

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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BECKY ARTTUS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0376

Case Type: PA

DECISION NO. 38478

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**Appearances:**

Becky Arttus, 20602 State Highway 131, Wilton, Wisconsin, appearing on her own behalf.

Jad Itani, Attorney, Department of Corrections, 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

**DECISION AND ORDER GRANTING MOTION TO DISMISS**

On June 24, 2020, Becky Arttus filed an appeal with the Wisconsin Employment Relations Commission asserting she had been retaliated against by the State of Wisconsin Department of Corrections (DOC) for having filed a prior grievance against DOC. On July 14, 2020, DOC filed a motion to dismiss the appeal asserting the Commission did not have jurisdiction. Arttus filed a response to the motion on July 17, 2020.

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.

Issued at the City of Madison, Wisconsin, this 1<sup>st</sup> day of September, 2020.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

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

Arttus asserts that DOC retaliated against her because she filed an earlier grievance against DOC using the State employee grievance procedure established by Chapter 430 of the Wisconsin Human Resources Handbook. DOC contends that the Commission does not have jurisdiction over this allegation and further that Chapter 430 itself prohibits such retaliation and provides a process for pursuing claims of retaliation in Section 430.130. Arttus generally replies that the Commission ought to have jurisdiction and suggests that the Commission enforce Section 430.130.

Section 430.130 provides:

Agencies are prohibited from retaliating against a grievant, representative, or witness who participates, or is scheduled to participate, in proceedings for using the grievance procedure. The DPM Administrator can enforce this prohibition by order under s. 230.04(3), Wis. Stats.

As is evident from the above, Section 430.130 does provide a forum for claims of retaliation. More importantly, Arttus has not been able to identify any provision of Wis. Stat. §§ 230.44 or 230.45 that would give the Commission jurisdiction over this retaliation appeal. Therefore, the motion to dismiss has been granted and the appeal has been dismissed.

Issued at the City of Madison, Wisconsin, this 1<sup>st</sup> day of September, 2020.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman