

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JUNE E. ROUNDS-RHEAUME, Appellant,

v.

President, UNIVERSITY OF WISCONSIN SYSTEM, Respondent.

Case 13
No. 66368
PA(adv)-106

Decision No. 31995-A

Appearances:

June E. Rounds-Rheaume, appearing on her own behalf.

John C. Dowling, Senior University Legal Counsel, Office of Administrative Legal Services, 361 Bascom Hall, 500 Lincoln Drive, Madison, Wisconsin 53706-1380, appearing on behalf of the University of Wisconsin.

ORDER DENYING APPELLANT'S PETITION FOR REHEARING

This matter was the subject of a Final Order issued on January 22, 2007 that granted Respondent's motion to dismiss the appeal for lack of subject matter jurisdiction and as untimely filed. Appellant filed her Petition for Rehearing on February 5, 2007, and the Respondent faxed a response to the Commission on February 19. The Appellant submitted additional arguments that were received on February 28, 2007. The Commission has reviewed the parties' submissions and concludes Appellant has failed to show that the Commission's Order was premised on an error of law or fact or that the Appellant has discovered new evidence of the nature described in Sec. 227.49(3), Stats. Therefore, this petition must be denied.

The Commission's January 22nd Order found that between March and May of 2004, the Appellant had been reprimanded twice and suspended once from her employment as a Laboratory Sample Control and Receiving Technician – Senior at the Wisconsin State Laboratory of Hygiene. We concluded that “even if the Appellant's position at the Laboratory was not covered by a collective bargaining agreement [which otherwise would have the effect of superseding the Commission's authority under Sec. 230.44(1)(c), Stats.], a 2006 appeal of a 2004 suspension would be untimely because it was filed more than 30 days after the date the suspension was imposed.” In her petition for rehearing, Appellant contends that she “was on

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medical leave during the 30 day time limit [for filing an appeal with the Commission] and was not able to file a grievance against the one day suspension without pay.” However, the Appellant has not shown that 1) she was incapacitated during the period of her medical leave; 2) her Laboratory Sample Control and Receiving Technician – Senior position was not covered by a collective bargaining agreement with superseding effect on any jurisdiction the Commission would otherwise have under Sec. 230.44(1)(c), Stats., or 3) any medical incapacity extended throughout the entire period from the date of the suspension until a date within 30 days of the October 6, 2006 date she finally filed an appeal with the Commission.

Based upon the above conclusions, the Commission makes and issues the following

ORDER¹

Respondent’s Petition for Rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 6th day of March, 2007.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner

¹ Upon issuance of this Order, the accompanying letter of transmittal will contain the names and addresses of the parties to this proceeding and notices to the parties concerning their rehearing and judicial review rights. The contents of that letter are hereby incorporated by reference as a part of this Order.