

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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RYAN ADAMS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0473

Case Type: PA

DECISION NO. 39264

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Appearances:

Ryan Adams, N126 Czech Drive, Coloma, 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 July 8, 2021, Ryan Adams filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for five days without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Peter Davis.

A telephone hearing was held on September 22, 2021 by Examiner Davis. The parties made oral argument at the end of hearing. On October 19, 2021, Examiner Davis issued a Proposed Decision and Order affirming the five-day suspension by DOC. The parties did not file objections by the deadline given of October 25, 2021.

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

**FINDINGS OF FACT**

1. Ryan Adams, herein Adams, is employed by the State of Wisconsin Department of Corrections (DOC) at the Lincoln Hills/Copper Lake Schools as a Youth Counselor. At the time of his suspension, he had permanent status in class and had recently received a three-day suspension.

2. During online training, Adams made remarks via the chat function that were inappropriate and interfered with the training.

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 have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Ryan Adams for five days.

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

**ORDER**

The five-day suspension of Ryan Adams is affirmed.

Issued at Madison, Wisconsin, this 2<sup>nd</sup> day of November, 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.

Adams 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 Adams 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).

Adams made a series of inappropriate comments during online training. He asserts that he did not intend to offend anyone and was just attempting to lighten up the proceedings. While he may have amused some, his comments clearly had a negative impact on and interfered with the training. Therefore, the Commission is satisfied that Adams engaged in misconduct.

As to the question of whether the misconduct provided just cause for a five-day suspension, Adams had a three-day suspension on his record at the time this suspension was imposed. Because a five-day suspension is the next step in the applicable disciplinary progression, the Commission concludes that there is just cause for the five-day suspension imposed on Adams.

Issued at Madison, Wisconsin, this 2<sup>nd</sup> day of November, 2021.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman