STATE OF WISCONSIN

* JOHN BATTALIO, OFFICIAL * * Appellant, × ×. v. × MANUEL CARBALLO, Secretary, 2 × OPINION AND ORDER Dept. of Health & Social Services × and VERNE KNOLL, Deputy Director, State Bureau of Personnel, * × * Respondents. \$ Case No. 75-129 * *

Before: JULIAN, Chairperson, SERPE, STEININGER, WILSON and DEWITT, Board Members.

NATURE OF THE CASE

This is an appeal of a denial of a request for reclassification.

FINDINGS OF FACT

These findings are based on undisputed matter contained in the record to date. Appellant appeals the denial of his request for reclassification from Social Worker II to Social Worker III by his immediate supervisor. Appellant did not pursue a grievance of this denial but rather took a direct appeal to the Personnel Board.

CONCLUSIONS OF LAW

Respondent contends that:

(1) . . . Mr. Battalio's appeal is premature and defective in that the Department's State-wide Grievance Procedure was not followed; and (2) the State Personnel Board lacks jurisdiction on the grounds that the appeal before the Board is not taken from a decision of Director of the Bureau of Personnel. P. 2, January 21, 1976, from David C. Whitcomb.

Appellant argues that since there was written action taken to deny his reclassification request, the matter is appealable pursuant to S. Pers. 26.02(1), Wisconsin Administrative Code, as a denial of a reclassification.

We conclude that pursuant to S. Pers. 26.01, Wisconsin Administrative Code, an employe must be "affected by an action resulting from a personnel Battalio v. Carballo & Knoll-75-129 Page 2

decision of the appointing authority or the director" before he or she has a right to appeal. A decision of an immediate supervisor should be reviewed and finalized within the unit of government involved prior to appeal to this Board, both in accordance with this code provision and in keeping with sound principles of administrative procedure. We conclude that this appeal must be dismissed.

ORDER

IT IS HEREBY ORDERED that this appeal is dismissed. Dated March 22_____, 1976. STATE PERSONNEL BOARD

Percy K Julian, Jr., Chairperson