

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

STACEY DAIGLE, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0482

Case Type: PA

DECISION NO. 39015

Appearances:

Sean Daley, AFSCME Council 32 Field Representative, N600 Rusk Road, Watertown, Wisconsin, appearing on behalf of Stacey Daigle.

Anfin Jaw, Attorney, Department of Administration, 101 East Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On August 13, 2021, Stacey Daigle filed an appeal with the Wisconsin Employment Relations Commission asserting that the State of Wisconsin Department of Corrections (DOC) had retaliated against her for raising safety concerns at Lincoln Hills/Copper Lake School and thereby abused discretion in violation of Sec. 230.44(1)(d), Stats. On September 10, 2021, DOC filed a motion to dismiss contending that Sec. 230.44(1)(d), Stats. only applies to hiring decisions. Daigle filed a response on September 21, 2021.

Having considered the matter, the Commission concludes that it does lack jurisdiction under Sec. 230.44(1)(d), Stats. the consider the merits of the appeal.

NOW, THEREFORE, it is

ORDERED

The motion to dismiss is granted and the appeal is dismissed.

Issued at Madison, Wisconsin, this 20th day of October, 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING DECISION AND
ORDER GRANTING MOTION TO DISMISS

Wisconsin Stat. § 230.44(1)(d) provides the Commission with Jurisdiction over appeals as to:

A personnel action after certification which is related to the hiring process in the classified service and which is alleged to be illegal or an abuse of discretion

Because this appeal does not raise claims of an abuse of discretion in the hiring process, the Commission does not have jurisdiction under Wis. Stat. § 230.44(1)(d) to consider the merits of this appeal. Therefore, the appeal is dismissed.

Issued at Madison, Wisconsin, this 20th day of October, 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman