

State of Wisconsin

DOA – DIVISION OF PERSONNEL MANAGEMENT

- COMPENSATION AND EMPLOYMENT RELATIONS BULLETIN -

Date: March 23, 2018

Locator No. DPM-0463-CER

**Subject: REPLACEMENT BULLETIN:
Notification to Employees Regarding
Grievance Rights Following Discipline**

The purpose of this bulletin is to notify agencies of additional language required to provide employees proper notice of grievance rights following the issuance of discipline. **This bulletin replaces Bulletin DPM-0449-CER dated October 4, 2017, which should be discarded.**

2015 Wisconsin Act 150 (Act 150) modified the grievance process available to employees with permanent status in class, or assistant district attorneys or assistant state public defenders who have served at least 12 months of continuous service in these positions. In summary, these groups of employees may file a grievance related to an adverse employment decision including demotion, suspension, discharge, layoff, or reduction in base pay (“adverse employment decision”). Employees are now required to follow the grievance process as described in s. 230.445, Wis. Stats.

To ensure a uniform practice across all agencies when providing employee notice about the grievance process, including the grievance filing deadlines, the following communication is now required in letters issuing employee discipline:

“If you believe that this action is not based on just cause, you may appeal it through the grievance procedure set forth in Wis. Stat. s. 230.445 and the Wisconsin Human Resources Handbook Chapter 430 Employee Grievance Procedure, **[if applicable, insert agency grievance policy information]**. Grievances must be submitted using the DPM Adverse Employment Action Grievance form (DOA-15802) available on the Division of Personnel Management website at https://dpm.wi.gov/Pages/How_Do_I/FileAGrievance.aspx **[if applicable, insert agency link]**. The grievance must be received by **[insert agency protocol (i.e. where to file)]** no later than 14 calendar days after the employee becomes aware of, or should have become aware of, the decision that is the subject of the complaint.”

This language will also be included in termination letters including terminations for misconduct, job abandonment, or failure of a performance improvement plan. This language is not required for termination or discipline of other unclassified employees, probationary employees, project employees, limited term employees, or employees in a collective bargaining unit subject to the provisions of s. 111.91(1), Wis. Stats.

Questions regarding this directive may be directed to the Bureau of Compensation and Employment Relations (BCER).

A handwritten signature in cursive script that reads "Jim Underhill".

Jim Underhill, Director
Bureau of Compensation and Employment Relations

Resources:

WHRH Chapter 410 – Employee Work Rules and Discipline Procedure

WHRH Chapter 430 – Grievance Procedure

DPM Adverse Employment Action Grievance form (DOA-15802)

Section 230.445, Wis. Stats.