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HELEN MARKS DICKS,

Appellant,

v.

WILBUR J. SCHMIDT, Secretary,
 Department of Health and Social
 Services, and C. K. WETTENGEL,
 Director, State Bureau of Personnel,

Respondents.

Case No. 74-103

* * * * *

OFFICIAL

OPINION
AND
ORDER

Before JULIAN , Chairman, SERPE , AHRENS , STEININGER and WILSON.

Appellant, Helen Marks Dicks, is employed by the Bureau of Social Security Disability Insurance of the Division of Vocational Rehabilitation, State Department of Health and Social Services. On July 3, 1974, Appellant received a letter of reprimand dated June 25, 1974, and signed by the Division Administrator, A. E. Towne. Appellant filed a grievance under the statewide unilateral grievance procedure, the third step of which was denied by Respondent Schmidt on August 29, 1974. Appellant thereupon appealed the third step denial to this Board, and her appeal letter was received by the Board on September 11, 1974, thereby rendering her appeal timely. On September 19, 1974, the Board requested that the Director of the State Bureau of Personnel conduct an investigation into the allegations contained in the Appellant's letter of appeal. The Director submitted his report to the Board on October 3, 1974, denying jurisdiction in the matter.

A prehearing conference was held in this matter on November 13, 1974, at which time the case was held in abeyance pending efforts to settle the case on terms agreeable to all parties. These efforts proved unfruitful, and on December 30, 1974, another prehearing conference was held at which Respondent Schmidt by his counsel moved to dismiss the appeal on the ground that this Board was without subject matter jurisdiction over appeals by employees from letters of reprimand.

As a general rule it is of course true that the Board is without jurisdiction over appeals by employees from letters of reprimand. See Sherman v. Weaver, Wis. Pers. Bd. Case No. 74-88 and 74-89 (September 24, 1974); Secs. 16.05(1)(e), 16.28(1)(a), Wis. Stats. In this case, however, the Board has an independent basis of jurisdiction. Sec. 16.05(7), Stats., provides that the Board may be designated as the final step in a statewide grievance procedure, and that was done here. But even under the mechanism of the unilateral grievance procedure, we have declined to review a grievance in which a grievant fails to allege a violation through incorrect interpretation or unfair application of a civil service law or rule or of a function the Director has expressly delegated to the appointing authority. The Board found, and we concur, that no such allegation has been made by this Appellant. We therefore decline to process this appeal any further, and our order dismissing it will be entered accordingly.

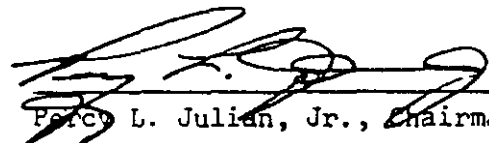
ORDER

IT IS THEREFORE ORDERED that the appeal of the Appellant herein is dismissed.

Dated February 25, 1975

STATE PERSONNEL BOARD

By


Percy L. Julian, Jr., Chairman