

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

PAUL TAYLOR, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0139

Case Type: PA

DECISION NO. 36363-B

Appearances:

William Rettko, Attorney, Rettko Law Offices, S.C., 15460 West Capitol Drive, Suite 150, Brookfield, Wisconsin, appearing on behalf of Paul Taylor.

Cara Larson, Attorney, Department of Administration, 101 East Wilson Street, 10th Floor, Post Office Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

ORDER DENYING PETITION FOR REHEARING

On June 28, 2017, the Wisconsin Employment Relations Commission issued a Decision and Order in this matter concluding that the State of Wisconsin Department of Corrections had just cause to discharge Paul Taylor. On July 18, 2017, Taylor filed a petition for rehearing pursuant to § 227.49, Stats., asserting that the Commission's Decision and Order contained certain errors of law and fact. We have considered the petition and conclude that our Decision and Order does not contain any errors of law or fact.

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is denied.

Signed at the City of Madison, Wisconsin, this 14th day of August, 2017.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

James J. Daley, Commissioner

MEMORANDUM ACCOMPANYING ORDER DENYING
PETITION FOR REHEARING

Our June 28, 2017, decision has already addressed and rejected most of the arguments made on rehearing. The one new argument made warrants a brief comment. Taylor analogizes Examiner Carne's role in this matter to that of a grievance arbitrator and asserts we are somehow bound to adopt her proposed decision overturning the discharge. Taylor is mistaken. As reflected in §§ 227.46(2) and (4), 227.47, and 230.44(4)(c), Stats., the Commission is the final decision-maker as to state employee disciplinary appeals and is free to reach conclusions that differ from those expressed in a proposed examiner decision. We did so in this matter.

Signed at the City of Madison, Wisconsin, this 14th day of August, 2017.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

James J. Daley, Commissioner