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JAMES MORGAN,	*
	*
Appellant,	*
	* ONLION AND ORDER
v.	* EEICH
VERNE KNOLL, Deputy Director,	* OPTION AND ORDER
Bureau of Personnel,	*
	*
Respondent.	*
	*
Case No. 75-204	*
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Before: DEWITT, Chairperson, HESSERT, MORGAN, and WARREN, Board Members.

FINDINGS OF FACT

This is an appeal of a reallocation notice. The notice was received by appellant on November 17, 1975, and the appeal was received by the board on December 3, 1975. On May 25, 1976, the board entered an order dismissing the appeal as untimely under Section 16.05(2), stats. A copy of the opinion and order is attached.

On June 9, 1976, the board received another letter from appellants which stated:

"Please consider this letter as a resubmission of my appeal of December 1, 1975, under Section 111.91(2)(b) 1 and 2 Wisconsin Statutes, the appeal process provided for under Article X of the current Collective Bargaining Agreement between the State of Wisconsin and Council 24 of the Wisconsin State Employees Union."

The respondent filed a motion to dismiss the appeal on the grounds that it was untimely, citing the time limit for filing grievances contained in the aforementioned contract at Article IV, Section 1, paragraph 36:

"All grievances must be presented promptly and no later than thirty (30) calendar days from the date the grievant first became aware of, or should have become aware of with the exercise of reasonable diligence, the cause of such grievance."

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CONCLUSIONS OF LAW

In a declaratory ruling interpreting the provisions of the contract in question, this board previously held in case 75-206 that the thirty day limitation set forth above was controlling with regard to the Article X appeal process; If this limitation did not apply then the fifteen day limit of Section 16.05(2), stats., must apply since the appeal of a reallocation action involves an "action or decision of the director," Section 16.05(1)(f), stats. Under either provision, the appeal received June 9, 1976, is clearly untimely with respect to a decision communicated to appellant November 17, 1975. While appellant argues that he did not become aware of the "grievance" until his receipt of the board's order dated May 25, 1976, this order was not his grievance nor the "cause of such grievance," as set forth in the contract. The "cause of such grievance" was the reallocation notice referred to above.

ORDER

It is ordered that this appeal is dismissed.

Dated April 25 , 1977. STATE PERSONNEL BOARD