

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ANGELA LAIRD, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0070

Case Type: PA

DECISION NO. 37968

Appearances:

Angela Laird, 206 Plummer Avenue, Neenah, Wisconsin, appearing on her own behalf.

Cara Larson, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Health Services.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On June 28, 2019, Angela Laird filed an appeal with the Wisconsin Employment Relations Commission asserting she had been suspended for three days without just cause by the State of Wisconsin Department of Health Services. On July 8, 2019, the State filed a motion to dismiss the appeal as untimely. Laird did not file a response to the motion, and the matter became ripe for Commission consideration on July 16, 2019.

Having considered the matter, the Commission is satisfied that the motion to dismiss should be granted.

NOW, THEREFORE, it is:

ORDERED

The appeal is dismissed.

Signed at the City of Madison, Wisconsin, this 23rd day of July, 2019.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING DECISION AND
ORDER GRANTING MOTION TO DISMISS**

Angela Laird filed an appeal as to a three-day suspension she received from the Department of Health Services (DHS).

Section 230.445(3)(a)1, Stats., outlines the time requirements dictating when a complaint must be filed and specifically states the employee may not file a complaint with the agency that employs him or her later than 14 days after becoming aware of the discipline.

Laird became aware of her suspension when she received the suspension letter on March 11, 2019. Consistent with § 230.445(3)(a)1, Stats., the suspension letter from DHS advised her that she had 14 days to file a complaint with DHS. Laird did not do so until April 1, 2019.

Section 230.445(2), Stats., specifies in pertinent part:

If an employee does not file a complaint or appeal by an applicable deadline under sub. (3), the employee waives his or her right to appeal the adverse employment decision under this subchapter.

Laird did not file her complaint within 14 days of her March 11, 2019, receipt of the suspension letter. Therefore, as specified in § 230.445(2), Stats., she waived her right to appeal the suspension and the appeal has been dismissed.¹

Signed at the City of Madison, Wisconsin, this 23rd day of July, 2019.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

¹ As DHS correctly argues, Laird also waived her right to appeal the suspension because her filing with the Commission was also untimely.

Section 230.445(3)(c)1, Stats., provides in pertinent part:

An employee or an appointing authority may appeal a decision issued by the administrator under par. (b) by filing an appeal with the commission. The employee or appointing authority may not file an appeal with the commission under this paragraph later than 14 days after receiving the administrator's decision. ...

Laird received the administrator's decision on June 6, 2019. She did not file her appeal with the Commission until June 28, 2019.