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VICTORIA S. MAURER,

Appellant,

v.

VIRGINIA HART, Chairperson,
Dept. of Industry, Labor & Human Relations,

Respondent.

Case No. 76-60

* * * * *

OFFICIAL

OPINION AND ORDER

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

OPINION

I. Facts

Appellant appealed her termination from employment by letter dated April 12, 1976. In her appeal letter she stated that her position had been classified as Clerk 2 and that she was terminated on March 29, 1976 within ten days of completion of her probationary period.

By letter dated April 27, 1976 Respondent moved for the dismissal of the instant appeal on the grounds that the Board is without jurisdiction to hear an appeal from the termination of a probationary employee. On April 29, 1976 we forwarded a copy of Respondent's letter to Appellant, requesting that she respond thereto and stating that even should she not respond, we would decide the jurisdictional issue raised. A second letter requesting her response was sent June 14, 1976. We did not receive a response to either letter.

Appellant's position was not covered by a union contract at the time of her termination.

II. Conclusions

Jurisdiction

In order for the Personnel Board to be able to hear this appeal, it must fit within one of 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).

Section 16.05(1)(e), Wis. Stats. states in part that the Board shall:

Hear appeals of employees with permanent status in class from decisions of appointing authorities when such decisions relate to demotions, layoffs, suspensions or discharges but only when it is alleged that such decision was not for just cause. (Emphasis added.)

In her appeal letter Appellant stated that she was terminated while on probation. She had not achieved permanent status in class. Therefore, we conclude that we are without jurisdiction to hear this appeal.

Even if we were to treat her letter as a request for an investigation under Section 16.05(4), we would decline to take jurisdiction. In Schwarz v. Schmidt, Personnel Board - 74-18 (January 17, 1975) we held that under Section 16.05(4) we had the power to investigate the termination of a probationary employee if we chose to exercise such power. However, we further held that we would only exercise our power to investigate in cases where important questions are raised.

Appellant's letter does not reveal any questions of the magnitude contemplated in Schwartz nor has she expanded on the reasons why the Board should investigate her termination although she has been given ample

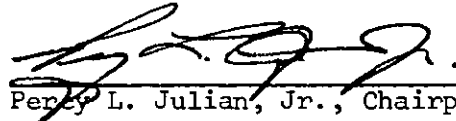
opportunity to do so. Therefore, we conclude that we will not take jurisdiction of this case as an investigation under Section 16.05(4).

ORDER

IT IS HEREBY ORDERED that Respondent's motion to dismiss is granted.

Dated August 23, 1976.

STATE PERSONNEL BOARD



Percy L. Julian, Jr., Chairperson