

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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LOGAN GOEHL, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0599

Case Type: PA

DECISION NO. 40227

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Appearances:

Logan Goehl, N7380 Edgewater Dr., Beaver Dam, Wisconsin, appearing on his own behalf.

Nicole Porter, Attorney, Department of Administration, 101 E. 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 September 11, 2023, Logan Goehl 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 Katherine Scott.

A telephone hearing was held on November 14 and 15, 2023, by Examiner Scott. The parties submitted written closing arguments on November 20, 2023. On December 1, 2023, Examiner Scott issued a Proposed Decision and Order affirming the three-day suspension of Goehl by the DOC. The parties did not file objections by the given deadline of December 6, 2023.

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

**FINDINGS OF FACT**

1. Logan Goehl (Goehl) is employed by the State of Wisconsin Department of Corrections (DOC), as a correctional officer at Waupun Correctional Institution (WCI). He had permanent status in class when he was suspended.

2. On January 27, 2023, Goehl was working as the Food Service Dock Officer when he fell asleep on duty.

3. Following an investigation, DOC suspended Goehl for three days for inattentiveness, negligence, and failure to comply with agency policies.

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 Logan Goehl 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 Logan Goehl by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 28<sup>th</sup> day of December 2023.

**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.

Logan Goehl 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 Goehl 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).

Goehl was employed as a correctional officer at Waupun Correctional Institution (WCI). On January 27, 2023, Goehl was working as the Food Service Dock Officer when Food Service Administrator Daniel Boushka observed him (Goehl) reclining against a wall, with his eyes closed, unaware of Boushka's presence. Boushka had to tap the cabinet near the office to get Goehl's attention. Boushka further noted that the gate to the food service area was open. Following this interaction, Boushka reported Goehl and an investigation was initiated. In an investigative interview, Goehl admitted he may have had his eyes closed for ten seconds. *See Exhibit R-7*, pg. 4.

Although the security camera footage quality is not high enough to determine whether Goehl's eyes were closed, Goehl can be seen to be sitting very still, slumped in his chair, with his collar pulled up and his arms crossed. *See Exhibit R-8*. In other words, Goehl has the posture of someone attempting to take a nap in a chair. Although Goehl occasionally moves his head side to side or scratches his face, WCI Warden Randall Hepp accurately noted that Goehl's movements in the video "are not consistent with someone aware of their surroundings."

Goehl argues that a timeline of his motions in the video demonstrate that he was awake and alert. *See Exhibit A-1*. However, this "timeline" is just a description of the security footage, and the descriptions are often inaccurate: for example, Goehl is described as "looking right" when the video simply shows him moving his head to the right. As previously mentioned, Goehl's line of vision, or even whether his eyes are open, cannot be determined. This exhibit does not demonstrate that Goehl was attentive, much less that he was awake.

Goehl further argues that he was just looking down the hallway toward the kitchen, where the most inmate movement takes place. However, Goehl offered no testimony to support this contention. Further, Goehl admitted in his investigatory interview that his eyes were closed. Even if Goehl were not asleep, this would be inattentive and negligent behavior by a correctional officer responsible for the security of the food service dock.

Goehl was inattentive and negligent when he fell asleep on duty on January 27, 2023. Warden Hepp testified about how important it is that the Food Service Dock Officer is attentive and aware of his surroundings. Goehl's inattentiveness could have jeopardized the institution's safety and the safety of inmates. The State followed progressive discipline, following Goehl's previous one-day suspension with this three-day suspension. There was just cause for the three-day suspension, and the suspension is therefore affirmed.

Issued at the City of Madison, Wisconsin, this 28<sup>th</sup> day of December 2023.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman