

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CHIRAG GANDHI, Appellant,

vs.

STATE OF WISCONSIN INVESTMENT BOARD, Respondent.

Case ID: 677.0000

Case Type: PA

DECISION NO. 40375

Appearances:

Chirag Gandhi, 3049 Bosshard Drive, Fitchburg, Wisconsin, appearing on his own behalf.

William H. Ramsey, Deputy Chief Legal Counsel, Wisconsin Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Investment Board.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On April 18, 2024, Chirag Gandhi filed an appeal with the Wisconsin Employment Relations Commission disputing his termination from the State of Wisconsin Investment Board (SWIB) on April 5, 2024. On April 22, 2024, SWIB filed a motion to dismiss asserting that the Commission does not have jurisdiction over the appeal. Gandhi filed an email reply to the motion on April 23, 2024.

Having reviewed the matter, the Commission concludes that it does not have jurisdiction over the appeal.

NOW, THEREFORE, it is:

ORDERED

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

Issued at the City of Madison, Wisconsin, this 3rd day of June 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
GRANTING MOTION TO DISMISS

Gandhi was employed as a Senior Portfolio Manager for the State of Wisconsin Investment Board (SWIB). On April 5, 2024, Gandhi was discharged for poor performance. As an employee of SWIB, Gandhi was an unclassified employee.¹ There is a distinction between State positions in the classified and unclassified service. Wisconsin Stat. § 230.08 designates positions in the civil service to be in either the classified or unclassified service, and provides in relevant part:

- (1) Classes. The civil service is divided into the unclassified and the classified service.
- (2) Unclassified service. The unclassified service comprises positions held by:
 - ...
 - (p) All employees of the investment board.
 - ...
- (3) Classified service.
 - (a) The classified service comprises all positions not included in the unclassified service.

In his appeal, Gandhi alleges that his discharge was inappropriately handled and requests a reasonable severance package consistent with other SWIB employees who were granted severance packages when terminated. The appeal does not specify what statute might give the Commission jurisdiction over the matters.

Wisconsin Stat. § 230.44(1)(c) serves as the jurisdictional basis for the Commission to review personnel actions with respect to classified positions. However, it does not provide for the review of a discharge for an employee from the unclassified service.

Given all of the foregoing, the Commission concludes that it does not have jurisdiction to review the claims Gandhi has raised in his appeal. Therefore, the motion to dismiss has been granted and the appeal dismissed.²

Issued at the City of Madison, Wisconsin, this 3rd day of June 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

¹All employees of the Investment Board are unclassified employees. This has been the case since May 17, 1988, pursuant to 1987 Wis. Act 399. *Bahr v. State of Wisconsin Investment Board*, 186 Wis.2d 379, 387 fn. 2 (1994).

²SWIB also asserted that the Appellant failed to follow the grievance process set forth in Wis. Stat. § 230.445, which would be an additional basis for dismissal. Because the Commission concluded that it does not have jurisdiction to review the merits of Gandhi's appeal, it is not necessary to address this issue.