Chapter Pers 26

APPEALS

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Pers 26.01 Employe's right to appeal. As provided in Sections 16.03 (4) and 16.05, Wis. Stats., an employe affected by an action resulting from a personnel decision of the appointing authority or the director shall have the right to appeal.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 26.02 Appealable actions. Personnel actions which are appealable include:

(1) Position allocations, reallocations or reclassifications.

(2) Certifications.

(3) Refusal to examine.

(4) Disciplinary actions (removal, suspension without pay, dismissal, reduction in pay or position, discharge or demotion) against employes with permanent status in class.

(5) Layoffs.

(6) Denial of benefits under section 16.31, Wis. Stats.

(7) Demotions.

(8) Actions alleged to be illegal or an abuse of discretion.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 26.03 Types of appeals. Appeals are of 2 types, those heard by the director and those heard by the board.

(1) As provided in section 16.03 (4) (a), Wis. Stats., the director shall hear appeals on decisions alleged to be illegal or an abuse of discretion and such decisions are not subjects for consideration under the grievance procedure established pursuant to Wis. Adm. Code chapter Pers 25, collective bargaining or hearing by the board.

(2) The board shall hear appeals:

(a) On actions, decisions and orders of the director.

(b) On grievances—final step—see section 16.05 (7), Wis. Stats.

(c) Of employes with permanent status in class, from decisions of appointing authorities when such decisions relate to:

1. Demotions

2. Layoffs

3. Suspensions

4. Discharges or

5. Reductions in pay,

but only when it is alleged that such decisions were not based on just cause.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; r. and recr. (2), Register, December, 1976, No. 252, eff. 1-1-77.

Pers 26.04 Procedure for director's appeals. An employe shall file a written request appealing the personnel decision with the director within 15 days after the effective date of the decision, or within 15 days after being notified of such decision, whichever is later. Within 45 days after the receipt of such request, the director shall hold a hearing thereon in the manner provided for in section 16.03 (4) and (5), Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 26.05 Procedure for board appeals. See section 16.05, Wis. Stats., and Wis. Adm. Code rules of the director.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.