

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ELIZABETH SAUNDERS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0189

Case Type: PA

DECISION NO. 41422

Appearances:

Elizabeth Saunders, 1664 Minnesota St., Oshkosh, Wisconsin, appearing on her own behalf.

Nicole Porter, 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 Health Services.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On December 23, 2025, Elizabeth Saunders (Saunders) filed an appeal to the Wisconsin Employment Relations Commission challenging the amount of tuition reimbursement paid by the Department of Health Services (DHS) following Saunders' participation in career-related educational coursework. On January 12, 2026, DHS filed a motion to dismiss the appeal on the grounds that the Commission lacks subject matter jurisdiction to review the matter. Saunders filed a response on January 23, 2026, and the matter became ripe for Commission consideration.

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

NOW, THEREFORE, it is:

ORDERED

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

Issued at Madison, Wisconsin, this 10th day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
GRANTING MOTION TO DISMISS

Wisconsin Stat. § 230.45(1)(c), gives the Commission authority to serve as the final step arbiter in the state employee grievance procedure relating to conditions of employment, established under Wis. Stat. § 230.04(14).

Wisconsin Admin. Code § ER 46.03 outlines the grievance procedure for employees to appeal conditions of employment. However, Wis. Admin. Code § ER 46.03(2), provides that “[a]n employee may not use this chapter to grieve: (k) Any matter related to wages, hours of work, and fringe benefits.”

In this case, Saunders argues that the Commission has jurisdiction over this appeal. She acknowledges that Wis. Admin. Code § ER 46.03(2)(k) excludes grievances about wages, hours of work, and fringe benefits, but contends that her case involves an appealable personnel decision and an abuse of discretion. Saunders relies on Wis. Stat. § 230.44, which allows appeals of certain personnel actions, including decisions made by an appointing authority or actions alleged to be illegal or an abuse of discretion. Saunders states that DHS’s approved tuition reimbursement of \$3,776.25 before she began the training, but after completing the training she received only \$2,265.75. According to Saunders, DHS later explained that the reimbursement was reduced because her position changed from full-time to 0.60 FTE during that period. Saunders also alleges that DHS altered documentation related to the reimbursement approval and did not properly complete documentation regarding her position change. Based on these circumstances, Saunders argues that DHS made an improper personnel decision and abused its discretion when it only gave her \$2,265.75 for her tuition reimbursement and therefore the Commission has jurisdiction to hear the appeal.

The core of Saunders’ claim concerns reimbursement for career-related training expenses. Tuition reimbursement constitutes a fringe benefit under ER 46.03(2)(k). While Saunders characterizes the dispute as an abuse of discretion or an improper personnel action, the substance of the claim concerns the amount of tuition reimbursement provided after her FTE status changed.

Because the dispute concerns a fringe benefit, it falls within a category of matters expressly excluded from the state employee grievance procedure. As a result, the Commission does not have jurisdiction to review the matter. Therefore, the appeal is dismissed.

Issued at Madison, Wisconsin, this 10th day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman