

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SANDY JACOBSON, Appellant,

vs.

WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case 87
No. 72769
PA(adv)-375

DECISION NO. 35008-B

Appearances:

Sandy Jacobson, 5845 Lochinvars Trail, Marshall, Wisconsin, 53559, appearing on behalf of himself.

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 Health Services.

ORDER DISMISSING APPEAL

On November 26, 2013, Sandy Jacobson filed a State civil service personnel appeal with the Wisconsin Employment Relations Commission. The appeal challenged discipline he had received from his employer, the Wisconsin Department of Health Services (“DHS”). The discipline in question was a one-day suspension. After the case was filed, it was assigned to Commission staff member Raleigh Jones for hearing. A hearing was scheduled for October 20, 2014. On September 17, 2014, the DHS notified Examiner Jones and Jacobson that it had (unilaterally) reduced Jacobson’s discipline in the underlying matter from a one-day suspension to a written warning. In an email dated September 22, 2014, Examiner Jones notified the parties that the hearing set for October 20, 2014 was cancelled because the Commission does not have jurisdiction to review written warnings.

We agree with Examiner Jones that we no longer have jurisdiction to review Jacobson’s current discipline. Our jurisdiction is limited and spelled out in detail in § 230.44(1), Stats. Specifically, our jurisdiction is limited to “demotion, layoff, suspension, discharge or reduction in base pay.” § 230.44(1)(c), Stats. Written warnings are not included and Jacobson’s appeal is therefore dismissed for lack of jurisdiction.

ORDER

The appeal is dismissed

Dated at Madison, Wisconsin, this 27th day of October 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner