

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SUSAN KOON, Appellant,

vs.

DEPARTMENT OF HEALTH SERVICES, Respondent.

Case 86
No. 72767
PA(adv)-373

DECISION NO. 35029-B

Appearances:

Susan Koon, 720 Brooke Ashley Court, Omro, Wisconsin, 54963, appearing on behalf of herself.

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 Health Services.

ORDER DISMISSING APPEAL

On July 17, 2014, Susan Koon filed a State civil service personnel appeal with the Wisconsin Employment Relations Commission. The appeal challenged discipline she had received from her employer, the Wisconsin Department of Health Services (“DHS”). The discipline in question was a written warning in lieu of a one-day suspension. After the case was filed, it was assigned to Commission staff member Raleigh Jones for hearing. Jones held a prehearing conference with the parties on August 26, 2014. Thereafter, the DHS notified both the Examiner and Koon that it was reducing Koon’s discipline in the underlying matter from a written warning in lieu of a one-day suspension to a written warning. In a telephone call on September 12, 2014, Koon told Jones that she had received written confirmation that the DHS had taken that action.

As a result of the DHS’s action, we no longer have jurisdiction to review Koon’s 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 therefore Koon’s appeal is 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