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 *
 GREGORY MEYER, *
 *
 Appellant, *
 *
 v. *
 VERNE KNOLL, Deputy Director, *
 State Bureau of Personnel, *
 *
 Respondent. *
 *
 Case No. 77-66 *
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 * * * * *

OFFICIAL

OPINION
AND
ORDER

Before: DEWITT, Chairperson, WILSON, WARREN, MORGAN and HESSERT, Board Members

Nature of the Case

This is an appeal pursuant to Section 16.05(1)(f), stats., of a denial by the director of a request of a responsibility add-on under the attorneys' pay plan. At the prehearing conference the respondent raised the issue whether the appeal was mooted by the appellant's transfer.

Findings of Fact

These findings are taken verbatim from the appellant's response to the issue of mootness:

On February 18, 1977, the Department of Industry, Labor and Human Relations requested a \$100/month responsibility add-on for the appellant, pursuant to the Classification and Compensation Plan for classified, nonrepresented attorneys.

On March 16, 1977, the Deputy Director of the State Bureau of Personnel issued a written determination, finding that the appellant did not meet the eligibility requirements for such responsibility add-on. The Deputy Director's determination was received by the appellant on March 23, 1977. This appellant filed a timely appeal on March 30, 1977.

On April 11, 1977, the appellant made a lateral transfer from Senior Examiner (Attorney 13-Supervisory), Appellant Section, to Chief of the Enforcements Section (Attorney 13-Supervisory). Both positions are in the Bureau of Legal Affairs for DILHR's Job Service Division.

Conclusions of Law

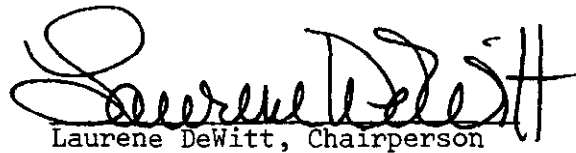
The appellant in his response to the mootness issue argues that back pay should not be limited to a date 45 days after the filing of his appeal as set forth in Van Laanen v. Knoll, Wis. Pers. Bd., 74-17 (March 23, 1976), because this approach results in dissimilar treatment of similarly situated employees and is inequitable. The Van Laanen opinion noted this inequity but expressed the view that the board had no statutory authority to require full retroactive relief. This decision recently was affirmed on review, Van Laanen v. State Personnel Board, No. 153-348 (Dane County Circuit Court, May 31, 1977), and controls in this case. Therefore it is concluded that this appeal has been mooted and must be dismissed.

ORDER

This appeal is dismissed on the grounds that it has been mooted.

Dated July 22, 1977

STATE PERSONNEL BOARD


Laurene DeWitt, Chairperson