

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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SHAUN MORROW, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0455

Case Type: PA

DECISION NO. 38994

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Appearances:

Shaun Morrow, 2509 Falcons Cove, Stevens Point, Wisconsin, appearing on his own behalf.

Anfin Jaw, 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 May 4, 2021, Shaun Morrow filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for one day without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Peter G. Davis.

On July 28, 2021, a telephone hearing was held by Commission Examiner Peter G. Davis. The parties made oral argument at the end of hearing. On August 16, 2021, Examiner Davis issued a Proposed Decision and Order affirming the one-day suspension by DOC. No objections were filed by the deadline given of August 23, 2021.

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

**FINDINGS OF FACT**

1. Shaun Morrow, herein Morrow, is employed by the State of Wisconsin Department of Corrections (DOC) as a Parole Agent. He had permanent status in class at the time of his suspension.

2. In December, 2020, Morrow had a conversation with a client's wife regarding the client's possibility of becoming a confidential informant and the dangers involved.

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 had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Shaun Morrow 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 Shaun Morrow is affirmed.

Issued at Madison, Wisconsin, this 31<sup>st</sup> day of August, 2021.

**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.

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

The State has the burden of proof to establish that Morrow 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 December, 2020, Morrow had a conversation with a client's wife regarding the client's possibility of becoming a confidential informant and the dangers involved. Such a conversation is prohibited by work rule and obviously has the potential to create danger for the client and/or the client's family. Morrow points out that it was the client's wife who initiated the conversation, and the Commission acknowledges that there would be an understandable temptation to respond and engage. However, as DOC persuasively argues, any discussion of the issue is to be avoided because of the potential dangers created. Thus, the Commission concludes that Morrow did engage in misconduct. Further, because the discipline imposed was limited to a one-day suspension, the Commission is also satisfied that DOC's disciplinary response did not run afoul of the just cause standard.

Issued at the City of Madison, Wisconsin, this 31<sup>st</sup> day of August, 2021.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman