

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARGARET SCHYVINCH, Appellant,

vs.

DEPARTMENT OF CORRECTIONS, Respondent.

Case 219
No. 72153
PA(adv)-334

DECISION NO. 34977

Appearances:

Jim Parrett, Field Representative, AFSCME Council 24, N14436 17th Avenue, Necedah, Wisconsin 54646, appearing on behalf of Complainant Margaret Schyvinch.

Paige Heckel, Labor Relations Specialist – Chief, Bureau of Labor Relations, 101 E. Wilson Street, 4th Floor, P.O. Box 7855, Madison, Wisconsin 53707-7855, appearing on behalf of Respondent Department of Corrections.

ORDER GRANTING MOTION TO DISMISS

On July 1, 2013, Margaret Schyvinch filed an appeal with the Wisconsin Employment Relations Commission pursuant to § 230.44(1)(c), Stats., asserting that she had been disciplined by the Wisconsin Department of Corrections without just cause. The issue of whether the Commission has jurisdiction over the appeal 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.

Schyvinch was removed from her classroom on February 28, 2013, and subsequently received a written reprimand for classroom conduct the Department of Corrections believed to be inappropriate.

Section 230.44(1)(c), Stats., does not give us jurisdiction over written reprimands. Assuming for the sake of argument that the instant removal from a classroom also qualifies as discipline, Section 230.44(1)(c), Stats., does not give us jurisdiction to review this action. Therefore, we have dismissed the appeal.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner