
EILENE GUETHLEIN,
Appellant,

v.

JOHN WEAVER, President,
University of Wisconsin and
VERNE KNOLL, Deputy Director,
State Bureau of Personnel,

Respondents.

Case No. 76-45

OFFICIAL

OPINION AND ORDER

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

Opinion

I. Facts

Appellant is a permanent employee whose position is presently classified as Laboratory Technician 1. In October, 1975 she appealed to the Personnel Board the denial of her reclassification request (Case No. 75-126). At a prehearing conference the parties to that appeal agreed that Appellant would withdraw her appeal on condition that she file the proper forms to request reclassification and upon receipt thereof by Respondents an audit of her position would be conducted to determine her proper classification. Pursuant to that stipulation that appeal was dismissed by the Personnel Board on November 25, 1975.

An audit was conducted and the results therefrom were contained in a memorandum dated February 26, 1976 and addressed to Assistant Dean Phillip Helmuth, College of Letters and Sciences. The memorandum denied her reclassification request by finding her position properly classified as a Laboratory Technician 1.

According to a statement signed by Han Ris, Appellant's Supervisor, she received a copy of the decision to deny the reclassification request

on Thursday, March 4, 1976. Appellant appealed the decision by letter dated Thursday, March 18, 1976. According to the postmark on the envelope, the letter was sent that same day in the afternoon. The appeal letter was received by this Board's office on Monday, March 22, 1976.

At a prehearing conference held in this case on June 10, 1976 Respondents objected to the Board's jurisdiction because the appeal was not timely filed.

II. Conclusions

Timeliness

In order for the Board to be able to hear an appeal, it must fit within the statutory sections giving the Board jurisdiction. As an administrative agency, the Board only has those powers which:

are expressly granted to [it] or necessarily implied and any power sought to be exercised must be found within the four corners of the statute under which the agency proceeds. (Citations omitted.) American Brass Co. v. State Board of Health, 245 Wis. 440, 448 (1944).

Appellant appealed to the Board under Section 16.05(1)(f), Wis. Stats., the denial of the reclassification request. Section 16.05(2), Wis. Stats., provides in part that:

The board shall not grant an appeal under sub. (1) (c) 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.

This Board has repeatedly interpreted the above statutory language to be jurisdictional and, therefore, unless the written appeal is received within the specified time limit, we have no authority to hear the appeal. See Morgan v. Knoll, Pers. Bd. 75-204 (May 25, 1976); Langlois v. Weaver, Pers. Bd. 75-49 (December 22, 1975); Scott v. Estkowski, Pers. Bd. 379 (January 29, 1975); and Maegli v. Schmidt, Pers. Bd. 74-6, 74-13 (January 20, 1975).

Appellants letter was received by this Board's office on March 22, 1976 which was the eighteenth day after she received notice that her reclassification request was denied. Therefore, we conclude that her appeal was not timely filed and that we lack the jurisdiction to hear her appeal.

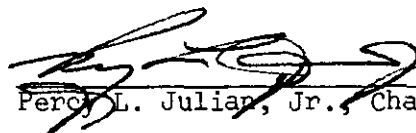
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ORDER

IT IS HEREBY ORDERED that this appeal is dismissed.

Dated August 23, 1976.

STATE PERSONNEL BOARD


Percy L. Julian, Jr., Chairperson