

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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MARY RUHLAND, Appellant,

vs.

WISCONSIN EDUCATIONAL APPROVAL BOARD, Respondent.

Case 1  
No. 73128  
PA(adv)-400

DECISION NO. 35028

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**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 Appellant Mary Ruhland.

James Underhill, 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 Wisconsin Educational Approval Board.

**DECISION AND ORDER GRANTING MOTION TO DISMISS**

By letter dated March 18, 2014, Appellant Mary Ruhland sought to appeal the decision of the Office of the State Employment Relations (“OSER”) not to process her grievance over her termination by the Educational Approval Board (“EAB”). The EAB moved to dismiss the appeal by motion on April 16, 2014. The matter has been briefed and is ready for decision.

**DECISION AND ORDER**

It is undisputed that Ruhland was in probationary status at the time of her discharge from employment. Our jurisdiction to review termination decisions is limited to circumstances where the employee had “permanent status in class” at the time of the decision.<sup>1</sup>

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<sup>1</sup> The only exceptions are assistant district attorneys and assistant state public defenders with 12 months or more of service. § 230.44(1)(c), Stats.

Ruhland makes a convoluted argument that she was denied due process because her grievance was not processed and, in turn, should justify our review. The argument borders on being frivolous but suffice it to say that a probationary discharge is not subject to review under the grievance process and, by definition, probationary employees enjoy no procedural due process rights. Accordingly, we enter the following:

**ORDER**

That the appeal of Mary Ruhland is dismissed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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James R. Scott, Chairman

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Rodney G. Pasch, Commissioner