

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JODI GRENKO, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0205

Case Type: PA

DECISION NO. 36950

Appearances:

Sean Daley, AFSCME Wisconsin Council 32, P.O. Box 19, Ashippun, Wisconsin, appearing on behalf of Jodi Grenko.

Cara J. Larson, 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 Corrections.

DECISION AND ORDER

On April 26, 2017, Jodi Grenko filed an appeal with the Wisconsin Employment Relations Commission, asserting that she had been suspended from her employment for one day without just cause by the State of Wisconsin Department of Corrections. The Commission assigned the appeal to Hearing Examiner Karl R. Hanson, who received a Stipulation of Facts from the parties and conducted a hearing on May 31, 2017, in Madison, Wisconsin. The parties made oral arguments at the conclusion of the hearing.

On June 7, 2017, Examiner Hanson issued a proposed decision affirming the suspension. No objections were filed and the matter became ripe for Commission consideration on June 13, 2017.

Being fully advised in the premises, the Commission makes and issues the following:

FINDINGS OF FACT

1. Jodi Grenko is employed by the State of Wisconsin Department of Corrections at Dodge Correctional Institution and had permanent status in class at the time she was suspended from her employment for one day.

2. On February 18, 2017, Grenko finished a conversation with the warden of the Dodge Correctional Institution, William Pollard, by saying “thanks for nothing” and then called

him an asshole. Grenko said this loud enough that it was heard by the warden and two of her coworkers.

3. On March 8, 2017, the Department of Corrections suspended Grenko for one day, for demeaning Pollard and treating him discourteously in violation of a work rule.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following:

CONCLUSIONS OF LAW

1. The Wisconsin Employment Relations Commission has jurisdiction to review Jodi Grenko's one-day suspension pursuant to § 230.44(1)(c), Stats.

2. The State of Wisconsin Department of Corrections had just cause within the meaning of § 230.34(1)(c), Stats., to suspend Jodi Grenko for one day.

Based on the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following:

ORDER

The State of Wisconsin Department of Corrections' one-day suspension of Jodi Grenko is affirmed.

Signed at the City of Madison, Wisconsin, this 28th day of June, 2017.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.34(1)(a), Stats., provides in pertinent part the following as to certain employees of the State of Wisconsin:

An employee with permanent status in class ... may be removed, suspended without pay, discharged, reduced in base pay, or demoted only for just cause.

Section 230.44(1)(c), Stats., provides that a State employee with permanent status in class:

may appeal a demotion, layoff, suspension, discharge or reduction in base pay to the commission ... if the appeal alleges that the decision was not based on just cause.

Jodi Grenko had permanent status in class at the time she was suspended from her employment with the State of Wisconsin Department of Corrections (“DOC”) for one day, and her appeal alleges that the discipline was not based on just cause.

The State has the burden of proof to establish that Grenko was guilty of the alleged misconduct and whether the misconduct constitutes just cause for the discipline imposed. *Reinke v. Personnel Bd.*, 53 Wis.2d 123 (1971); *Safransky v. Personnel Bd.*, 62 Wis.2d 464 (1974).

Grenko called William Pollard, the warden of the penal institution where she works, an asshole. She said this loudly enough that Pollard and two of her coworkers heard her. An employee does not need a work rule or a prior written warning to know that calling one’s boss an asshole is disrespectful and wrong.

The record is silent regarding any context of Grenko’s statements that may mitigate her conduct. Grenko has worked with DOC for about 21 years and has no history of discipline. She also has no prior performance issues, outside of attendance. This employment history is not a reason to modify the discipline imposed by DOC for such clear misconduct.

Discipline was warranted for Grenko’s misconduct. A one-day suspension was not excessive.

Signed at the City of Madison, Wisconsin, this 28th day of June, 2017.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner