

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 JACK BARKER,
 Appellant,
 v.
 President, UNIVERSITY OF
 WISCONSIN SYSTEM (Madison),
 Respondent.
 Case No. 88-0031-PC
 * * * * *

DECISION
 AND
 ORDER

This appeal was filed on March 7, 1988 and arises from an L.T.E. hiring decision. Appellant, a union steward, contends that the hiring decision effectuated on January 11, 1988, violated §ER-Pers 24.04, Wis. Adm. Code.

In a letter dated March 15, 1988, the appellant was advised that this appeal raised certain jurisdictional issues and invited arguments relating to those issues.

The statutory basis typically used for Commission review of selection decisions is s. 230.44(1)(d), Stats. That provision reads:

A personnel action after certification which is related to the hiring process in the classified service and which is alleged to be illegal or an abuse of discretion may be appealed to the commission.

As noted in §ER-Pers 10.04, Wis. Adm. Code, the procedures used for recruitment and selection of limited term employees may be a modification of the recruitment and selection process used for permanent positions. In Kawczynski v. DOT, 80-181-PC, 11/4/80, the Commission held that s. 230.44(1)(d), Stats., does not apply to a selection of a limited term employee because there is no certification for a limited term vacancy. Even though


subsequent decisions have concluded that the phrase "after certification" in s. 230.44(1)(d), Stats., refers to a certain segment of the appointment process and does not require an actual certification, the limited term appointment process does not include a segment that is comparable to a certification of eligibles.


The instant appeal also fails to meet the 30 day jurisdictional time limit established in s. 230.44(3), Stats., because it was not filed within 30 days of the effective date of the decision (January 11th) nor within 30 days of the date of notification (which also, presumably, was no later than January 11th).

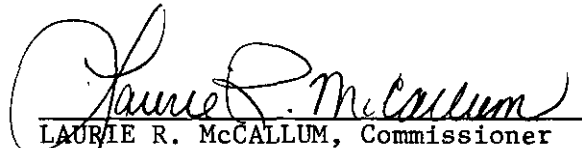
ORDER

This matter is dismissed for lack of subject matter jurisdiction.

Dated: April 20, 1988 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson


DONALD R. MURPHY, Commissioner


LAURIE R. MCCALLUM, Commissioner

KMS:rcr
RCR01/1

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