

However, on July 15, 1975, Appellant received a notice of reallocation dated July 8, 1975, reallocating Appellant's position from Teacher 5 - Supervisor to a newly created position as Teacher Supervisor 2. The effective date of the reallocation was stated to be June 22, 1975. (Respondent's Exhibit #1) This reallocation had been approved by this board on June 13, 1975.

The Teacher Supervisor 2 class does not provide for advancement on the basis of additional accedemic credits. Appellant was reallocated to that class from his Teacher 5 level class and at the same pay rate. The Appellant requested that he receive the raise which he would have been entitled to upon his reclassification to Teacher 6 upon completion of the course at Winona State College. This request was denied in a letter dated January 20, 1976. Appellant appealed to this board February 3, 1976.

At the prehearing conference the following issues were propounded for resolution at the hearing:

- 1) Is the appeal timely?
- 2) Should the effective date of Appellant's reallocation to Teacher Supervisor 2 be changed from June 22, 1975, to some later date, such that Appellant would be entitled to a \$55 per month pay increase?
- 3) If the Board determines that the Appellant is entitled to said pay increase, then what would be the effective date of this pay increase?

In an Interim Order issued on May 24, 1976, the Board denied the timeliness objection without prejudice stating that the appeal appeared timely from the January 20, 1976, denial letter, but that the respondent could renew his objection at the hearing and establish the evidentiary basis for the objection at that time.

Conclusions of Law

I. The Timeliness of the Appeal

Based on the Interim Opinion and Order and the findings set forth above the board concludes the appeal was timely.

II. Appellant's Entitlement to the Raise

Appellant contends that he was entitled to a \$55 per month pay raise, based on the completion of sufficient credits to require his reclassification from Teacher 5 to Teacher 6 despite the fact that his position was reallocated from Teacher 5 to Teacher Supervisor 2.

Respondent contends that Appellant was reallocated prior to reclassification from Teacher 5 to Teacher 6, and hence, is not entitled to the raise which would normally accompany the reclassification. The Board concludes that Appellant is not entitled to the \$55 per month pay raise which he would have received upon his reclassification to Teacher 6.

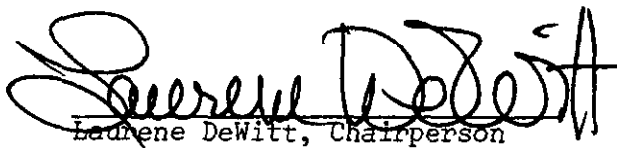
The Appellant's reallocation was effective prior to the date that he completed his coursework which would have entitled him to reclassification to Teacher 6. Thus his position was classified as Teacher Supervisor 2 on the date of the completion of this coursework, and as a Teacher Supervisor 2 he was not eligible for reclassification to a Teacher 6 on the basis of having attained the extra graduate credit. The fact that he did not receive notice of the reallocation until after the fact is not material to this issue. Prior notice is required neither by statute, by the administrative code, nor by the due process clause of the United States Constitution. C.f. Pulliam & Rose v. Wettengel, Wis. Pers. Bd. 75-51 (11/25/75).

Order

The decision of the respondent is affirmed and this appeal is dismissed.

Dated August 1, 1977

STATE PERSONNEL BOARD


LaRhene DeWitt, Chairperson