

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ANDREW HULCE, Appellant,

vs.

WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case 254
No. 72878
PA(grp)-30

DECISION NO. 35007

Appearances:

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

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 Respondent to dismiss for lack of subject matter jurisdiction filed on February 11, 2014. The parties have fully briefed the matter and facts as alleged by Appellant are deemed admitted on a motion to dismiss. Accordingly, we issue the following:

OPINION AND ORDER GRANTING MOTION TO DISMISS

This is an attempted appeal by an employee of the Wisconsin Department of Corrections who works as a corrections officer at the correctional facility located in Boscobel, Wisconsin. The employee, Andrew Hulce, was injured at work and, after a brief absence, returned on light duty. The gist of Hulce's "grievance" is that he was denied overtime opportunities because of his light duty status but that in reality his light duty was regular duty.

The subject matter of this dispute is clearly outside of our jurisdiction. *See, generally, Gustavus v. DOC*, Dec. No. 30817 (WERC, 2004). Section 230.44, Stats., defines our subject matter jurisdiction and matters such as this clearly fall outside that designation. Accordingly, we have no alternative but to dismiss the appeal.

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