

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

RACHEL SCHNEIDER, Appellant,

vs.

DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0040

Case Type: PA

DECISION NO. 35678

Appearances:

Troy Bauch, Field Representative, Wisconsin State Employees Union, 1190 Ruffedt Road, Cornell, Wisconsin, appearing on behalf of Appellant Rachel Schneider.

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 Rachel Schneider obtained full-time employment with the Wisconsin Department of Corrections effective May 18, 2014. She had been working as a part-time employee at the same DOC facility from January 27, 2014, until her full-time appointment. Schneider was advised that her health insurance plan would begin July 1, 2014. She apparently understood that she was only responsible for the employee contribution for coverage for the month of July. On July 28, 2014, the “error” was discovered and she was told she owed \$690.90 which presumably was the balance due under the policy. Schneider was given the option to either pay the \$690.90 or, alternatively, she could pay the healthcare provider for the services provided to her in July.

Schneider subsequently filed a grievance challenging the State’s position that she was responsible for the full amount of the premium for July. She asserts that the State’s reduction in her wages to recoup the premium constituted a “reduction in base wage” under § 230.44(1)(c), Stats., for which the State must have just cause. The State has moved to dismiss alleging that it is not a reduction in base pay.

DECISION

Neither side disputes the fact that Schneider was in fact not eligible for employer-paid health insurance for the month of July. She should have been informed that she was responsible for the full amount of the premium for that month. The implication is that Schneider could have deferred her chiropractic treatment until August 1 of 2014 when she presumably would have had coverage. Mistakes do happen. Sometimes employees are overpaid or receive other benefits they are not entitled to. The employer is entitled to recoup those overpayments from wages owed. Clearly, such a recoupment does not constitute a reduction in base pay. To be sure Schneider's take home pay was lower in the months that the State recovered the monies due it. Lower pay, however, does not translate into a reduction in base pay.

If Schneider believes she had a contractual or other basis for receiving the coverage without paying the full costs, she can bring a claim under § 109.03, Stats. *See also German v. Department of Transportation*, 223 Wis.2d 525, 589 N.W.2d 651 (Ct. App. 1998) *aff'd* 2006 WI 62, 235 Wis.2d 576, 612 N.W.2d 50. We have no jurisdiction over disputes concerning overpayments or other payroll errors. Accordingly, we dismiss this claim.

ORDER

Appellant Rachel Schneider's appeal is dismissed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner