

Chapter PC 3

FILING APPEALS

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PC 3.01 Time limits and address for filing appeals. All appeals shall be filed according to the appropriate time limits established by statute and shall be filed at the office of the commission. The time limit for filing any appeals with the commission pursuant to s. 230.45 (1) (d), (e) or (f), Stats., shall be 30 days after the effective date of the action, or 30 days after the appellant is notified of the action, whichever is later.

Note: The mailing address of the commission is:

State Personnel Commission
131 W. Wilson St., 10th Floor
Madison, WI 53703

According to s. 230.44 (3), Stats., appeals filed under s. 230.45 (1) (a), Stats., "may not be heard unless the appeal is filed within 30 days after the effective date of the action, or within 30 days after the appellant is notified of the action, whichever is later . . ."

Decisions grieved to the commission as the final step arbiter under s. 230.45 (1) (c), Stats., must, according to s. ER 46.07 (2), "be filed within 30 calendar days after service of a decision issued at the third step of the grievance procedure . . . or within 30 calendar days after the last day on which the employer could have served a timely decision, whichever is sooner."

History: Cr. Register, August, 1987, No. 380, eff. 9-1-87.

PC 3.02 Appeals. (1) FORM AND CONTENT. All appeals shall be in writing. Otherwise, there is no form that is to be used for filing an appeal. Appeals are not required to conform to any technical requirements except they shall identify the appellant. However, appeals should also contain the following:

(a) The appellant's address and telephone numbers at work and at home.

(b) The name of the state agency that took the personnel action being appealed.

(c) The facts forming the basis for the appeal.

(d) The reason the appellant believes the action to be improper.

(e) The relief or remedy requested.

(f) A copy of any written decision being appealed.

(2) AMENDMENT. An appeal may be amended, subject to approval by the commission, to clarify or amplify allegations or to set forth additional facts or allegations related to the subject matter of the original charge, and those amendments shall relate back to the original filing date of the appeal.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80; r. and recr. Register, August, 1987, No. 380, eff. 9-1-87.

PC 3.03 Notice to respondents. The commission shall serve a copy of the appeal upon each respondent.

History: Cr. Register, August, 1987, No. 380, eff. 9-1-87.

PC 3.04 Answers. Respondents may file written answers within 20 days after service of the appeal. If no answer is filed, every material allegation of the appeal is in issue.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80; r. and recr. Register, August, 1987, No. 380, eff. 9-1-87.