

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KRISTINA HANSON, Appellant,

v.

WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case 186
No. 71946
PA(adv)-12

Decision No. 34212

Appearances:

Kristina Hanson, 4113 Kane Court, Eau Claire, Wisconsin 54703, appearing on her own behalf.

Paige Heckel, Labor Relations Specialist – Chief, Office of State Employment Relations, 101 East Wilson Street, Madison, Wisconsin 53707-7855, appearing on behalf of the Respondent.

ORDER GRANTING MOTION TO DISMISS

Pursuant to Sec. 230.44(1)(c), Stats., Kristina Hanson filed an appeal with the Wisconsin Employment Relations Commission January 10, 2013 seeking review of a written reprimand and denial of 15 minutes of pay. On June 17, 2013, Department of Corrections filed a motion to dismiss arguing that the Commission lacks jurisdiction over the subject matter of the appeal. Hanson's representative, Carolyn Kaiser responded to the motion and the matter was ripe for decision on June 24, 2013. ¹

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

ORDER

The motion to dismiss is granted.

Given under our hands and seal at the City of Madison, Wisconsin, this 13th day of August, 2013.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott /s/

James R. Scott, Chairman

Rodney G. Pasch /s/

Rodney G. Pasch, Commissioner

¹ On July 30, 2013, Kaiser advised that she was withdrawing as Hanson's representative.

DEPARTMENT OF CORRECTIONS (Hanson)

MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO DISMISS

Hanson filed her written reprimand and pay appeal pursuant to Section 230.44(1)(c), Stats. That statute only gives the Commission authority to review the following disciplinary actions:

If an employee has permanent status in class. . .the employee may appeal a demotion, layoff, suspension, discharge or reduction in base pay to the commission, if the appeal alleges that the decision was not based on just cause.

Because written reprimands are not among the disciplinary actions listed in Sec. 230.44(1)(c), Stats., we do not have jurisdiction over Hanson's appeal of her written reprimand. See Anand v. DHSS, Case No. 81-438 PC (Pers. Comm., 1/8/1982) ("The absence of 'reprimand' from the list of disciplinary actions expressly subject to the Commission's jurisdiction indicates that the legislature intended appeals from such transactions to be excluded as to that provision.") Therefore, we have granted the motion to dismiss.²

Dated at Madison, Wisconsin, this 13th day of August, 2013.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott /s/

James R. Scott, Chairman

Rodney G. Pasch /s/

Rodney G. Pasch, Commissioner

² Hanson also appealed the denial of 15 minutes pay. The Department advises that this payment will be made. In any event, the pay issue also does not fall within the scope of Sec. 230.44(1)(c), Stats.

