

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ANDREW T. MURPHY, Appellant,

vs.

UNIVERSITY OF WISCONSIN – MADISON, Respondent.

Case 21 No. 69921 PA(sel)-70

DECISION NO. 34176-C

ANDREW T. MURPHY, Appellant,

vs.

UNIVERSITY OF WISCONSIN – MADISON, Respondent.

Case 60 No. 70249 PA(sel)-75

DECISION NO. 33152-D

ANDREW T. MURPHY, Appellant,

vs.

UNIVERSITY OF WISCONSIN – MADISON, Respondent.

Case 25 No. 71233 PA(sel)-84

DECISION NO. 33589-D

ANDREW T. MURPHY, Appellant,

vs.

UNIVERSITY OF WISCONSIN – MADISON, Respondent.

Case 26 No. 71531 PA(sel)-87

DECISION NO. 33798-D

Appearances:

Nicholas E. Fairweather, Hawks Quindel, S.C., 222 W. Washington Avenue, Suite 450, P.O. Box 2155, Madison, Wisconsin, appearing on behalf of Andrew T. Murphy

Sierra Beckles Young, Office of Legal Affairs, University of Wisconsin – Madison, 361 Bascom Hall, 500 Lincoln Drive, Madison, Wisconsin, appearing on behalf of University of Wisconsin - Madison.

ORDER ON REHEARING

On June 8, 2016, we granted the University of Wisconsin – Madison’s petition for rehearing in order to examine the question of whether our order entered on April 19, 2016 awarding Andrew T. Murphy back pay was correct. Upon review of the arguments we conclude that under *Seep v. Personnel Commission*, 140 Wis.2d 32, 409 N.W.2d 142 (1987), we lack the authority to award back pay under these circumstances and accordingly modify our previous order to delete the back pay provision. Our order is modified as follows:

ORDER

1. For nine months from the date of this Order, Andrew T. Murphy shall have the restoration rights in effect on October 19, 2011.
2. Andrew T. Murphy’s request for attorney fees and costs is denied.

Signed in the City of Madison, Wisconsin, this 13th day of July 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner