

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

Appearances:

Paul Taylor, 4238 N. Woodburn Street, Shorewood, Wisconsin, appearing on his own behalf.

Mark A. Herman, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of State of Wisconsin, Department of Corrections.

DECISION AND ORDER DENYING MOTION TO DISMISS

Paul Taylor, an employee of the State of Wisconsin, Department of Corrections, was discharged on March 4, 2016. On April 4, 2016, he filed an appeal with the Wisconsin Employment Relations Commission. DOC moves to dismiss asserting that we lack subject matter jurisdiction over the appeal. Taylor has failed to satisfy a condition precedent to our review of this matter. That condition precedent is the exhaustion of the grievance procedure. We review appeals from discipline and discharge decisions as “the final step” in the state employee grievance procedure.

As Taylor’s appeal was otherwise timely, we deny the motion to dismiss and remand this matter to DOC for processing through the state grievance procedure. If that process does not resolve the matter, we will review Taylor’s discharge if requested to do so.

ORDER

The motion to dismiss is denied and the matter is remanded to the State of Wisconsin, Department of Corrections for processing under the state grievance procedure.

Signed at the City of Madison, Wisconsin, this 22nd day of June 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner