

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JONAS TROCHINSKI, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS and
STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION,
DIVISION OF PERSONNEL MANAGEMENT, DIRECTOR OF BUREAU OF MERIT
RECRUITMENT AND SELECTION, Respondents.

Case ID: 1.0336

Case Type: PA

DECISION NO. 38424-C

Appearances:

Paul J. Mertz, Representative, P.O. Box 181, Redgranite, Wisconsin, appearing on behalf of Jonas Trochinski.

Anfin Jaw, Attorney, Department of Administration, Division of Legal Services, 101 East Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections and the Director, Bureau of Merit Recruitment and Selection, Division of Personnel Management, Department of Administration.

ORDER ON REHEARING

On March 16, 2021, the Wisconsin Employment Relations Commission issued an Order Granting Petition for Rehearing to determine if it erred when it concluded on February 11, 2021 that the above-named Respondents did not violate Wis. Stat. § 230.44(1)(a). as to the involuntary transfer of Jonas Trochinski.

A telephonic hearing was conducted on May 26, 2021 by Commission Examiner Peter G. Davis and the parties made oral argument at the conclusion thereof.

Having considered the matter, the Commission concludes that it did not err in its February 11, 2021 decision.

NOW, THEREFORE, it is

ORDERED

The Decision and Order issued on February 11, 2021 did not contain any material error of fact or law.

Issued at the City of Madison, Wisconsin, this 26th day of July, 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING ORDER ON REHEARING

On rehearing, Trochinski continues to contend that the Respondents did not comply with Wisconsin Admin. Code ER-MRS 15.02 which states in pertinent part:

The director may authorize an involuntary transfer, upon written request by an appointing authority, due to performance, discipline or operational needs.

The evidence presented at the May 26, 2021 hearing satisfies the Commission that Department of Corrections (DOC) Secretary Carr instructed DOC staff to relay a written request to staff at the Department of Personnel Management (DPM) that Trochinski be involuntarily transferred. The evidence presented confirms that the written request was made and further persuades the Commission that the acting DPM Director then authorized the transfer. Thus, the evidence presented confirms compliance with ER-MRS 15.02 and establishes that the Commission did not err when it so concluded in its February 11, 2021 Decision and Order.

Issued at the City of Madison, Wisconsin, this 26th day of July, 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman