

\* \* \* \* \*

WELLINGTON H. DAVIS, JR.                     \*

  Appellant,         \*

v.   \*

Secretary, DEPARTMENT OF                     \*

HEALTH & SOCIAL SERVICES,                 \*

  Respondent.         \*

Case No. 82-1-PC                             \*

\* \* \* \* \*

DECISION  
AND  
ORDER

This is an appeal by an unrepresented employe of the denial of an equity adjustment, see s.230.12(5)(a), stats. The respondent has objected to subject matter jurisdiction and the parties have been given the opportunity to submit arguments thereon.

It is apparent that there is no basis for the appeal of a denial of an equity adjustment under any of the provisions of s.230.44(1), stats. The determination of such an adjustment does not appear in the statutes as a function of the administrator, which would be appealable under s.230.44(1)(a) or (b), stats. Rather, the authority to make such adjustments is vested in the appointing authority. See s.230.12(4)(b), stats. The denial of an equity adjustment is not a disciplinary transaction enumerated under s.230.44(1)(c), stats., nor is it a "personnel action after certification which is related to the hiring process in the classified service," which is appealable under s.230.44(1)(d), stats.

Finally, even if this matter had been processed through the third step in the noncontractual state employe grievance procedure, it could not be heard as an appeal from such a decision pursuant to s.230.45(1)(c), stats. That subsection refers to grievances relating to "conditions of employment." In DHSS v. Personnel Commission (Hovel), No. 79 CV 5630 (1/29/81), the Date County Circuit Court held that:

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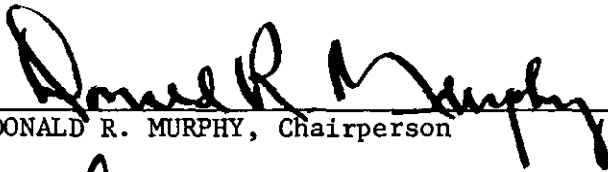
"... the terms 'wages,' 'hours', and 'conditions of employment' have come to be considered as distinct 'terms of art' in the field of labor management relations," and that the determination of starting salary related to "wages" rather than "conditions of employment" and hence such an appeal could not be heard under s.230.45(1)(c), stats. Similarly, an appeal relating to an equity adjustment relates to "wages" rather than "conditions of employment."

ORDER

This appeal is dismissed for lack of subject matter jurisdiction.

Dated: June 25, 1982

STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

  
LAURIE R. McCALLUM, Commissioner

  
JAMES W. PHILLIPS, Commissioner

AJT:ers

Parties

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