

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JEANNE DELAIN, Appellant,

vs.

STATE OF WISCONSIN, DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0162

Case Type: PA

DECISION NO. 36387

Appearances:

Jeanne Delain, 3838 Conard Road, New Franklin, Wisconsin, appearing on behalf of herself.

Amesia N. Xiong, Department of Administration, 101 East Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin, Department of Corrections.

DECISION AND ORDER GRANTING MOTION TO DISMISS

Appellant Jeanne Delain is employed at the Wisconsin Department of Corrections at its Green Bay Correctional Institution. Delain received a “job instruction” and was required to complete two online training sessions as a result of work related to mishap. She was then given a written reprimand for the same incident. Delain exhausted the grievance procedure and then filed an appeal to the Wisconsin Employment Relations Commission. The Wisconsin Department of Corrections moves to dismiss based upon an asserted lack of subject matter jurisdiction. The matter was ripe for action on July 12, 2016.

DOC is correct that we do not have jurisdiction over written reprimands. Our review of disciplinary matters is limited to demotion, layoff, suspension, discharge or reduction in base pay. § 230.44(1)(c), Stats. We have no alternative but to dismiss the appeal.

ORDER

The appeal in this matter is dismissed.

Signed at the City of Madison, Wisconsin, this 26th day of July 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner