



It may be argued that a performance determination made under this subsection is reviewable by the Commission in an appeal pursuant to §230.44(1)(a) or (b), Wis. Stats., as an integral part of the denial of a regrade. In this case, however, there has been no allegation that anyone has made a classification decision. Therefore, there is no "personnel decision" of the administrator or his designee to be appealed via §230.44(1)(a) or (b), Stats.

The appellant also argues that a recent arbitration decision determined that evaluations cannot be grieved under the union contract, and that if it is not grievable it must be appealable to the Commission. There is no statutory provision to this effect. Rather, the Commission's authority to hear appeals is strictly limited to what is provided by statute. In the absence of a specific statutory provision, the Commission has no authority to hear this appeal.

Ms. Welniak also argues that she feels that the evaluation was discriminatory against her union membership and that the Commission "must intervene" in order to uphold the intent of the State statute on performance evaluations. Again, the Commission can only hear those appeals authorized by statute, and does not have blanket authority to "intervene" solely on the basis of a violation of statutory intent. The only general investigative authority that would be comparable to the sort the appellant wants the Commission to exercise here is vested in the Personnel Board. See §230.07(4), Wis. Stats.:

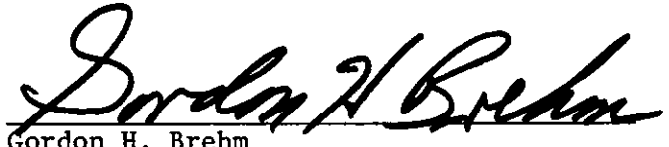
"The Board may make investigations and hold hearings on its own motion or at the request of interested persons and issue recommendations concerning all matters touching the enforcement and effect of this subchapter and the rules prescribed thereunder. If the results of an investigation disclose that the administrator, appointing authority or any other person acted illegally or to circumvent the intent and spirit of the law the Board may issue an enforceable order to remand the action to the administrator or appointing authority for appropriate action within the law."

ORDER

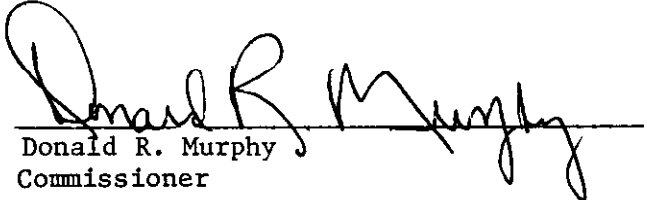
This appeal is dismissed for lack of subject matter jurisdiction.

Dated June 3, 1981

STATE PERSONNEL COMMISSION



Gordon H. Brehm  
Chairperson



Donald R. Murphy  
Commissioner

AJT:mek  
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