

STATE OF WISCONSIN

STATE PERSONNEL BOARD

* * * * *

ALMA R. CHAYKA, *

Appellant, *

v. *

PRESIDENT, University of Wisconsin, *

Respondent. *

Case No. 75-118 *

* * * * *

OFFICIAL

OPINION AND
ORDER

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

NATURE OF THE CASE

This case was filed as an appeal of a termination of a probationary employe. In an interim opinion and order the Board determined to take jurisdiction over this matter pursuant to § 16.05(4), stats., and to address solely the issue of whether or not appellant was terminated by an appointing authority or his or her delegated subordinated.

FINDINGS OF FACT

The appellant was employed in probationary status as a Building Maintenance Helper 2 when that employment was terminated by a letter from John R. Erickson, Supervisor of Operations, Physical Plant Division. See appellant's exhibit 2. Mr. Erickson had not been designated as an appointing authority. However, Mr. Erickson's immediate supervisor, Frank Rice, Jr., Director of the Physical Plant, and an appointing authority, did discuss this transaction with Mr. Erickson before the termination and directed Mr. Erickson to effectuate the termination.

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CONCLUSIONS OF LAW

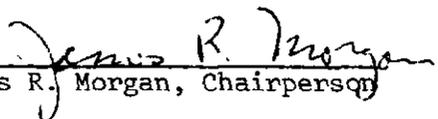
It is concluded that the termination here was carried out by an appointing authority, Mr. Rice. See Tealey v. Lehrmann, Wis. Pers. Bd. No. 75-12, 116(10/1/76):

"In McManus this Board held that 'the power must be exercised by the appointing officer who has the authority ...' Where the authority is actually exercised after consultation between the supervisor and the appointing authority ... it would be an inappropriate elevation of form over function to require that the appointing authority personally sign the suspension letter."

ORDER

This case is dismissed.

Dated: 2-20, 1978 STATE PERSONNEL BOARD


James R. Morgan, Chairperson