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LORRAINE H. MARVIN,
 Appellant,

v.
 DOUGLAS LAFOLLETTE,
 Secretary of State,
 Respondent.

Case No. 76-224

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OFFICIAL
 OPINION AND ORDER

Before: DEWITT, Chairperson, HESSERT, MORGAN, and WARREN, Board Members.

NATURE OF THE CASE

This is an appeal of a grievance pursuant to Section 16.05(7), stats.

FINDINGS OF FACT

These findings are based on uncontested matter appearing in the file. This grievance emanates from another personnel board appeal involving the same parties, case no. 75-127. In that matter the board overruled the respondent's decision denying appellant a discretionary performance award and ordered the respondent to re-evaluate her performance and redetermine her award. The respondent did complete an evaluation but determined that it would be inappropriate and inequitable to base a retroactive award on this evaluation, and instead awarded her retroactive pay which amounted to the maximum amount that would have been available to her when the original evaluation was made in July, 1975.

The instant appeal does not challenge the amount of the DPA but does dispute the content of the evaluation. The respondent alleged, the appellant concedes, and we find that the appellant did not discuss this grievance with her supervisor before filing it in written form.

CONCLUSIONS OF LAW

The non-contractual employe grievance procedure, Administrative Practices Manual, Department of Administration, Personnel, Bulletin Number 1, effective 8/24/66, revised 10/1/74, provides, Section I.D.l.e.: ". . . the employe shall first discuss any problem or complaint with his/her immediate supervisor" The appellant argued that this requirement was more honored in the breach than in the observance and that its omission should not be fatal to the board hearing her grievance.

While compliance with the APM is not jurisdictional in a strict legal sense as is compliance with mandatory procedural requirements contained in statutes, compliance with the grievance procedure should be required except in exceptional cases where good cause for noncompliance is shown. The requirement for initial discussion with the employe's immediate supervisor obviously is rooted in sound policy considerations and failure to comply with this requirement should be excused only in such an exceptional case where there is a showing of good cause. Since this has not been shown here we conclude that the grievance is procedurally defective and the appeal must be dismissed.

ORDER

It is ordered that this appeal is dismissed.

Dated April 25, 1977. STATE PERSONNEL BOARD


Laurene DeWitt, Chairperson