

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARY KIRKENDOLL, Appellant,

vs.

DEPARTMENT OF CHILDREN AND FAMILIES, Respondent.

Case 26
No. 73109
PA(adv)-395

DECISION NO. 35027

Appearances:

Mike Stahl, Field Representative, Wisconsin State Employees Union, AFSCME Council 24, AFL-CIO, 8033 Excelsior Drive, Madison, Wisconsin 53717, appearing on behalf of Appellant Mary Kirkendoll.

Wilhelmina Mickelson, Labor Relations Specialist, 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 Children and Families.

DECISION AND ORDER GRANTING MOTION TO DISMISS

Appellant Mary Kirkendoll was denied a base wage pay progression increase because of an “unsatisfactory” performance evaluation rating. She filed a grievance which was processed through the system specified in the Wisconsin Human Resources Handbook and appealed the grievance to the Wisconsin Employment Relations Commission. The Respondent Department of Children and Families (“DCF”) has moved to dismiss asserting we lack jurisdiction. The matter has been briefed and is ready for decision.

DECISION AND ORDER

As we have repeatedly held our jurisdiction to review disciplinary matters is limited to demotion, layoff, suspension, discharge and reduction in base pay as set forth in § 230.44(1)(c), Stats. Here, Kirkendoll was denied an increase in base pay because of an unsatisfactory rating on her performance evaluation. She also alleges that her unsatisfactory evaluation was disciplinary in nature.

We have no statutory jurisdiction over these actions regardless of whether they are disciplinary. Accordingly, we enter the following:

ORDER

The appeal of Mary Kirkendoll is hereby dismissed.

Dated at Madison, Wisconsin, this 3rd day of June 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner