

STATE OF WISCONSIN

PERSONNEL COMMISSION

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LEE OZANNE,
 Complainant,
 v.
 Chairperson, PERSONNEL
 COMMISSION,
 Respondent.
 Case No. 87-0105-PC-ER

DECISION
 AND
 ORDER

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LEE OZANNE,
 Complainant,
 v.
 Secretary, DEPARTMENT OF
 INDUSTRY, LABOR AND HUMAN
 RELATIONS,
 Respondent.
 Case No. 87-0108-PC-ER

These two complaints are based on charges of age and sex discrimination. Complainant alleges that both the Personnel Commission and DILHR's Equal Rights Division have discriminated against him by failing to expeditiously process complaints of discrimination that are filed. He contends that by "failing to have a timely method of protecting people who are getting discriminated against, [respondents have] effectively become a party to such discrimination."

In order to avoid any possible appearance of conflict of interest, the Commission requested the Equal Employment Opportunity Commission to process

the two charges. The EEOC determined that there was no Title VII jurisdiction based on a lack of an employe/employer relationship. The Commission then provided complainant an opportunity to submit written arguments as to whether the Commission should adopt the determinations that there is no employe/employer relationship with regard to these charges.

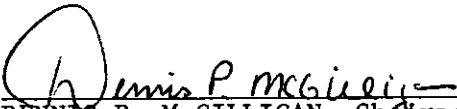
The Commission's authority under the Fair Employment Act, subch. II, ch. 111, Stats., is limited to complaints against state agencies as employers. § 111.375(2), Stats.


In the present two cases, the subject matter of the complaints does not relate to an actual or prospective employment relationship between the complainant and either respondent. The respondents' conduct in processing complaints of discrimination therefore is outside the proper scope of Fair Employment Act.


ORDER

These matters are dismissed for lack of subject matter jurisdiction.

Dated: December 18, 1987 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson


DONALD R. MURPHY, Commissioner


LAURIE R. McCALLUM, Commissioner

KMS:rcr
RCR03/1

Parties:

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