

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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JULIE HARBRIDGE, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0525

Case Type: PA

DECISION NO. 39443

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Appearances:

Randy Zielieke, 751 County Road K, Fond du Lac, Wisconsin, appearing on behalf of Julie Harbridge.

William Ramsey, Deputy Chief Legal Counsel, Department of Administration, 101 East 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 28, 2022, Julie Harbridge filed an appeal with the Wisconsin Employment Relations Commission asserting she had been suspended for one day without just cause by the State of Wisconsin Department of Corrections (DOC).

A telephone hearing was held on June 22, 2022, by Commission Examiner Anfin Jaw. The parties made oral argument at the end of the hearing. On June 27, 2022, Examiner Jaw issued a Proposed Decision and Order rejecting the one-day suspension by DOC, modifying it to a Letter of Expectation. DOC filed objections to the Proposed Decision on July 1, 2022. Harbridge did not file a reply to the objections by the deadline given of July 6, 2022.

Being fully advised on the premises and having considered the matter, the Commission makes and issues the following:

**FINDINGS OF FACT**

1. Julie Harbridge is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at Taycheedah Correctional Institution (TCI), and she had permanent status in class at the time of her suspension.

2. TCI is a correctional facility located in Fond du Lac, Wisconsin operated by DOC, a state agency of the State of Wisconsin.

3. In October 2021, Harbridge denied a mass publication email in Corrlinks, the inmate or persons in our care (PIOC) email system. It was later discovered she should not have done so.

4. On November 2, 2021, Captain Michael Lambrecht verbally instructed Harbridge to forward mass publication emails to a security supervisor for approval.

5. In February 2022, DOC found out that Harbridge denied or rejected a handful of emails to PIOC's in Corrlinks without forwarding the emails to a security supervisor for review and approval.

6. DOC suspended Harbridge for one day for failing to follow Captain Lambrecht's direction in Finding 4.

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 over this appeal pursuant to Wis. Stat. § 230.44 (1)(c).

2. The State of Wisconsin Department of Corrections did not have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Julie Harbridge 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 one-day suspension of Julie Harbridge shall be modified to a Letter of Expectation and Harbridge shall be made whole.

Issued at Madison, Wisconsin, this 15<sup>th</sup> day of July, 2022.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING DECISION AND ORDER**

Section 230.34(1)(a), Stats., states in pertinent part:

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.

Harbridge had permanent status in class at the time of her suspension and her appeal alleges that the suspension was not based on just cause.

The State has the burden of proof to establish that Harbridge 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).

In October 2021, DOC discovered that Harbridge rejected a mass publication email in Corrlinks to a PIOC. For reasons unknown, she should not have rejected the email. On November 2, 2021, Captain Michael Lambrecht, a security supervisor, spoke to Harbridge about the rejected mass publication email and directed her to forward those emails to a security supervisor for approval. If she had questions about any email, she should contact the shift supervisor. After the meeting with Captain Lambrecht, Harbridge was confused about his directions and sent Lambrecht an email for clarification. Lambrecht did not respond to her email.

Harbridge understood that PIOC's could not possess mass publication emails, and therefore she was allowed to "reject" the emails. She explained that mass publication emails originate from outside organizations and according to DOC inmate mail policy, PIOC's shall not possess identical publications. By rejecting the mass publication emails, she was following policy. Therefore, she continued to reject emails she believed could be rejected, based on policy. She did not understand what she was doing wrong. She was never directed to stop rejecting inmate emails. Harbridge credibly testified that she does what she is told. Had there been clear directions from Captain Lambrecht, she would have followed his directions.

DOC witnesses testified that all email denials must be forwarded to a security supervisor for review. If it is a mass publication, suspicious email, or contains threats of violence, the emails are rejected, but must be forwarded to a security supervisor. While Captain Lambrecht testified that he explained the email denial process to Harbridge, there clearly was miscommunication or a misunderstanding. This confusion could have been cleared up had Lambrecht responded to Harbridge's email or memorialized his instructions in writing. Since neither happened, the

Commission concludes that DOC did not have just cause for a one-day suspension but that a Letter of Expectation is appropriate to set clear directions, in writing, for Harbridge to follow.

Given the foregoing, it is concluded that the one-day suspension be modified to a Letter of Expectation and that Harbridge be made whole in all other regards.

Issued at Madison, Wisconsin, this day of 15<sup>th</sup> July, 2022.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman