

However, the injury to the appellant's interests occurred when he was denied the opportunity to have competed for the Janesville job as a result of the decision to reclassify. He need not demonstrate that he actually would have received the appointment but for the decision to reclassify to establish standing.

As to the second point, the respondent argues that no ... "statute or rule, express or implied, provides for appeals of classification of one employe by a fellow employe." However, the statute, §230.45(1), provides that decisions of the administrator are appealable, without limitation on the status of the appellant. An employe in the classified civil service has an interest in being permitted to compete for positions when indicated by the civil service code, Subchapter II of Chapter 230, and the rules of the administrator. Whether the statutes or rules were violated by the decision to reclassify the position instead of opening it for competition will be determined by the decision of this appeal on the merits.

ORDER

The respondent's motion to dismiss for lack of standing is denied.

Dated: _____, 1982

July 8

STATE PERSONNEL COMMISSION



DONALD R. MURPHY, Chairperson



LAURIE R. MCCALLUM, Commissioner

AJT:jmf



JAMES W. PHILLIPS, Commissioner

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