

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

OMAR LATIF, Appellant,

vs.

DEPARTMENT OF CORRECTIONS, Respondent.

Case 268
No. 73206
PA(adv)-419

DECISION NO. 35088

Appearances:

Omar Latif, 1209 Riva Ridge, Racine, Wisconsin, appearing on behalf of himself.

Paeye Heckel, Office of State Employment Relations, 101 East Wilson Street, 4th Floor, P.O. Box 7855, Madison, Wisconsin, appearing on behalf of Respondent Department of Corrections.

ORDER GRANTING MOTION TO DISMISS

On June 16, 2014, Omar Latif filed an appeal with the Wisconsin Employment Relations Commission asserting that Respondent Department of Corrections determined that he was tardy for work on February 18, 2014. The Department of Corrections filed a motion to dismiss Latif's appeal based upon a lack of subject matter jurisdiction.

Having considered the matter and reviewed the brief filed on behalf of the Department of Corrections, the Commission makes and issues the following

ORDER

The appeal is dismissed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO DISMISS

The jurisdiction of the Commission is set forth in § 230.44(1), Stats. The ability of an employee to appeal a disciplinary action is limited to “demotion, layoff, suspension, discharge or reduction in base pay.” § 230.44(1)(c), Stats. A determination that an employee was tardy does not fall within that subsection or any other and, accordingly, this matter is dismissed for want of jurisdiction.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner