
 *
 JUDITH SAVIANO, et al. *
 *
 Appellant, *
 *
 v. *
 *
 Administrator, DIVISION OF *
 PERSONNEL, *
 *
 Respondent. *
 *
 Case No. 79-PC-CS-335 *
 *

INTERIM
 DECISION
 AND
 ORDER

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DIVISION OF PERSONNEL
 STATE OF WISCONSIN
 MADISON

This is an appeal of certain reallocations following the clerical survey in 1979. The original appeal alleged in part that:

...the actions of the Administrator perpetuate and tend to perpetuate discrimination based on sex, i.e., the female gender. Females are not receiving equal pay for work of equivalent skills and responsibilities.

The respondent has objected to subject matter jurisdiction on the grounds that the administrator was not responsible for the actions complained of but that those actions were taken by the personnel board and by JOCER. The parties have filed briefs on the jurisdictional issue.

In WFT v. DP, 79-306-PC (4/2/82), an appeal where sex discrimination was alleged in connection with the assignment of a classification to a salary range, the Commission held that the Administrator was acting as an "employer" as that word is used in §111.33(2), stats., in assigning a classification to a salary range, and that the appellant would be permitted to perfect a charge of discrimination by filing a notarized complaint form.

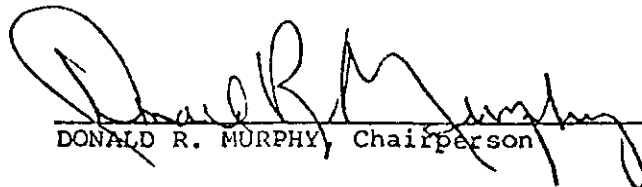
For the same reasons, the Commission concludes that while it lacks jurisdiction over this matter as an appeal, the appellants also have alleged sex discrimination and should be permitted to perfect a complaint of sex discrimination by filing a notarized complaint as to the matters set forth in

the appeal. Such complaint form will relate back to the date that the original appeal was filed. See Laber v. UW, 79-293-PC (8/6/81); Blue Bell Boots Inc. v. EEOC (U.S. Court of Appeals, 6th Circuit, 1969), 2 EPD Pars. 10,115; Oakley v. Bartell, 78-66-PC (10/10/78).

ORDER

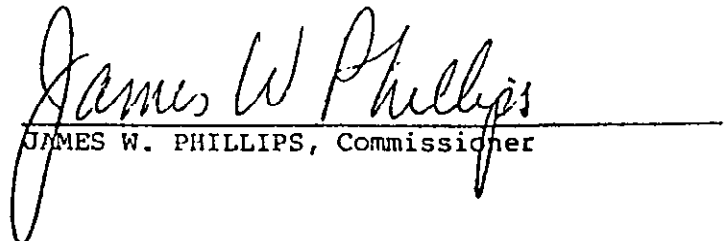
This matter shall be processed by the Commission as a charge of discrimination upon submission of a notarized complaint form within 30 days of the date of this order. Once such a complaint has been filed, and a number assigned, this matter, as an appeal pursuant to §230.44(1)(a), stats., shall be dismissed.

Dated: June 28, 1982 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

AJT:jmf


LAURIE R. McCALLUM, Commissioner


JAMES W. PHILLIPS, Commissioner

Parties:

Wisconsin State Employees Union
Judy Saviano
Dorothy Jensen
Alice Grant
Shirley Mandermack
Lorraine Colotti
Susan MacKerr
Marilyn Wigdahl
Susan Weibel
Pat Matranga
Ella Loigo
Roberta Odegard
Pat Ericksen
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Charles Grapentine, Administrator
DP
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Madison, WI 53702

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STATE OF WISCONSIN
DIVISION OF THE JUDICIAL
MADISON