

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SUZANNE WEBER, Appellant,

vs.

STATE OF WISCONSIN, DEPARTMENT OF WORKFORCE
DEVELOPMENT, Respondent.

Case ID: 303.0002

Case Type: PA

DECISION NO. 36150

Appearances:

Suzanne Weber, 525 Corner Street, Lodi, Wisconsin, appearing on behalf of herself.

Amesia N. Xiong, Office of the Secretary, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of Respondent State of Wisconsin, Department of Workforce Development.

On March 16, 2014, Appellant Suzanne Weber entered into a settlement agreement between herself and the Department of Workforce Development. The agreement was reached with assistance of her representative and was supervised by the Chairman of the Wisconsin Employment Relations Commission. Weber received a substantial payment as part of the agreement. The agreement essentially ended Weber's employment with the State of Wisconsin and forbade any future application for employment. On December 14, 2015, Weber filed an "appeal" with the Commission alleging that she was disciplined without cause, retaliated against and constructively discharged. DWD has moved to dismiss the appeal.

DECISION AND ORDER DISMISSING APPEAL

As Weber is fully aware, the Commission has no jurisdiction over claimed breaches of settlement agreements she has entered into. *Weber v. DWD*, Dec. No. 34095 (WERC, 2/2014).

Additionally, Weber's current "appeal" focuses on DWD's decision not to permit her to substitute leave for "sabbatical, vacation and personnel leave." She was denied that request based upon the settlement agreement she entered into in March of 2014. Even if Weber were a current and active State employee making such a request and having it denied we would have no jurisdiction over such an appeal. Regardless whether her claim is that she was permitted to make the switch under the settlement agreement or simply claims the right, we have no jurisdiction over this matter.

As for her claimed "constructive dismissal" that allegation is frivolous. Weber retired pursuant to the bargain she negotiated with her employer. There was no coercion. Likewise, we have no jurisdiction over Weber's claim of "harassment." Our patience is wearing thin with Weber's repeated attempts to continue her "war" on DWD. We are an agency with limited resources that has little time for frivolous appeals. It is time for Weber to recognize that her employment disputes are behind her.

NOW, THEREFORE, it is

ORDERED

The motion to dismiss is granted and the appeal is dismissed.

Signed at the City of Madison, Wisconsin, this 12th day of January 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner