

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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ROXANE UNVERRICH, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF VETERANS AFFAIRS, Respondent.

Case ID: 39.0020

Case Type: PA

DECISION NO. 39414

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Appearances:

Roxane Unverrich, 5018 Bayfield Drive, Waterford Wisconsin, appearing on her own behalf.

Nicole Rute, Attorney, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin and Scott Sussman, Attorney, Department of Veterans Affairs, 2135 Rimrock Road, PO Box 7843, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Veterans Affairs.

**DECISION AND ORDER**

On February 14, 2022, Roxane Unverrich 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 Veterans Affairs (DVA).

A telephone hearing was held on March 31, 2022 by Commission Chairman James J. Daley.

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

**FINDINGS OF FACT**

1. Roxane Unverrich, hereafter Unverrich, was employed by the State of Wisconsin Department of Veteran Affairs (DVA) as a Veteran Claims Officer 2 at the Milwaukee DVA Office on September 2, 2021. Unverrich had permanent status in class at the time of her one-day suspension.

2. Unverrich made a post on Facebook where she shared the work emails of several other DVA employees without the permission or consent of those individuals or DVA.

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

2. The State of Wisconsin Department of Veterans Affairs had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Roxane Unverrich 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 Roxane Unverrich by the State of Wisconsin Department of Veterans Affairs is affirmed.

Issued at Madison, Wisconsin, this 11<sup>th</sup> day of April, 2022.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

**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.

Roxane Unverrich 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 Unverrich 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).

On September 2, 2021 at the Milwaukee office of the Department of Veteran Affairs, an individual was being escorted to a hearing and suddenly suffered a medical incident/seizure falling to the floor. The individual was promptly attended to by two police officers who were stationed at the entrance to the building and just several feet away from the incident. Roxanne Unverrich came to the scene after hearing the commotion. Unverrich made recommendations to the officers as to treatment and was ignored with Unverrich becoming upset. After the incident concluded and the individual had been attended to and moved from the location, Unverrich returned to the officers with printed forms detailing how persons should be treated in this situation and provided such to the officers, which they refused to take.

Subsequent to this later on the same day, Unverrich posted to Facebook several items including a message she received from DVA with email addresses of other employees contained therein.

Unverrich was suspended for one-day for her being discourteous to the police officers and for violating the State Department of Veteran Affairs (DVA) social media policy, specifically:

Work Rule #2: Failure to comply with written agency policies and procedures

Work Rule #3: Disobedience, insubordination, inattentiveness, negligence, failure, or refusal to carry out written or verbal assignments, directions, or instructions

Work Rule #12: Unauthorized access, disclosure, destruction or use of information or records that could be reasonably considered confidential, including communication of confidential information to former employees of the department, or communications with third parties in violation of the department's communication policy.

Work Rule #14: Intimidating, harassing, demeaning, treating discourtesy, or bullying; or using profane or abusive language in dealing with others.

There is just cause for sustaining the one-day suspension of Unverrich. Had Unverrich stopped at her altercation with the police officers it would be hard for us to see how trying to provide assistance in a medical situation is worthy of discipline, even if Unverrich was likely being abrasive in her approach. However, the decision of Unverrich to choose social media to vent about her dissatisfaction with the events that had transpired that day are found to be in violation of DVA's Technology Use Policy, which states:

#### Information Security

Do not provide WDVA email addresses to others unless required for business purposes. (Exhibit R-9, pg. 5)

In Unverrich's online posting she published an email she had received from her superior relating to the events that transpired that day. Included in that email were the email addresses of her superior as well as several other DVA employees. Thus, Unverrich was in violation of Work Rule #2.

Although Unverrich is found to have only been in violation of Work Rule #2, it is noted that a one-day suspension is the first step in progressive discipline and the single violation is sufficient to sustain the level of discipline imposed. The one-day suspension of Unverrich is hereby affirmed.

Issued at the City of Madison, Wisconsin, this 11<sup>th</sup> day of April, 2022.

### **WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman