

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BONNIE M. DELFOSSE, Appellant,

vs.

DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0029

Case Type: PA

DECISION NO. 35501

Appearances:

Bonnie M. Delfosse, 85 Tayco Street, Menasha, Wisconsin, appearing on behalf of herself.

Amesia N. Xiong, 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.

DECISION AND ORDER GRANTING MOTION TO DISMISS

Appellant Bonnie Delfosse is employed as a corrections officer at the Oshkosh Correctional Institution. Delfosse had been on a medical leave intermittently from November 2013 through August 19, 2014. On August 19, 2014, the Department of Corrections received a fitness for duty certification from her treating physician with a minor restriction. Delfosse was advised by telephone voicemail message to report to work on August 21, 2014. At that point, Delfosse had exhausted all available FMLA and paid leave. She reported to work and worked one day. Thereafter, she was again placed on medical leave.

DECISION

Delfosse's complaint apparently is that she was forced to work on a prescheduled vacation date. We clearly have no jurisdiction over that issue and, accordingly, grant DOC's motion to dismiss.

ORDERED

Appellant Department of Corrections' motion to dismiss is granted.

Dated at Madison, Wisconsin, this 2nd day of March 2015.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner