

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CHRISTOPHER STAVENESS, Appellant,

vs.

DEPARTMENT OF MILITARY AFFAIRS, Respondent.

Case 4
No. 72177
PA(adv)-342

DECISION NO. 34980

Appearances:

Sean Heiser, AFSCME Field Representative, Wisconsin Council 40, AFSCME, AFL-CIO, 8033 Excelsior Drive, Suite B, Madison, Wisconsin 53717-1903, appearing on behalf of Complainant Christopher Staveness.

Douglas Thayer, Labor Relations Chief, 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 Department of Military Affairs.

ORDER GRANTING MOTION TO DISMISS

On June 17, 2013, Christopher Staveness filed an appeal with the Wisconsin Employment Relations Commission asserting that Respondent Department of Military Affairs was improperly denying him a pay add-on. Respondent filed a motion to dismiss the appeal asserting that the Commission lacks jurisdiction to review the matter. The parties thereafter filed written argument and the matter 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

Staveness filed his appeal pursuant to § 230.44(1)(c), Stats., which gives the Commission authority among other matters to determine whether a disciplinary reduction in base pay was for just cause. First, it is apparent that the dispute over whether Staveness is entitled to add-on pay is not disciplinary in nature. Second, denial of add-on pay is not a reduction in base pay. Therefore, we lack jurisdiction over the appeal and it is dismissed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner