

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CORY HENNEMAN, Appellant,

vs.

WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case 249
No. 72844
PA(gen)-17

DECISION NO. 35006

Appearances:

Jim Parrett, Field Representative, AFSCME Council 24, N14436 17th Avenue, Necedah, Wisconsin, 54646, appearing on behalf of Appellant, Cory Henneman.

Laura Amundson, 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 the Respondent Department of Corrections.

This matter is before us on the motion of the Wisconsin Department of Corrections to dismiss for lack of subject matter jurisdiction filed on January 27, 2014. The parties have fully briefed the matter and facts as alleged by Henneman are deemed admitted on a motion to dismiss. Accordingly, we issue the following:

OPINION AND ORDER GRANTING MOTION TO DISMISS

This is a group grievance filed by Cory Henneman on behalf of himself and his fellow second shift employees at the Prairie du Chien correctional facility operated by the Wisconsin Department of Corrections. The gist of the grievance is that first and third shift employees were allowed to select their preferred shift ahead of the second shift group. Apparently, the facility is moving to a 2-shift, 12-hour workday schedule. The Henneman group alleges that as a consequence of the reshuffling they will lose overtime opportunities. A timely grievance was filed and processed through the prescribed three steps. Henneman seeks review by the Wisconsin Employment Relations Commission, and the Department moves to dismiss based on a lack of subject matter jurisdiction.

Our jurisdiction over civil service appeals is set forth in § 230.44, Stats. It is limited in nature and clearly does not involve all matters of day-to-day personnel transactions. We have previously held that matters concerning hours of work are outside our jurisdiction. *Gustavus v. DOC*, Decision No. 30817 (WERC, 2004). Shift selection falls in the same general category regardless of whether it includes a financial consequence or not. Accordingly, we grant the Department's motion to dismiss and order this matter dismissed.

ORDER

The Wisconsin Department of Corrections' motion to dismiss is granted.

Dated at the City of Madison, Wisconsin, this 1st day of May 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner