STATE OF WISCONSIN		PERSONNEL COMMISSION
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	*	
RAVI ANAND,	*	
	*	
Appellant,	*	
••	*	DECISION
V.	*	AND
	*	ORDER
Secretary, DEPARTMENT OF	*	
HEALTH & SOCIAL SERVICES,	*	
	*	
Respondent.	*	
-	*	
Case No. 81-438-PC	*	
	*	
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In an appeal filed with the Commission on November 18, 1981, the appellant sought review of a letter of reprimand. The Commission advised the appellant that his appeal raised a jurisdictional problem:

It would appear that the Commission does not have the authority to hear appeals from reprimands, unless the appeal is brought to the Commission on the fourth step of a grievance procedure. Nothing in your appeal letter indicates that you have followed the grievance procedures to the final step.

Appellant was invited to respond to the Commission's letter. No response

was forthcoming.

The various types of disciplinary actions that are appealable to the Commission are enumerated in s.230.44(1)(c), Wis. Stats.:

(c) <u>Demotion, layoff, suspension or discharge</u>. If an employe has permanent status in class, the employe may appeal a demotion, layoff, suspension, discharge, or reduction in pay to the commission, if the appeal alleges that the decision was not based upon just cause.

The absence of "reprimand" from the list of disciplinary actions expressly subject to the Commission's jurisdiction indicates that the legislature intended appeals from such transactions to be excluded as to that provision. The expression of one thing is the exclusion of another. <u>Teamsters Union</u> Local No. 695 v. Waukesha County, 57 Wis. 2d 62, 203 N.W. 2d 707 (1973). Anand v. DHSS Case No. 81-438-PC Page Two

1

None of the other potential sources of jurisdiction apply to the facts of this case. Issuance of the reprimand was neither a decision of the administrator nor an action delegated by the administrator to the appointing authority. (ss.230.44(1)(a) and (b), Wis. Stats.) The reprimand is not a "personnel action after certification which is related to the hiring process." (s.230.44 (1)(c), Wis. Stats.) As was noted in the Commission's letter to the appellant, the only means for the Commission to hear an appeal from a reprimand is at the fourth step in the grievance procedure, when all requirements of s.230.45(1)(c), Wis. Stats., have been met. Appellant has provided no indication that he has completed the first three steps in the grievance procedure. None of the remaining provisions of s.230.45, Wis. Stats., act to give the Commission jurisdiction over this matter.

## ORDER

This appeal is dismissed for lack of subject matter jurisdiction. Dated: , 1982 STATE PERSONNEL COMMISSION

DONALD R. MURPHY

Chairperson

KMS:ers

Parties

Ravi Anand 937 Clarence Court Madison, WI 53715 Donald Percy 663, 1 W. Wilson St. Madison, WI 53702