

STATE OF WISCONSIN

PERSONNEL COMMISSION

ROBERT CHIDO

Complainant,

v.

**UNIVERSITY OF WISCONSIN SYSTEM-
STOUT,**

Respondent.

FINAL ORDER

Case No. 90-0150-PC-ER

This case involves a complaint of age discrimination with respect to respondent's failure to appoint complainant on an acting basis to the position of director of academic computing at UW-Stout. On June 25, 1996, the Commission entered an interim decision and order concluding that respondent was liable for having discriminated against complainant with respect to this transaction, and directing further proceedings with respect to remedy if the parties were unable to reach agreement thereon. The parties were unable to reach agreement on all matters in dispute as to remedy, and further proceedings were held. On July 2, 1997, the Commission entered its ruling on remedy, and directed further proceedings on the matter of fees and costs, pursuant to §PC 5.02, Wis. Adm. Code.

Following the submission of complainant's petition for fees, and the parties' arguments thereon, the parties entered into a "Stipulation Regarding Attorney Fees" which was filed on November 4, 1995. The parties having entered into this stipulation, and the Commission having decided the substantive issues in this proceeding, the Commission enters the following final order:

FINAL ORDER

1. The parties' stipulation as to attorneys fees filed on November 4, 1997, is incorporated by reference as if fully set forth, and the parties are ordered to comply therewith.

2. The Commission's non-final decisions and orders entered June 25, 1996, and July 2, 1997, are finalized in all respects, and respondent is ordered to comply therewith.

Dated: December 22, 1997 STATE PERSONNEL COMMISSION

151
LAURIE R. McCALLUM, Chairperson

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DONALD R. MURPHY, Commissioner

151
JUDY M. ROGERS, Commissioner

NOTICE
OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW
OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION

Petition for Rehearing. Any person aggrieved by a final order (except an order arising from an arbitration conducted pursuant to §230.44(4)(bm), Wis. Stats.) may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

Petition for Judicial Review. Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats., and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the Commission's order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. Unless the Commission's decision was served personally, service of the decision occurred on the date of mailing as set forth in the attached affidavit of mailing. Not later than 30 days after the petition has been filed in circuit court, the petitioner must also serve a copy of the petition on all parties who appeared in the

proceeding before the Commission (who are identified immediately above as "parties") or upon the party's attorney of record. See §227.53, Wis. Stats., for procedural details regarding petitions for judicial review.

It is the responsibility of the petitioning party to arrange for the preparation of the necessary legal documents because neither the commission nor its staff may assist in such preparation.

Pursuant to 1993 Wis. Act 16, effective August 12, 1993, there are certain additional procedures which apply if the Commission's decision is rendered in an appeal of a classification-related decision made by the Secretary of the Department of Employment Relations (DER) or delegated by DER to another agency. The additional procedures for such decisions are as follows:

1. If the Commission's decision was issued after a contested case hearing, the Commission has 90 days after receipt of notice that a petition for judicial review has been filed in which to issue written findings of fact and conclusions of law. (§3020, 1993 Wis. Act 16, creating §227.47(2), Wis. Stats.)

2. The record of the hearing or arbitration before the Commission is transcribed at the expense of the party petitioning for judicial review. (§3012, 1993 Wis. Act 16, amending §227.44(8), Wis. Stats.)

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