

STATE OF WISCONSIN

PERSONNEL COMMISSION

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CHRIS KLOPP,
 Appellant,
 v.
 UNIVERSITY OF WISCONSIN,
 Respondent.
 Case No. 79-33-PC

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ORDER

This matter is before the Commission on respondent's motions to dismiss for lack of jurisdiction over the subject matter, on the grounds that the appellant was a limited term employe with no statutory appeal rights to the Commission on termination, and for failure to prosecute, on the grounds that the appellant failed to appear at the prehearing conference held March 30, 1979. The appellant responded to these motions by letter received April 9, 1979.

The appellant states that she understood the prehearing had been cancelled because she received a copy of a letter dated March 28, 1979, from the respondent's attorney to the Commission that he did not believe the conference was necessary because of appellant's LTE status and the lack of appeal rights to the Commission. Although the conference was not cancelled by the Commission, the Commission accepts the statement by the appellant and denies the motion to dismiss for failure of prosecution.

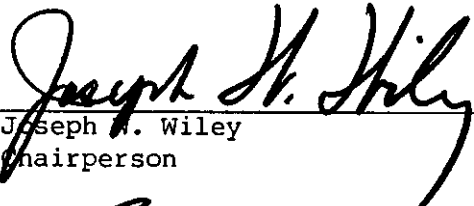
In her letter the appellant also states:


"My claim is that I was fired for outspokenness on safety conditions, for having part in the writing of a letter of complaint sent to management, and for being outspoken at a meeting held by management with respect to the letter of complaint a day before my firing."

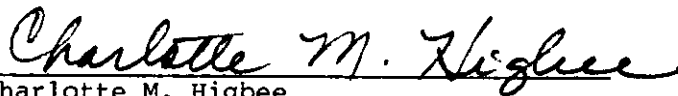
Pursuant to §230.44(1)(c), Stats., only employees with permanent status in classification can appeal discharges to the Commission.

The Commission is not aware of any statutory provision for appeal to the Commission of the termination of an LTE, and the claim is not one of the kind of discrimination prohibited by Subchapter II of Chapter 111. This type of complaint conceivably could have been the subject of an investigation under §16.05(4), Stats. (1975), prior to the enactment of Chapter 196, Laws of 1977. The Personnel Board now has the authority to investigate, see §230.07(4), Stats. (1977), and the appellant is free to contact the Board.

Dated: May 7, 1979. STATE PERSONNEL COMMISSION


Joseph W. Wiley
Chairperson


Edward D. Durkin
Commissioner


Charlotte M. Higbee
Commissioner

AJT:jmg

4/26/79