

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JOSHUA GRENIER, Appellant,

vs.

DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0036

Case Type: PA

DECISION NO. 35502

Appearances:

Paul J. Mertz, Representative, P.O. Box 181, Redgranite, Wisconsin, appearing on behalf of Appellant Joshua Grenier.

David A. Hart, 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 Joshua Grenier is employed as a correctional officer at the Redgranite (Wisconsin) Correctional Facility. He received a one-day disciplinary suspension for an alleged failure to call-in before a scheduled start time. Grenier filed a timely grievance which was denied at the first and second steps in the process. At the third step, Grenier's discipline was unilaterally reduced from a one-day suspension to a "formal written reprimand" by letter dated December 19, 2014. Grenier filed a timely appeal to the Commission, and the State has moved to dismiss asserting that we lack jurisdiction. Both parties have briefed the matter and the motion is ripe for resolution.

DECISION

Our jurisdiction over matters of discipline is limited to the review of personnel actions spelled out in § 230.44(1)(c), Stats., and includes demotions, layoffs, suspensions, discharges, and reductions in base pay. We do not have jurisdiction to review reprimands. Grenier disputes

that he engaged in conduct that warranted any type of discipline and is upset that the State's unilateral action will deprive him of the opportunity to have a meaningful review of his claim. The Department is permitted to reduce the punishment and thereby divest us of jurisdiction over this claim. Subject to the restoration of Grenier's lost pay and alternation of his record, we have no alternative but to dismiss the appeal and it is so ordered.

ORDERED

Appellant Joshua Grenier's appeal is dismissed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner