

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LEO KIEDROWSKI, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF REVENUE and DEPARTMENT OF
ADMINISTRATION, DIVISION OF PERSONNEL MANAGEMENT, Respondents.

Case ID: 254.0007

Case Type: PA

DECISION NO. 41263

Appearances

Leo Kiedrowski, c/o Wisconsin Department of Revenue-Wausau District Equalization Office, 731 N. 1st Street, Suite 6000, Wausau, 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 Department of Revenue and Department of Administration.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On October 21, 2025, Leo Kiedrowski filed an appeal with the Wisconsin Employment Relations Commission seeking a review of a decision by the Department of Administration (DOA), Division of Personnel Management (DPM) related to a pay increase after reclassification of his position. On November 11, 2025, DOA/DPM filed a motion to dismiss the appeal asserting the Commission lacked subject matter jurisdiction. Kiedrowski filed a response to the motion on November 25, 2025, and the matter became ripe for Commission action.

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 9th day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
GRANTING MOTION TO DISMISS

Kiedrowski is a Property Assessment Specialist for the Department of Revenue (DOR). On or about October 19, 2025, Kiedrowski was denied a pay increase after being reclassified from a Property Assessment Specialist-Entry to a Property Assessment Specialist-Journey. After filing the current appeal, DOA/DPM granted the wage increase sought by the appellant on or about October 31, 2025. The remaining issue Kiedrowski seeks on appeal is the review of his initial denial and DPM's application of section I, 4.10(2) of the 2023-2025 State of Wisconsin Compensation Plan, which states:

(2) Regraded employees, except trainees, whose positions are reallocated or reclassified to a higher classification series level within the same pay range will receive an increase in the amount of 8.0% of the pay range minimum. This applies only if an employee has not held, within five years of the reclassification or reallocation effective date, permanent status in class at the same level of the reclassification or reallocation. The appointing authority may provide an additional pay adjustment allowing for a total pay adjustment of no more than 12% of the new pay range minimum or to the minimum of the pay range, whichever is greater. However, for reallocations that do not solely involve a change in duties, such as pay range reassessments, title changes, reorganizations, or as a result of a survey, the increase may be provided at the discretion of the DPM Administrator.

Thus, Kiedrowski is requesting the Commission review a decision made under Wis. Stat. § 230.09(2)(f), which states:

(f) If a position in the classified service is reclassified or reallocated, or if a position is allocated from the unclassified service to a classification in the classified service having a lower pay rate or pay range maximum than the incumbent's current basic pay rate, the pay rate of the incumbent shall be adjusted under the compensation plan under s. 230.12 or the rules prescribed under this section.

Kiedrowski argues that Wis. Stat. §§ 230.44(1)(b) and/or 230.44(1)(d) may give the Commission jurisdiction over his claims.

Wisconsin Stat. § 230.44(1)(b) serves as the jurisdictional basis for the Commission to review personnel actions with respect to decisions made or delegated by the administrator [of DPM], which provides:

(b) *Decision made or delegated by administrator.* Appeal of a personnel decision under s. 230.09(2)(a) or (d) or 230.13(1) made by the administrator or by an appointing authority under authority delegated by the administrator under s. 230.04(1m).

Wisconsin Stat. § 230.09(2)(a), states:

(a) After consultation with the appointing authorities, the administrator shall allocate each position in the classified service to an appropriate class on the basis of its duties, authority, responsibilities or other factors recognized in the job evaluation process. The administrator may reclassify or reallocate positions on the same basis.

Wisconsin Stat. § 230.09(2)(d), states:

(d) If after review of a filled position the administrator reclassifies or reallocates the position, the administrator shall determine whether the incumbent shall be regraded or whether the position shall be opened to other applicants.

However, the decision made or delegated by the administrator here is not appealable under Wis. Stat. § 230.44(1)(b) because it is not a decision made under Wis. Stat. §§ 230.09(2)(a) or (d), but rather a decision made under § 230.09(2)(f).

The Commission, and its predecessor agency, the Wisconsin Personnel Commission, held in *Garr v. DER*, Case No. 90.0163-PC (01/11/91):

The Commission's jurisdiction over respondent DER's actions (as potentially material to these proceedings) is set forth in §230.44(1)(b), Stats., as hearing appeals of actions of the Secretary of DER [under] §230.09(2)(f): "If a position in the classified service is . . . reallocated . . . the pay rate of the incumbent shall be adjusted under the rules prescribed under this section." Since §230.44(1)(b) gives the Commission authority to hear appeals of actions taken under certain enumerated subsections of §230.09(2), but that enumeration does not include §230.09(2)(f), the conclusion is inescapable that the Commission has no jurisdiction over decisions regarding salary adjustments made in connection with reallocations.

Id. See, also, Allen v. DER, Dec. No. 30772 (WERC, 1/04) (holding that the only difference is that the Secretary of the Department of Employment Relations' duties had been transferred to the Director of the Office of State Employment Relations, which have subsequently been transferred to the Administrator of the Division of Personnel Management).

Furthermore, Wis. Stat. § 230.44(1)(d), gives the Commission jurisdiction to review a personnel action after certification related to the hiring process in the classified service which is alleged to be illegal or an abuse of discretion. Plainly, Kiedrowski's claims are not related to the hiring process in the classified service. Thus, Wis. Stat. § 230.44(1)(d) does not give the Commission jurisdiction in the present matter.

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

Issued at the City of Madison, Wisconsin, this 9th day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman