

STATE OF WISCONSIN

PERSONNEL COMMISSION

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MILDRED PHILLIPS,

Appellant,

v.

DEPARTMENT OF PUBLIC INSTRUCTION,

Respondent.

Case No. 79-59-PC

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DECISION
AND
ORDER

This matter is before the Commission on respondent's motion to dismiss for lack of subject-matter jurisdiction.

In her appeal letter the appellant states that she is employed as a Seamstress II at the Wisconsin School for the Deaf. She objects to a management decision removing the responsibility for deciding which personal articles of clothing owned by the students is repairable from the seamstress or seamstresses and placing this responsibility with a Laundry Worker II. She contends, among other things that this decision has resulted in the Laundry Worker II working out of her classification.

In the brief in opposition to the motion to dismiss filed by appellant's representative, it is argued that the matter before the Commission has to do with "the classification of Ms. Phillips and specifically with the duties assigned to that classification by the state," and that the appeal should be heard under §§111.91(2)(b)2, and 111.91(3), Stats.

Section 111.91(3) provides for hearings before an impartial hearing

officer "on differences arising under actions taken by the employer under Subsection (2)(b) 1 and 2." These subsections provide as follows:

"(b) Policies, practices and procedures of the civil service merit system relating to:

1. Original appointments and promotions specifically including recruitment, examinations, certifications, appointments, and policies with respect to probationary periods.

2. The job evaluation system specifically including position classification, position qualification standards, establishment and abolition of classification, assignment and reassignment of classifications to salary ranges, and allocation and reallocation of positions to classifications, and the determination of an incumbent's status resulting from position reallocations."

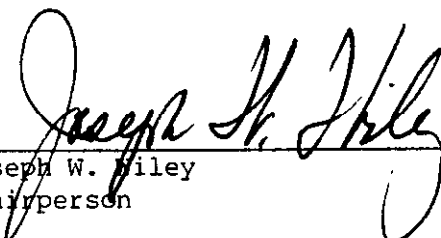
These recitation of matters subject to the hearing officer provision does not include the assignment of duties, and in the Commission's opinion the fact that the appellant alleges that the duty assignments result in her working out of her classification or conflict with elements of her position description do not bring the subject matter of this appeal within the scope of §111.91(2)(b) 1 and 2, Stats. This would be in direct conflict with the plain language of the statute. Despite the fact that such assignments may be related to or impact on classification matters, that does not bring them among the matters set forth in the statute.

ORDER

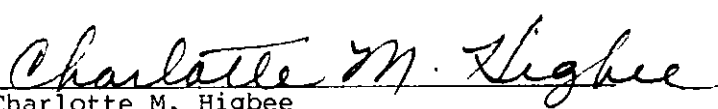
This appeal is dismissed for lack of jurisdiction over the
subject matter.

Dated: August 30, 1979.

STATE PERSONNEL COMMISSION



Joseph W. Wiley
Chairperson



Charlotte M. Higbee
Commissioner

AJT:jmg

7/27/79