

A

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 WILLIAM BASCH,
 Appellant,
 v.
 President, UNIVERSITY OF
 WISCONSIN-SYSTEM,
 Respondent.
 Case No. 80-124-PC
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..
 DECISION
 AND
 ORDER

This matter is before the Commission on a question of subject matter jurisdiction.

This appeal was filed by the president of AFSCME Local 584 at UW-Stevens Point. He complains that the administration decided to fill what had been a permanent custodial position with student help.

The ultimate authority as to appointments to positions in the university system is vested in the Board of Regents. See §36.09(1)(e), stats. Thus, the decision to utilize student hourly help is not that of the administrator of the division of personnel, and this appeal cannot be conceived of as being pursuant to §230.44(1)(a) or (b), stats. It is not an appeal of a disciplinary action under §230.44(1)(c), stats. It is not an appeal under §230.44(1)(d), stats., as the student hourly employes aren't in the classified service, see §230.08(2)(k), stats. This is not a complaint of discrimination under §§230.45(1)(b) and 111.33(2), stats., nor has it been pursued as a noncontractual grievance under §230.45(1)(c), stats. It does not involve an appeal of a hazardous employment injury claim denied under §§230.45(1)(d) and 230.36(4), stats., nor is it an appeal under county merit system rules pursuant to §230.45(1)(e), stats.

Finally, this appeal could not be cognized under §230.45(1)(f), stats., which provides for the review of decisions of impartial hearing officers under §111.91(3). That subsection provides, in part, that:

The employer may bargain and reach agreement with a union representing a certified unit to provide for an impartial hearing officer to hear appeals on differences arising under actions taken by the employer under sub (2)(b) 1 and 2.

Section 111.91(2)(b)(1) and 2 are as follows:

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

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

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

The transaction in question is the determination whether to fill a position with a classified permanent employe or with an unclassified student hourly employe. It does not involve a policy, practice or procedure of the civil service merit system. Just as in WSEU v. UW, 74-100 (2/15/80), the Commission pointed out that the civil service code does not provide any criteria for the designation of positions as academic staff or classified, so also may it be noted that the code provides no guidance on whether to utilize student hourly help to fill a position.

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ORDER

This appeal is dismissed for lack of subject jurisdiction.

Dated: Dec. 16, 1981 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

Parties:

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