

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KELLY WEBB, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0956

Case Type: PA

DECISION NO. 41537

Appearances:

Kelly Webb, N2595 W. County Road A, Cascade, Wisconsin, appearing on behalf her own behalf.

Karen M. Heineman, Legal Counsel, Wisconsin Department of Corrections, 3099 E. Washington Avenue, P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER DENYING MOTION TO DISMISS

On July 23, 2026, Kelly Webb (Webb) filed an appeal with the Wisconsin Employment Relations Commission asserting she has been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). On July 30, 2026, DOC filed a motion to dismiss the appeal asserting that Webb's Step 2 grievance was not timely filed. Webb did not file a response to the motion by the given deadline of August 7, 2026.

Having considered the matter, the Commission makes and issues the following:

NOW, THEREFORE IT IS

ORDERED

The motion to dismiss is denied.

Issued at the City of Madison, Wisconsin, this 12th day of August 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
DENYING MOTION TO DISMISS

Kelly Webb (Webb) timely commenced Step 1 of the grievance process on May 19, 2026. On June 12, 2026, Webb received her Step 1 grievance decision from DOC via email. On June 26, 2026, Webb sent an email to DOADPMGrievance@wisconsin.gov stating, “Move this grievance to Step 2.”

Under Wis. Stat. §§ 230.445(2) and 230.445(3)(b)1., an employee may not file an appeal later than 14 days after the date of the appointing authority’s (Step 1) decision. Here, Webb’s deadline to file a timely appeal to DPM was June 26, 2026.

DOC argues that Webb did not include the DOA-15802 form with her appeal on June 26. She later submitted the form on June 27, 2026. Because the form was not included in her initial email, DOC claims that the appeal was untimely filed on June 27, 2026.

DOC is correct that Webb was given instructions on filing a Step 2 appeal which included filing form DOA-15802. However, the Commission is satisfied that her failure to do so ought not be fatal to her claim given her timely notification to the State of her interest in proceeding to Step 2 and providing the form the next day.

Given the foregoing, the Commission concludes the motion to dismiss is denied. Therefore, the appeal will proceed to a hearing on the merits.

Issued at the City of Madison, Wisconsin, this 12th day of August 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis
Peter G. Davis, Chairman