

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*

RONALDO L. PARISI,  
 Appellant,

v.

President, UNIVERSITY OF  
 WISCONSIN,  
 Respondent.

Case No. 80-289-PC

\* \* \* \* \*

OFFICIAL

INTERIM DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal of a personnel action in which the respondent is alleged to have failed to notify the administrator of the failure to fill a position after certification, as set out in s.230.25(2), Wis. Stats. Respondent objected to Commission subject-matter jurisdiction to hear the the appeal. The issue of jurisdiction was submitted to the Commission on briefs of the parties. This decision is limited to the jurisdictional objection raised.

OPINION

Respondent correctly argues that this appeal does not involve any actions appealable pursuant to s.230.44(1)(a), (b), or (c), Wis. Stats. Respondent incorrectly argues, however, that this appeal does not involve subject-matter appealable pursuant to. s.230.44(1)(d), Wis. Stats. The failure to appoint after receipt of a certification list is a personnel action related to the hiring process, it is a decision and action with respect to hiring and certainly such a decision is a personnel action. The allegation of failure to comply with the clear terms of a statute constitutes an allegation of illegal action.

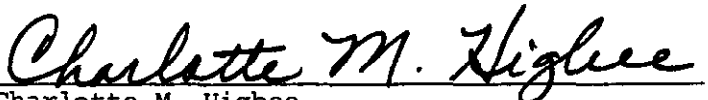
Respondent has expressed reservations about the nature of remedy which appellant may hope to receive from the Commission. Such a concern is not related to subject-matter jurisdiction. In any event, the Commission believes that it could, at a minimum, order a respondent to comply with the terms of the statute.

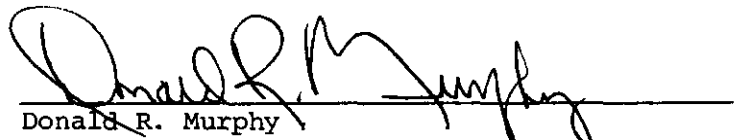
ORDER


The motion of respondent to dismiss this appeal for lack of subject-matter jurisdiction is denied.

Dated January 13, 1981

STATE PERSONNEL COMMISSION

  
Charlotte M. Higbee  
Chairperson

  
Donald R. Murphy  
Commissioner

  
Gordon H. Brehm  
Commissioner

AR:mgd

Parties

Mr. Ronaldo Parisi  
923 Spring Street  
Madison, WI 53715

Mr. Robert O'Neil  
1740 Van Hise Hall  
1220 Linden Drive  
Madison, WI 53706