

\* \* \* \* \*  
 \*  
 ELLA B. TOIGO, \*  
 \*  
 Appellant, \*  
 \*  
 v. \*  
 \*  
 JOHN C. WEAVER, President, \*  
 University of Wisconsin, and \*  
 VERNE H. KNOLL, Deputy Director, \*  
 State Bureau of Personnel, \*  
 \*  
 Respondents. \*  
 \*  
 Case No. 76-26 \*  
 \*  
 \* \* \* \* \*

INTERIM

DECISION

**OFFICIAL**

Before: JULIAN, Chairperson, STEININGER and WILSON, Board Members.

DECISION

Appellant is a permanent employee whose position is presently classified as Administrative Secretary 1. In late 1975 Appellant requested that her position be reclassified to Administrative Assistant 1. This request was denied by a February 3, 1976 letter from Susan K. Ford, Office of Personnel and Employee Relations, University of Wisconsin System. On February 17, 1976 Appellant appealed directly to the Personnel Board. Since the reclassification request involved a nondelegated action, the Bureau of Personnel reviewed the request and issued a decision through a memorandum dated April 16, 1976 and addressed to Appellant. Appellant again appealed to this Board by letter dated May 3, 1976 and received by the Board's office on May 6, 1976.

At a prehearing conference held on July 1, 1976 Respondent objected to the Board's jurisdiction based on the untimely filing of this appeal.

There is nothing in our file to indicate when Appellant received notice of the denial of her reclassification request. Section 16.05(2), Wis. Stats.

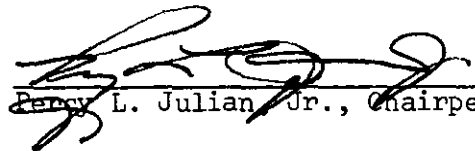
provides in part that:

the Board shall not grant an appeal under sub. (1)(e) or (f) unless a written request therefor is received by the board within 15 days after the effective date of the decision, or within 15 days after the appellant is notified of such decision, whichever is later.  
(Emphasis added.)

We, therefore, reserve our decision on the jurisdictional issue until after a hearing on the merits is held. At such hearing, evidence should be introduced to establish when Appellant received notice. After the hearing if we conclude that the appeal was timely filed, we will proceed to decide the merits of the case.

Dated August 23, 1976.

STATE PERSONNEL BOARD

  
Percy L. Julian Jr., Chairperson