



In the event this appeal should have been filed with the Administrator, I am simultaneously, by copy of this letter, appealing to him."

The appellant argues, in a letter from her attorney dated October 24, 1980, in part as follows:

"The Commission may also hear appeals which allege illegal action or abuse of discretion relating to the hiring process. See sections 230.44(1)(d) and 230.45(1)(a), Wis. Stats. (1977). Roberts has alleged that the removal of her duties and responsibilities was illegal and abusive [sic] discretion. She had alleged that the job for which she was hired i.e., Program Assistant I-Confidential, is being eroded and dissipated."

Section 230.44(1)(d) provides:

"A personnel action after certification which is related to the hiring process in the classified service and which is alleged to be illegal or an abuse of discretion may be appealed to the commission."

The Commission cannot agree that the removal of duties and responsibilities is a "personnel action after certification which is related to the hiring process...."

The appellant also argues that since the appeals also were filed with the administrator, and he has not responded, that the "silence of the Administrator is tantamount to a denial of the requested hearing and requested relief" and hence appealable pursuant to §230.44(1)(a), Stats. The appellant cites §Pers. 26.04, Wis. Adm. Code, "Procedure for director's appeals," which refers to the director holding a hearing on an appeal "in the manner provided for in section 16.03(4) and (5), Wis. Stats."

Sections 16.03(4) and (5), Wis. Stats. (1975), providing for appeals

to the then director, bureau of personnel, of decisions alleged to be illegal or an abuse of discretion, were repealed by Chapter 196, Laws of 1977. There are currently no statutory provisions for appeals to and decisions by the administrator, Division of Personnel, in a quasi-adjudicative capacity. There obviously are no provisions for appeals to the administrator of actions by appointing authorities assigning, reassigning, or removing duties and responsibilities. The Commission concludes that the failure of the administrator to act on or decide a purported "appeal" of this subject matter is not a "personnel decision" of the administrator appealable pursuant to §230.44(1)(a), Stats.

ORDER

These appeals are dismissed for lack of subject-matter jurisdiction.

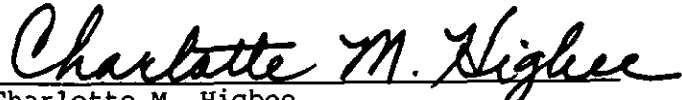
Dated: Nov. 4, 1980.

STATE PERSONNEL COMMISSION

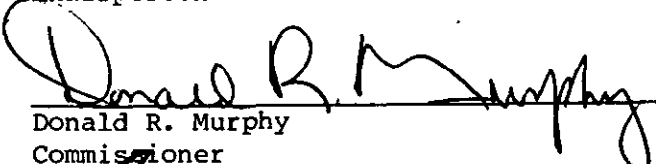
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