

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

HANS WALLESER, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES, Respondent.

Case ID: 315.0035

Case Type: PA

DECISION NO. 41519

Appearances:

Sean Daley, Field Representative, AFSCME Wisconsin Council 32, N1463 Second Street Road, Watertown, Wisconsin, appearing on behalf of Hans Walleser.

Eric Schanowski, Attorney, Department of Natural Resources, Bureau of Legal Services
101 S. Webster Street, Madison, Wisconsin, appearing on behalf of the State of Wisconsin
Department of Natural Resources.

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER DISMISSING APPEAL**

On September 19, 2025, Hans Walleser filed an appeal with the Wisconsin Employment Relations Commission pursuant to Wis. Stat. § 230.44(1)(d), asserting that the State of Wisconsin Department of Natural Resources (DNR) had acted improperly by the manner in which a position was filled.

On December 18, 2025, the DNR filed a motion to dismiss asserting the Commission lacked jurisdiction over the appeal. On December 22, 2025, Walleser filed a response to the motion and on December 23, 2025, the State filed a reply thereto.

On April 7, 2026, the Commission tardily provided the parties with some preliminary rulings and offered Walleser the opportunity to propose an alternative jurisdictional basis for his appeal. On April 10, 2026, Walleser advised that he now wished to proceed under Wis. Stat. § 230.44(1)(a). On April 16, 2026, DNR responded and asserted that the Commission has previously held that it does not have jurisdiction under § 230.44(1)(a) to consider the issue Walleser has raised.

On June 1, 2026, the Commission reached out to the Department of Administration Director of Merit Recruitment and Selection (DMRS) to ask if jurisdiction over the Walleser issue might exist in that forum. On June 4, 2026, DMRS advised that it did not have jurisdiction over the matter.

Having considered the matter and being fully advised in the premises, the Commission concludes that it does not have jurisdiction over the issue Walleser wishes to adjudicate.

NOW, THEREFORE, it is

ORDERED

The appeal is dismissed.

Issued at Madison, Wisconsin, this 23rd day of July 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

**MEMORANDUM ACCOMPANYING FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER DISMISSING APPEAL**

Walleser asks the Commission to review whether DOT complied with its transfer policy when DOT filled a position. When reviewing transfers under Wis. Stat. § 230.44(1)(a), the Commission held in *Thiel v. DOT*, Dec. Nos. 31725-A, 31726-A (WERC, 12/09) that:

[R]eview under subsection (1)(a) is limited to the narrow question of whether the transferred individual was qualified to perform the work after customary orientation and whether the before-and-after positions are in the “same or counterpart pay ranges.” DHFS & DMRS (Warren), Dec. No. 31215-A (WERC, 12/05).

Walleser does not seek review of those questions and thus, pursuant to the holding in *Thiel*, the appeal is dismissed for lack of jurisdiction.

Issued at Madison, Wisconsin, this 23rd day of July 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

