

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*  
 \*  
 BILL GOEHRING, \*  
 \*  
 Appellant, \*  
 \*  
 v. \*  
 \*  
 DEPARTMENT OF HEALTH AND \*  
 SOCIAL SERVICES, \*  
 \*  
 Respondent. \*  
 \*  
 Case No. 78-133-PC \*  
 \*  
 \* \* \* \* \*

OPINION  
AND  
ORDER

NATURE OF THE CASE

This case concerns an appeal of the scheduling, allegedly without reasonable notice, of an examination for a Racine County Income Maintenance Supervisor position. The question before the Commission is whether it has jurisdiction over this appeal.

FINDINGS OF FACT

1. The appellant's appeal letter, dated July 14, 1978, is addressed to the State Personnel Board and was forwarded to the Commission by the Board.
2. Said appeal letter contains in part the following:  

"I wish to file a formal appeal regarding the scheduling of the Racine County Income Maintenance Supervisor position exam without reasonable notice."

CONCLUSIONS OF LAW

1. Section 230.45(1)(e), Stats., provides that the Commission shall hear appeals, "when authorized under county merit system rules under §49.50 from any interested party."
2. Pursuant to §§PW-PA 10.03(14) and PW-PA 10.11, WAC, the merit

system rules currently in effect, appeals are provided only for termination of permanent employees.

3. The Personnel Commission lacks jurisdiction over this appeal.

OPINION

Administrative agencies are creatures of statute and strictly limited in their jurisdiction to the statutory boundaries enacted by the legislature. See American Brass Co. v. State Board of Health, 245 Wis. 440,448 (1944). Section 230.45(1)(3), Stats., clearly provides that the jurisdiction of the Commission is limited by the county merit system rules. Since the rules only provide for appeals of terminations of permanent employees, there is no authorization under county merit system rules for appeals, such as this one, from matters relating to examinations.

ORDER

This appeal is dismissed for failure of jurisdiction over the subject matter.

Dated: 10/17, 1978

Edward D. Durkin  
Edward D. Durkin  
Commissioner

Dated: Oct. 27, 1978

Charlotte M. Higbee  
Charlotte M. Higbee  
Commissioner

Dated: Oct 27, 1978

Joseph W. Wiley  
Joseph W. Wiley  
Chairperson