

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ROGER KRANTZ Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0458

Case Type: PA

DECISION NO. 38996

Appearances:

Roger Krantz, W6175 Maple St., Burnett, Wisconsin, appearing on his own behalf.

Nicole Rute, 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 12, 2021, Roger Krantz filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for three days without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Peter G. Davis.

A telephone hearing was held on July 20, 2021 by Examiner Davis. The parties made oral argument at the end of hearing and additional evidence and argument was received by July 22, 2021. On August 20, 2021, Examiner Davis issued a Proposed Decision and Order affirming the three-day suspension by DOC. No objections were filed by the deadline given of August 25, 2021.

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

FINDINGS OF FACT

1. Roger Krantz, herein Krantz, is employed by the State of Wisconsin Department of Corrections (DOC) as a Nurse Clinician. He had permanent status in class at the time of his suspension.

2. Krantz failed to document his contacts with a doctor in a patient's medical chart.
3. At the time of the three-day suspension, Krantz had a one-day suspension on his record.

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 Roger Krantz for three days.

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

ORDER

The three-day suspension of Roger Krantz is affirmed.

Issued at Madison, Wisconsin, this 1st day of September, 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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.

Krantz 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 Krantz 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).

Krantz admits that he did not document his contacts with a doctor in a patient's chart. However, he points out that the contacts with the doctor were recorded elsewhere and that no harm to the patient occurred. To some degree, he argues that performing the additional documentation was a waste of time.¹

Because Krantz is employed by DOC, he needs to follow the rules that DOC establishes as to the type of documentation required. He did not do so and thus engaged in misconduct.

As to whether the misconduct warranted a three-day suspension, Krantz contends that the suspension should be set aside because he is being singled out by his supervisor who has created a hostile work environment. It is apparent that Krantz does not like his supervisor and considers his nursing experience to be superior to hers. However, he has not proven to the Commission's satisfaction that he was singled out for discipline. Krantz has a related claim that other employees also failed to properly document patient information and were not disciplined. However, the evidence in the record does not support this claim of disparate treatment.

Krantz had a one-day suspension on his record at the time he engaged in the instant misconduct. In light of that suspension, imposition of a three-day suspension is consistent with a progressive disciplinary approach and the just cause standard. Therefore, the three-day suspension is affirmed.

¹ After he became aware that a disciplinary investigation was underway, Krantz did document the contacts with the doctor. To the extent he asserts that he simply forgot to document the contacts at the time, that assertion is not a credible one in light of his overall testimony. Further, the documentation in question is to be done no later than the employee's next shift and Krantz's subsequent documentation did not meet that expectation.

Issued at Madison, Wisconsin, this 1st day of September, 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman