

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BRETT M. WEDEKIND, Appellant,

vs.

UNIVERSITY OF WISCONSIN SYSTEM, Respondent.

Case 81
No. 71846
PA(gen)-11

DECISION NO. 33998-B

Appearances:

Brett Wedekind, 3112 Bookham Drive, Sun Prairie, Wisconsin, 53590, appearing on behalf of himself.

Wilhelmina Mickelson, Labor Relations Specialist, Wisconsin Office of State Employment Relations, 101 East Wilson Street, 4th Floor, P.O. Box 7855, Madison, Wisconsin 53707-7855, appearing on behalf of Respondent University of Wisconsin System.

ORDER GRANTING MOTION TO DISMISS

On November 16, 2012, Brett Wedekind filed an appeal with the Wisconsin Employment Relations Commission pursuant to § 230.44(1)(c), Stats., asserting that his employment with the Respondent University of Wisconsin System had been terminated without just cause. On April 5, 2013, Respondent filed a motion to dismiss the appeal asserting that Wedekind was a probationary employee and that the Commission lacks jurisdiction over this appeal. The parties thereafter filed written argument and the motion is now ripe for Commission action.

Having considered the matter and being fully advised in the premises, the Commission makes and issues the following

ORDER

The appeal is dismissed.

Dated at Madison, Wisconsin, this 11th day of April 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO DISMISS

Section 230.44(1)(c), Stats., provides:

If an employee has permanent status in class ... the employee may appeal a demotion, layoff, suspension, discharge or reduction in base pay to the commission, if the appeal alleges that the decision was not based on just cause.

However, the Commission lacks subject matter jurisdiction over appeals of terminations that occur while the employee is serving a probationary period because the employee lacks the “permanent status in class” that is required under § 230.44(1)(c), Stats. *Board of Regents v. Wisconsin Personnel Commission*, 103 Wis.2d 545 (Ct. App., 1981).

It is undisputed that when Wedekind was terminated, he was serving a probationary period. Therefore, he did not have permanent status in class and we do not have jurisdiction to review his appeal. Therefore, the appeal is dismissed.

Dated at Madison, Wisconsin, this 11th day of April 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner