

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JENNIFER DUFFY-JUONI, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0723

Case Type: PA

DECISION NO. 40867

Appearances

Scot B. Galligan, P.O. Box 456, Eden, Wisconsin, appearing on behalf of Jennifer Duffy-Juoni.

David G. Makovec, Attorney, Wisconsin 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 GRANTING MOTION TO DISMISS

On February 28, 2025, Jennifer Duffy-Juoni filed an appeal with the Wisconsin Employment Relations Commission asserting she had received a one-day suspension without just cause by the State of Wisconsin Department of Corrections (DOC). On March 14, 2025, the DOC filed a motion to dismiss the appeal because the grievance procedural requirements had allegedly not been met. No response to the motion was received and the matter became ripe for Commission consideration on March 24, 2025.

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 the City of Madison, Wisconsin, this 30th day of April 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
GRANTING MOTION TO DISMISS

The grievance process for demotion, suspension, discharge, layoff, or reduction in base pay found in Wis. Stat. § 230.445 provides the following in pertinent part:

(3)(a)1. To commence the grievance process for an adverse employment action, an employee shall file a complaint with the employee's appointing authority challenging the adverse employment decision against the employee no later than 14 days after the employee becomes aware of, or should have become aware of, the decision that is the subject of the complaint

Jennifer Duffy-Juoni (hereafter Duffy-Juoni) received a one-day suspension on February 11, 2025. The suspension letter advised Duffy-Juoni of the following appeal procedure:

If you believe this action is not based on just cause, you may appeal it through the grievance procedure set forth in Wis. Stats. s. 230.445, the Wisconsin Human Resources Handbook Chapter 430 Employee Grievance Procedure, and the DOC Grievance Policy 200.30.303. Grievances must be submitted using the DPM Adverse Employment Action and Conditions of Employment Grievance form (DOA-15802) available on the Division of Personnel Management website at <https://dpm.wi.gov/Pages/home.aspx>. The grievance must be received by DOC Employment Relations staff electronically to DOCBHRGrievances@wisconsin.gov, in person or via inter-departmental mail no later than 14 calendar days after you became aware of, or should have become aware of, the decision that is the subject of the complaint.

Therefore, any appeal had to be filed with DOC on or before February 25, 2025.

However, Duffy-Juoni appealed her suspension on February 28, 2025, directly to the Wisconsin Employment Relations Commission instead of to DOC. Thus, her appeal was not only untimely but also filed in the wrong place.

Wis. Stat. § 230.445(2) provides in pertinent part that:

If an employee does not file a complaint or an appeal by an applicable deadline under sub. (3), the employee waives his or her right to appeal the adverse employment decision under this subchapter.

Given the foregoing statutory provisions, the Commission concludes the motion to dismiss must be granted and the appeal dismissed. Duffy-Juoni filed an untimely appeal and filed it in the wrong place.

Issued at the City of Madison, Wisconsin, this 30th day of April 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman