

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARFRADO GUILLONTA, Appellant,

vs.

STATE OF WISCONSIN, DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0140

Case Type: PA

DECISION NO. 36359

Appearances:

Marfrado Guillonta, 1501 Albert Street, Racine, Wisconsin, appeared on his own behalf.

Andrea Olmanson, Department of Corrections, 3099 E. Washington Avenue, P.O. Box 7925, Madison, Wisconsin, appeared on behalf of the State of Wisconsin, Department of Corrections.

On March 24, 2016, Marfrado Guillonta received notice of reallocation which involved a change in the pay range of the class. The notice included reference to appeal rights to the Wisconsin Employment Relations Commission but did specify that “pay range reassignments” were not appealable. On April 22, 2016, Guillonta filed a timely notice of appeal with the Commission. On May 16, 2016, the Department of Corrections moved to dismiss the appeal and filed a supporting brief.

DECISION AND ORDER GRANTING MOTION TO DISMISS

The Wisconsin Employment Relations Commission has jurisdiction to hear appeals from personnel decisions made by an individual agency or the Department of Administration’s Division of Personnel Management regarding a change to the classification of a position or reduction of base wages. The Commission does not have jurisdiction to hear appeals related to the pay range of a position. The Commission does not have jurisdiction to hear appeals related to the classification of a particular position absent a decision of an agency to reallocate the position or to deny a state employee’s request for reclassification of his position.

It is apparent from the parties' filings that in March 2016 DOC informed Guillonta that the pay range for his current position changed. Otherwise, his position title and rate of base pay remained the same. There is no allegation that DOC changed (or "reallocated") Guillonta's position classification. Had DOC done so, Guillonta could appeal that decision. There is no allegation that DOC denied a request by Guillonta for reclassification of his position. Had DOC denied a request submitted by Guillonta for reclassification of his position, Guillonta could also appeal that decision.

ORDER

The appeal of Marfrado Guillonta is hereby dismissed.

Signed at the City of Madison, Wisconsin, this 15th day of June 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner