

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BECKY ARTTUS, Appellant,

v.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0339

Case Type: PA

DECISION NO. 38779

Appearances:

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

Cara J. Larson, Attorney, 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

On January 27, 2020, Becky Arttus filed an appeal with the Wisconsin Employment Relations Commission pursuant to Wis. Stat. § 230.45(1)(c), asserting that the State of Wisconsin Department of Corrections (DOC) abused its discretion when establishing an \$8.25 limit instead of a \$10 limit on lunch purchases. After several unsuccessful efforts to reach a stipulation of relevant facts, a telephonic hearing was ultimately held on August 25, 2020 by Commission Examiner Peter G. Davis. DOC made oral argument at the end of the hearing. Arttus filed written argument on August 31, 2020.

On December 9, 2020, Examiner Davis issued a Proposed Decision finding there was no abuse of discretion and dismissing the appeal. No objections were filed, and the matter became ripe for Commission consideration on January 11, 2021.

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

FINDINGS OF FACT

1. Becky Arttus, herein Arttus, is employed by the State of Wisconsin Department of Corrections (DOC) as Correctional Officer.

2. On those occasions when Arttus takes a prisoner to medical facility within 15 miles of her headquarters city and wishes to eat an a la carte lunch at the facility, she can spend up to \$8.25 without incurring any out-of-pocket expense.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSIONS OF LAW

1. The Wisconsin Employment Relations Commission has jurisdiction under Wis. Stat. § 230.45(1)(c) to determine if the State of Wisconsin Department of Corrections abused its discretion when it created the \$8.25 limit on the a la carte lunch purchases.

2. The State of Wisconsin Department of Corrections did not abuse its discretion as to the \$8.25 limitation.

Based on the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

ORDER

The appeal is dismissed.

Issued at Madison, Wisconsin, this 11th day of February 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

The issue in this matter is whether Becky Arttus has met her burden of proof to establish that the State of Wisconsin Department of Corrections abused its discretion when it created an \$8.25 limit on a la carte lunch purchases.

An “abuse of discretion” has been defined by the Commission as an exercise of discretion “to an end or purpose not justified by and clearly against reason and evidence.” *See Moeller-Bunker v. DWD*, Dec. No. 36786 (WERC, 5/17).

Here, because the meal in question would occur within 15 miles of Arttus’ headquarter city, she was not entitled by law to have the State provide any fiscal support for an a la carte meal—much less the \$10 Arttus seeks. However, at the suggestion of another employee, DOC decided it would nonetheless provide such support. DOC set the \$8.25 limit based on consultation with the meal provider as to the cost of “the meal of the day” sometimes also available to Arttus depending on the timing of her prisoner transport.

Although the record establishes that there is no entitlement to a la carte meal support by DOC, Arttus contends that if support is provided, it should be at the \$10 level set by the State for reimbursement of lunches consumed between certain hours if the employee is more than 15 miles from the headquarter city. She further argues that if DOC has discretion to set the rate at \$8.25, it might thereafter reduce the rate to a much lower level.

What the State does or does not do in the future is not before the Commission. Here, it is clear the State reasonably exercised its discretion when it pegged the \$8.25 rate to other related costs. Thus, there was no abuse of discretion and the appeal is dismissed.

Issued at Madison, Wisconsin, this 11th day of February, 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman