* * * * * * * * * * * * * * * * * * MARY CIRILLI & DIANE JONES, 大 Appellants, * INTERIM DECISION ν. * AND * ORDER Administrator, DIVISION OF PERSONNEL, Respondent. OFFICIAL Case No. 81-39-PC * * * * * * * * * * * * * * * * *

This matter is before the Commission on Respondent's motion dated March 18, 1981, to dismiss this appeal on the grounds of untimely filing.

This appeal was received by the Commission on February 16, 1981. It is an appeal of a denial of a reclassification request. The denial was dated January 14, 1981. The appellants allege they received the denial on January 15, 1981, this has not been disputed, and therefore the Commission so finds for the purpose of deciding this motion.

Section 230.44(3), Wis. Stats., provides in part:

"Any appeal filed under this section may not be heard unless the appeal is filed within 30 days after the effective date of the action, or within 30 days after the appellant is notified of the action, whichever is later..."

In this case, the 30th day for filing was February 14, 1981. This was a Saturday. Section 990.001(4)(c), Stats., provides:

"When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department or division of the state or of any county, city, village, town, school, district or other subdivision of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or subdivision to which such payment is to be made or upon which such service is to be made or with which such

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return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on such Saturday, said proceedings may be had or taken or such act may be done on the next succeeding day that is not a Sunday or legal holiday." (emphasis added)

Therefore, the last day for filing was on Monday, February 16, 1981, and the appeal was timely filed.

ORDER

The respondent's motion to dismiss is denied.

Dated (1981 / 0 , 1981

STATE PERSONNEL COMMISSION

Gordon H. Brehm Commissioner

Donald R. Murphy

Commissioner

AJT:mek

Parties:

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