STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

REBECCA ADAMIETZ, Appellant,

vs.

DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0001
Case Type: PA

DECISION NO. 35463

APPEARANCES:

Rebecca Adamietz, 121 South 70th Street, Milwaukee, Wisconsin, appearing on behalf of herself.

David Hart, Office of Legal Counsel, Office of State Employment Relations, 101 E. Wilson Street, 4th Floor, P.O. Box 7855, Madison, Wisconsin, appearing on behalf of Respondent Department of Health Services.

On August 12, 2014, Rebecca Adamietz, an employee of the Wisconsin Department of Health Services, filed a "Request to Initiate Grievance Arbitration" using a Wisconsin Employment Relations Commission form. Adamietz is <u>not</u> covered by terms of a collective bargaining agreement providing for arbitration. Staff at the Commission so advised her and offered to treat her request as an appeal under § 230.44(1)(c), Stats. At the same time, Adamietz was advised that our jurisdiction is limited in that respect. Her "request" asserted that she was a victim of harassment and that she was an OSHA "whistleblower." The Department has moved to dismiss for lack of jurisdiction and filed a supporting brief. Appellant has made no further submission.

DECISION AND ORDER GRANTING MOTION TO DISMISS

Our jurisdiction over State employee matters is limited and enumerated in § 230.44(1), Stats. Complaints of harassment arising out of an employee's "whistleblowing" or for that matter any retaliatory action as a result of certain types of information disclosure fall within the jurisdiction of the Equal Rights Division of the Department of Workforce Development. <u>See</u> <u>gen</u>. §§ 230.83 and 230.85, Stats. We have no jurisdiction to entertain or remedy Adamietz' complaints and, accordingly, we issue the following:

ORDER

The appeal of Rebecca Adamietz is dismissed.

Signed at the City of Madison, Wisconsin, this 26th day of December 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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James R. Scott, Chairman

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Rodney G. Pasch, Commissioner