

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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EDNA WALLS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0623

Case Type: PA

DECISION NO. 40359

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Appearances:

Edna Walls, 1415 W. Harris Street, Apt. 1, Appleton, Wisconsin, appearing on her own behalf.

David Makovec, 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 February 15, 2024, Edna Walls filed an appeal with the Wisconsin Employment Relations Commission asserting she had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

A hearing was held in Green Bay on April 1, 2024, by Examiner Lisiecki. The parties made oral closing arguments at the end of the hearing. On April 9, 2024, Examiner Lisiecki issued a Proposed Decision and Order, affirming the discharge of Edna Walls by the DOC. The parties did not file objections to the Proposed Decision by the given deadline of April 15, 2024.

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

**FINDINGS OF FACT**

1. Edna Walls (Walls) was employed by the State of Wisconsin Department of Corrections (DOC), as a correctional officer at Green Bay Correctional Institution (GBCI). She had permanent status in class when she was discharged.

2. On July 17, 2023, Walls's supervisor told her to email him after completing her assigned pack ups. Walls failed to do so. Walls also failed to properly pack up and document inmate property.

3. On August 10, 2023, Walls's supervisor told her to retrieve a book that belonged to an inmate from the inmate's packed-up belongings. Walls refused to do so, twice.

4. Following an investigation, DOC discharged Walls for insubordination.

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 discharge Edna Walls.

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

### **ORDER**

The discharge of Edna Walls by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 16<sup>th</sup> day of May 2024.

**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.

Edna Walls had permanent status in class at the time of her discharge and her appeal alleges that the discharge was not based on just cause.

The State has the burden of proof to establish that Walls was guilty of the alleged misconduct and that 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).

Walls was employed as a correctional officer at Green Bay Correctional Institution (GBCI). She was assigned to pack up inmate property. Walls repeatedly failed to properly pack and document inmate property. As a result, she was retrained on how to do so. After Walls received retraining, Captain VanLanen – Walls’s supervisor – told her to email him after completing her assigned pack ups on July 17, 2023. It is uncontested that Walls failed to do so. Further, she had again failed to properly pack up and document inmate property.

On August 10, 2023, Lieutenant Marcus King – Walls’s supervisor – twice told Walls to retrieve a book that belonged to an inmate from the inmate’s packed-up belongings. It is uncontested that Walls refused to do so, twice. VanLanen and two other employees were forced to search for the book. Walls then joined them and found the book.

Walls argues that she ultimately got the book to Lieutenant King. She says she disagreed with his decision to “reward” an inmate who was being uncooperative. However, Warden Chris Stevens testified about how important it is that employees follow directives from supervisors: it is essential to maintaining institutional safety. If employees have an issue with a directive from a supervisor, there is a system for following up afterward. Here, the fact that Walls ultimately complied does not matter. Walls disobeyed not one but two directives from her supervisor, disrupting the functioning of the unit and forcing her supervisor to do the task himself.

Walls argues that she was no longer a correctional officer when she was tasked with packing up inmate property. She submitted two letters from Warden Stevens temporarily removing her from her post as a correctional officer and placing her on an alternate duty assignment. *See*

Exhibits A-1, A-2. However, this is irrelevant for the purposes of discipline. Walls was still a GBCI employee at the time of these incidents, and all DOC employees are required to abide by DOC work rules.

Walls also argued that her previous discipline, a five-day suspension, was the result of disparate treatment. However, Walls had the opportunity to appeal that suspension and failed to do so.

Walls was insubordinate when she failed to follow a directive from a supervisor on July 17, 2023. She was likewise insubordinate when she refused to follow two directives from a supervisor on August 10, 2023. Warden Stevens testified about how insubordination cannot be tolerated, because it is a serious risk to institutional safety. Walls's insubordination could have jeopardized the safety of inmates and employees and undermined the functioning of the institution. The State followed progressive discipline, following Walls's previous five-day suspension with this discharge. There was just cause for the discharge, and the discharge is therefore affirmed.

Issued at the City of Madison, Wisconsin, this 16<sup>th</sup> day of May 2024.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman