

STATE OF WISCONSIN

PERSONNEL COMMISSION

 *
 DUANE FREY, *
 *
 Appellant, *
 *
 v. *
 *
 DEPARTMENT OF TRANSPORTATION, *
 *
 Respondent. *
 *
 Case No. 79-107-PC *
 *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal of an alleged violation of appellant's rights under § Pers. 24.09, Wis. Admin. Code, which is before the Commission on respondent's motion to dismiss for lack of jurisdiction over the subject matter.

OPINION

The appeal letter dated April 11, 1979, contains, in part, the following:

On March 15, 1979 I became aware of an unsigned complaint letter that was sent to the Wisconsin State Patrol. Several charges were made against me in this letter. An investigation was made by my District Commander without my knowledge.

As a result of that investigation I was told I was in violation of State Bureau of Personnel Chapter Pers 24.07. The violation was a conflict of interest.

In reading a copy of Pers 24 (Code of Ethics) I find that my rights under section Pers 24.09 were violated. This section states "Director shall forward within 10 days a copy of the complaint." The complaint letter was postmarked February 21, 1979. I received a copy 25 days later. Also under Pers 24.09(3) "No preliminary investigation of the activities of an employe may be initiated unless such employe is Notified in Writing."

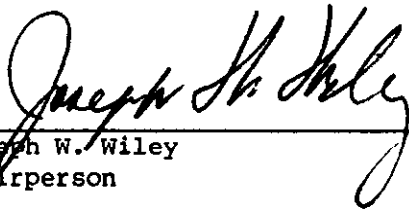
I find the Employer violated my rights under the Code of Ethics Chapter 24.09. I have been advised by my District Commander that discipline action will be taken because of the complaint letter. The discipline may result in a Reperimand, Suspension, or Termination of my employment.

Frey v. DOT
Case No. 79-107-PC
Page 3

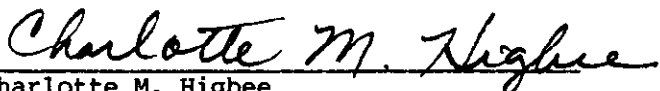
ORDER

This appeal is dismissed for lack of subject-matter jurisdiction.

Dated: August 30, 1979. STATE PERSONNEL COMMISSION



Joseph W. Wiley
Chairperson



Charlotte M. Higbee
Commissioner

AJT:jmg

8/13/79