

STATE OF WISCONSIN

STATE PERSONNEL BOARD

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 PETER W. SCHULER, \*  
 \*  
 Appellant, \*  
 \*  
 v. \*  
 \*  
 SECRETARY, Department of Health and \*  
 Social Services, \*  
 \*  
 Respondent. \*  
 \*  
 Case No. 77-179 \*  
 \*  
 \* \* \* \* \*

**OFFICIAL**

ORDER


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

ORDER

The Respondent has moved to dismiss this case for failure of subject matter jurisdiction. This appeal is of a grievance denial at the 3rd step and involves Respondent's decision to prohibit certain outside employment. Since it appears from this record, the Appellant not having filed a response to the motion to dismiss, that this matter involves a work rule interpretation and is grievable pursuant to Article XI, Sec. 6(b) of the WSEU contract, it is concluded that § 111.93(3), stats., controls and deprives the Board of jurisdiction. Therefore, this appeal is dismissed for lack of jurisdiction over the subject matter.

Dated: 12-12, 1977

STATE PERSONNEL BOARD

  
 James R. Morgan, Chairperson