

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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ERIN TAYLOR, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES, Respondent.

Case ID: 4.0008

Case Type: PA

DECISION NO. 37765

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**Appearances:**

Erin Taylor, 1327 Harvey Street, Green Bay, Wisconsin, appearing on her own behalf.

Cara J. Larson, Attorney, 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 Children and Families.

**ORDER GRANTING MOTION TO DISMISS**

On September 13, 2018, Erin Taylor filed an appeal with the Wisconsin Employment Relations Commission asserting she had been denied a promised wage increase by the State of Wisconsin Department of Children and Families (DCF). On September 28, 2018, DCF filed a motion to dismiss the appeal for lack of jurisdiction. That same day, Taylor filed a response opposing the motion.

Having considered the matter, the Commission makes and issues the following:

**ORDER**

The motion to dismiss is granted.

Signed at the City of Madison, Wisconsin, this 16th day of October, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO DISMISS**

Erin Taylor's appeal asserts she was promised but did not receive a wage increase. The State admits that DCF erroneously advised Taylor that she would receive a wage increase. Nonetheless, the State moves to dismiss the appeal because the Commission lacks jurisdiction to consider the error. Taylor contends the Commission should hear the matter under the doctrine of promissory estoppel.

The Commission's jurisdiction is established and limited by statute. As argued by the State, the Commission's civil service jurisdiction over wage matters is limited to an alleged reduction in base wage under § 230.44(1)(c), Stats. Here, because the wage increase was never received, it could not have been a "reduction." *See also Schneider v DOC*, Dec. No. 35678 (WERC, 3/15).

As the State also notes, the Commission's jurisdiction over employee grievances under § 230.45(1)(c), Stats. does not include wage issues.

While Taylor may have a promissory estoppel claim in another forum, the Commission does not have such jurisdiction and therefore the appeal has been dismissed.

Signed at the City of Madison, Wisconsin, this 16th day of October, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman