

\* \* \* \* \*

BETTIE TEMPERLY, ET AL, \*

Appellants, \*

v. \*

Secretary, DEPARTMENT OF HEALTH \*  
AND SOCIAL SERVICES, \*

Respondent. \*

Case No. 79-220-PC \*

\* \* \* \* \*

DECISION  
AND  
ORDER

NATURE OF THE CASE

This case is an appeal by certain employes of respondent of the hiring of another employe at a rate above the entry level rate for Nurse Consultant I. Respondent objected to the subject-matter jurisdiction of the Commission. The matter was submitted to the hearing examiner on briefs. This Decision goes only to the jurisdictional objections raised.

FINDINGS OF FACT

1. Appellants are Nurse Consultants I in the classified service and are employed by respondent, Department of Health and Social Services.
2. On or about March 5, 1979, Ms. Alice J. Blake was appointed to a Nurse Consultant I position at a salary above the entry level for this classification.
3. On August 27, 1979, the appellants filed an appeal with this Commission in which they challenged the hiring at a rate above the minimum and requested an upgrading of their pay to reflect their seniority.

CONCLUSIONS OF LAW

1. This appeal is untimely under the provisions of §230.44(3), Wis. Stats.
2. The Commission does not have jurisdiction of this appeal.

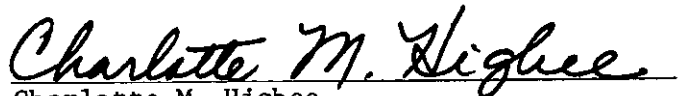
OPINION

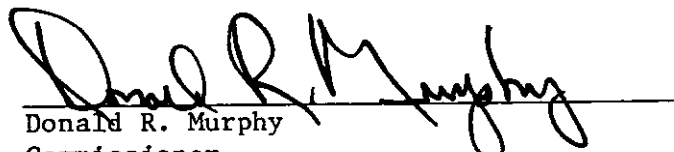
This appeal was filed approximately five months after the hiring of Ms. Blake and is therefore well outside the 30-day time limit for filing of appeals. The time limit of §230.44(3), Wis. Stats., is jurisdictional and precludes hearing of this appeal.

ORDER

Respondent's motion to dismiss is granted and this appeal is hereby dismissed.

Dated: March 24, 1980. STATE PERSONNEL COMMISSION

  
Charlotte M. Higbee  
Commissioner

  
Donald R. Murphy  
Commissioner