

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 ARTHUR A. MURCHISON,
 Complainant,
 v.
 Attorney General, DEPARTMENT
 OF JUSTICE,
 Respondent.
 Case No. 89-0093-PC-ER
 * * * * *

DECISION
 AND
 ORDER

This matter is before the Commission on respondent's motion to dismiss for lack of jurisdiction over the subject matter of the complaint filed August 28, 1989. Both parties have been given the opportunity to file arguments. The following facts material to jurisdiction appear to be undisputed.

This complaint of discrimination on the basis of conviction record was filed with this Commission on August 9, 1989. It names as respondent the Department of Justice (DOJ). It contains the following operative allegations, which the Commission will assume are true for purposes of deciding this motion:

I was discriminated against because of my conviction record in violation of Wisconsin's Statutes 111.31-111.395 when I was terminated for the following reasons:

1. I began my employment with the Respondent's Career Youth Development [CYD] on May 1, 1989.

2. On July 24, 1989, my employer terminated my employment. I was informed that I could no longer work in my position because of my criminal record.
3. Respondent demanded that I be terminated because of criminal record on July 24, 1989.
4. Respondent threatened to withdraw funding.

Respondent DOJ is a state agency. It is a grantee of certain federal funds and in turn has made a subgrant to the Social Development Commission (SDC). SDC has entered into contracts to perform services under the subgrant, one of which has been with CYD. CYD is not a subunit of respondent DOJ and complaint was not employed by DOJ.

This Commission's jurisdiction under the Fair Employment Act is limited to "complaints of discrimination or unfair honesty testing against the agency as an employer . . .," §111.375(2), Stats. (emphasis added). It seems clear that respondent DOJ was not acting as an employer here but merely acted as a conduit for federal funding which ultimately found its way to CYD, the organization which employed complainant. Therefore, this Commission lacks subject matter jurisdiction over this complaint and it must be dismissed.

ORDER

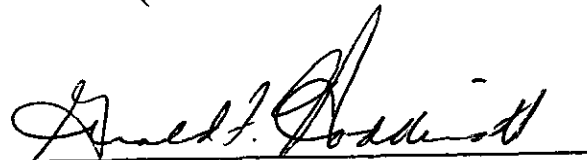
This complaint filed August 9, 1989, is dismissed for lack of subject matter jurisdiction.

Dated: October 4, 1989 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

AJT:gdt
ID5/1


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

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