

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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TINA LONDRE, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0663

Case Type: PA

DECISION NO. 40421

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**Appearances:**

Tina Londre, 22837 Deer Meadow Drive, Kansasville, Wisconsin, appearing on her own behalf.

David Makovec, 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 Public Instruction.

**DECISION AND ORDER DISMISSING APPEAL**

On July 30, 2024, Tina Londre filed an appeal with the Wisconsin Employment Relations Commission regarding her suspension by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

On August 29, 2024, the DOC made a motion to dismiss the appeal pursuant to Wis. Admin. Code § ER 46.07 (2). Londre replied on September 1, 2024.

Having considered the matter, the Commission is satisfied that the motion to dismiss should be granted.

NOW, THEREFORE, it is:

**ORDERED**

The appeal is dismissed.

Issued at Madison, Wisconsin, this 27<sup>th</sup> day of September 2024.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING DECISION AND ORDER DISMISSING APPEAL**

An employee must first file a grievance with their appointing authority no later than 14 days after the employee becomes aware of – or should have become aware of – the decision on the matter grieved. *See* Wis. Stat. § 230.445(3)(a)1. and Wis. Admin. Code § ER 46.06 (2)(a). The employee may then file a second step (or a Step 2 Grievance) with the Administrator of the Division of Personnel Management no later than 14 days after the date of the appointing authority’s decision. *See* Wis. Stat. § 230.445(3)(b)1. and Wis. Admin. Code § ER 46.06 (2)(b)1. If this too proves unsuccessful, the employee may file with the Commission within 14 days after receipt of the second step decision. *See* Wis. Stat. § 230.445(3)(c)1. and Wis. Admin. Code § ER 46.07 (2). The appellant bears the burden of establishing that her appeal was timely filed. *See Kline v. UW-OSER*, Dec. No. 30818 (WERC, 3/04).

Londre filed a Step 2 Grievance Appeal on June 24, 2024, which identified her preferred email address as Tina.Londre@hotmail.com. Employment Relations Specialist Brenda Brewer emailed Londre’s Step 2 Grievance decision to Tina.Londre@hotmail.com on June 27, 2024. The email included instructions for an appeal, which explained that Londre must file an appeal with the Commission no later than 14 days after receiving the Step 2 Grievance decision. The email also included an attachment with step-by-step instructions for filing an appeal with Commission within 14 days.

On July 29, 2024, Londre emailed Brewer about the status of her appeal. Brewer responded to Londre that her Step 2 response was sent to her personal email address, Tina.Londre@hotmail.com, on June 27, 2024. Londre filed an appeal with the Commission on July 30, 2024.

Londre argues that the decision was not sent to her work email. However, on her Step 2 Grievance form, Londre listed Tina.Londre@hotmail.com as her preferred email address.

Londre further insists that she never received her Step 2 Grievance decision on June 27, 2024, because she received a message saying: “Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server.” However, this message does not mean the recipient did not receive the email, it simply means that the destination server or email provider doesn’t send delivery receipts, or the user has declined or turned them off.

Londre’s Step 2 Grievance decision was sent to the email address that she provided, and it included instructions to file an appeal within 14 days. Nevertheless, Londre failed to file an appeal with the Commission within the deadline. Therefore, this appeal is untimely filed.

Given the foregoing, the motion to dismiss is granted and the appeal is dismissed.

Issued at the City of Madison, Wisconsin, this 27<sup>th</sup> day of September 2024.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman