

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SCOTT WILHORN, ET AL., Appellants,

vs.

DEPARTMENT OF NATURAL RESOURCES, Respondent.

Case ID: 306.0000

Case Type: PA

DECISION NO. 35677

Appearances:

Jim Parrett, Field Representative, AFSCME Council 24, N14436 - 17th Avenue, Necedah, Wisconsin, appearing on behalf of Appellant Scott Wilhorn.

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 Scott Wilhorn, on behalf of himself and coworkers, challenges the Department of Natural Resources' decision to recoup two hours of pay awarded to the group in the form of duty readiness pay. The compensation was for services rendered on Memorial Day of 2014. In the Department's view the employees were not entitled to this compensation although the employees allege they had received comparable pay for comparable service in past years. The employees assert that the recoupment is tantamount to a "reduction in base pay" over which we have jurisdiction. The State counters that is not a reduction in base pay and therefore we have no jurisdiction over the dispute.

DECISION

Clearly, the State did not intend to compensate the employees for the "service" rendered on Memorial Day. They did so in error and sought recovery of the overpayment. This is certainly not a reduction in base pay. We have no jurisdiction over these routine pay

disputes between employers and employees. We are a creature of statute and our jurisdiction is limited and well-defined. Accordingly, we enter the following:

ORDER

The appeal of Scott Wilhorn, et al., is dismissed.

Dated at Madison, Wisconsin, this 30th day of March 2015.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner