it is my contention that the UW remain as a party because, as officials of the state, the UW failed to provide me with pertinent and crucial information regarding the reclassification procedures despite my repeated requests, and are therefore guilty of deprivation of property, i.e. lost wage, without due process. The UW showed a clear bias against my intention to be reclassified for a period of 7 years, and its denial of fair procedure leaves the UW in a responsible and liable position.

The appellant, who filed her arguments pro se, appears to allege that employes of the UW acted to interfere with and delay her efforts to obtain a reclassification of her position. Under these circumstances it is appropriate to have the UW continue as a named respondent in this matter, even though the final authority for setting the effective date for reclassifying the appellant's position rested with DER. The actions of UW employes appear to be the focus of the appellant's claim that the effective date of the reclassification of her position should have been earlier. Given the direct involvement of the UW's employes, the UW should remain as a party in this matter.

ORDER

The request by the UW to be removed as a party to the proceeding is denied.

Dated: August 24, 1989 STATE PERSONNEL COMMISSION


LAURIE R. MCCALLUM, Chairperson

KMS:kms


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner