

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 HAROLD HELM, *
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 Appellant, *
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 v. *
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 President, UNIVERSITY OF *
 WISCONSIN, *
 *
 Respondent. *
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 Case No. 81-65-PC *
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DECISION
 AND
 ORDER

This appeal was filed with the Commission on March 9, 1981. In his appeal letter the appellant indicated that he was classified as Storekeeper I but was actually performing the functions of Motor Vehicle Operator I due to the February, 1981 retirement of the person who had formerly filled the latter position. The appellant did not allege that he had been reclassified but indicated that the respondent might demote him to the MVOI classification at some time in the future in order to make his classification consistent with his actual duties.

At the prehearing conference, respondent objected to the Commission's jurisdiction over the appeal, arguing that there was no appealable decision or action. Letter briefs were filed by both parties.

An analysis of the relevant provisions of ch. 230. Wis. Stats., indicates that the Commission is without jurisdiction in this matter. While demotions are appealable pursuant to s.230.44(1)(c), Wis. Stats. no demotion has yet occurred in this case. Nor has any decision been made or action taken that is appealable under ss.230.44(1)(a)(b) or (d), Wis. Stats. None of the other sources of the Commission's jurisdiction, as set out in s.230.45, Wis. Stats. apply to this appeal.

Because the Commission has no jurisdiction over the appeal, it must be dismissed and the Commission cannot hear the case on the merits. If, at some future time, the respondent acts to reclassify or demote the appellant, an appeal to the Commission may be appropriate. In its letter brief, the respondent noted:

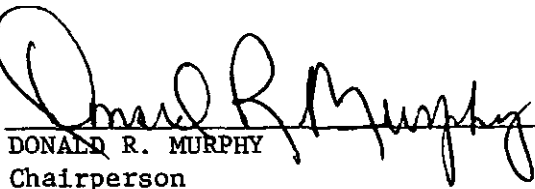
However, respondent does recognize that appellant would have appeal rights as granted by the applicable statutes, in the event that respondent should take a personnel action with regard to his job at some future time.


ORDER

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

Dated: Oct. 21, 1981

STATE PERSONNEL COMMISSION


DONALD R. MURPHY
Chairperson


CHARLOTTE M. HIGBEE
Commissioner

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Parties

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