

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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GEOFFREY SCHULTZ, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0396

Case Type: PA

DECISION NO. 38930

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Appearances:

Geoffrey Schultz, 312 Terrace Lane, Brookfield, Wisconsin appearing on his own behalf.

Anfin Jaw, 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.

**ORDER DISMISSING APPEAL**

On September 16, 2020, Geoffrey Schultz filed an appeal with the Wisconsin Employment Relations Commission asserting the State of Wisconsin Department of Corrections (DOC) had deprived him of the wages, vacation benefits and potential shift preferences he had relied upon when accepting a DOC position. The appeal was assigned to Examiner Peter Davis.

DOC filed a motion to dismiss for lack of jurisdiction but subsequently withdrew the motion. A telephone hearing was held on February 22, 2021 and the parties made oral argument at the hearing's conclusion.

Having considered the matter, the Commission concludes that it does not have jurisdiction to consider the merits of this appeal.

Being fully advised on the premises, the Commission makes and issues the following:

**ORDER**

The appeal is dismissed.

Issued at Madison this 26<sup>th</sup> day of April, 2021.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING ORDER DISMISSING APPEAL**

It is undisputed that before Schultz accepted a position with DOC, he asked if he would be receiving seniority credit for his prior DOC service. It is further undisputed that Schultz was advised in writing that he would receive such credit and that he accepted a new DOC position in reliance on that assurance. Lastly, it is undisputed that after Schultz had started working in his new position, he was correctly advised that the law did not allow for seniority credit to be given. The credit in question would have provided Schultz with \$5000 in an additional annual compensation, one week of additional vacation and an opportunity for a better work shift.

Schultz filed his appeal with the Commission shortly after being advised he would not be receiving seniority credit. He does not specify what statutory provision would give the Commission subject matter jurisdiction to review the merits of his appeal. The Commission has reviewed the scope of its subject matter jurisdiction and has not found a persuasive basis for proceeding further. While Schultz may have a claim against DOC in some forum, the Commission is satisfied that it does not have the authority to proceed. Therefore, the appeal has been dismissed.

Issued at Madison this 26<sup>th</sup> day of April, 2021.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman