

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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DANIEL H. WILLIAMS, Appellant

vs.

STATE OF WISCONSIN DEPARTMENT OF SAFETY AND  
PROFESSIONAL SERVICES, Respondent

Case ID: 264.0004

Case Type: PA

DECISION NO. 37772

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**Appearances:**

Daniel H. Williams, N3301 Asje Road, Cambridge, Wisconsin, appearing on his own behalf.

Anfin Jaw, 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 Safety and Professional Services.

**ORDER GRANTING MOTION TO DISMISS**

On September 13, 2018, Daniel H. Williams filed an appeal with the Wisconsin Employment Relations Commission regarding the decision of the State of Wisconsin Department of Safety and Professional Services (DPS) to move him from an unclassified position to a classified position. On September 25, 2018, DPS filed a motion to dismiss the appeal for lack of jurisdiction. On October 8, 2018, Williams filed a response opposing the motion, and the matter became ripe for Commission consideration following receipt of a DPS reply on October 17, 2018.

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

**ORDER**

The motion to dismiss is granted.

Dated at Madison, Wisconsin, this 1st day of November, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO DISMISS**

Williams held a classified position in DSPS until 2011 when he was appointed to an unclassified position of Bureau Director. On August 30, 2018, he was removed from his unclassified position and restored to a DSPS classified position. His appeal contests his removal from the unclassified position and his level of pay upon restoration.

The Commission's jurisdiction is established and limited by statute. As argued by the State, because Williams held an unclassified position, the Commission does not have civil service jurisdiction under § 230.44(1)(c), Stats. (or any other statutory provision) to review his removal. *Bahr v. Investment Board*, Case No. 89-0009-PC (4/89). *See also* § 230.33, Stats. Further, Williams has not cited any statutory provision that provides the Commission with jurisdiction over his wage rate upon restoration. Therefore, the motion to dismiss is granted.<sup>1</sup>

Dated at Madison, Wisconsin, this 1st day of November, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

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<sup>1</sup> As Williams notes, he has filed an unfair labor practice complaint with the Commission. That complaint continues to pend before a Commission examiner.