

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JILL KOLLMANN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0386

Case Type: PA

DECISION NO. 38749

Appearances:

Sean Daley, N600 Rusk Road, Watertown, Wisconsin appearing on behalf of Jill Kollmann.

Anfin Jaw, 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 Corrections.

DECISION AND ORDER DENYING MOTION TO DISMISS

On August 23, 2020, Jill Kollmann filed an appeal with the Wisconsin Employment Relations Commission alleging she had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). On August 28, 2020, DOC filed a motion to dismiss the appeal asserting that Kollmann was a probationary employee who therefore lacked just cause civil service protections. On September 1, 2020, Kollmann filed a response in opposition to the motion, asserting that she had obtained permanent status in class and thus had civil service protections. On September 11, 2020, DOC filed a reply.

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

NOW, THEREFORE, it is:

ORDERED

The motion to dismiss is denied.

Issued at the City of Madison, Wisconsin, this 22nd day of October, 2020.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
DENYING MOTION TO DISMISS

When making a determination on the merits of a motion to dismiss, an appeal must be construed in the light most favorable to the appellant. *See Weber v. DWD*, Dec. No. 34657 (WERC, 11/13). Viewed in the light most favorable to Kollmann, a hearing is needed to determine if she had permanent status in class and, if so, whether DOC has just cause to discharge her.

Therefore, the motion to dismiss is denied.

Issued at the City of Madison, Wisconsin, this 22nd day of October, 2020.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman