

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

ALEXANDER KOSTROMIN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0626

Case Type: PA

DECISION NO. 40366

---

Appearances:

Alexander Kostromin, E25555 County Road M, Augusta, Wisconsin, appearing on his 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 March 11, 2024, Alexander Kostromin 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 Katherine Scott Lisiecki.

A telephone hearing was held on May 2, 2024, by Examiner Lisiecki. The parties made oral arguments at the end of the hearing. On May 9, 2024, Examiner Lisiecki issued a Proposed Decision and Order affirming the five-day suspension of Alexander Kostromin by the DOC. The parties did not file objections by the given deadline of May 14, 2024.

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

**FINDINGS OF FACT**

1. Alexander Kostromin (Kostromin) is employed by the State of Wisconsin Department of Corrections (DOC), as a correctional officer at Stanley Correctional Institution (SCI). He had permanent status in class when he was suspended.
2. On October 24, 2023, Kostromin put on a pair of inmate pants and entered the unit,

where inmates were present.

3. Following an investigation, the DOC suspended Kostromin for five days for inappropriate dress 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 Alexander Kostromin 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 Alexander Kostromin by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 3<sup>rd</sup> day of June 2024.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

---

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.

Alexander Kostromin 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 Kostromin 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).

Kostromin was employed as a correctional officer at Stanley Correctional Institution (SCI). On October 24, 2023, Kostromin arrived at work wearing his assigned uniform. It was raining heavily, and Kostromin was soaking wet. It is uncontested that, when Kostromin arrived at work, he removed his uniform pants and put on a pair of green, state-issued pants worn by inmates. Kostromin testified that he was suffering from a medical issue in his private area. He says the wet uniform caused his stitches to burn, which was why it was necessary to remove his uniform pants and attempt to dry them. It is uncontested that, after putting on the inmate pants, Kostromin entered the A-wing. Nicholas Bartelt testified that he saw Kostromin walking through the day room wearing the inmate pants, where he (Kostromin) could be seen by inmates.

Kostromin testified that when he started working at the DOC, he was told that the department does not provide uniform replacements unless the uniform is soiled by inmate fluids like feces, urine, or blood. However, rather than don inmate apparel and enter the presence of inmates, Kostromin should have called his supervisor for assistance. His supervisor would have the discretion to provide Kostromin with an alternate uniform, or to simply keep him off the unit until he could put on his uniform again.

Kostromin should not have entered the presence of inmates while dressed inappropriately. Warden Chris Buesgen testified that uniforms are essential to maintaining order and safety, and to preventing confusion over an officer's identity. Buesgen emphasized that this is especially important at a large institution like SCI, which has lots of new employees. Buesgen explained that there is no reason for a correctional officer to wear inmate attire in the presence of inmates; it is

never condoned. Kostromin showed a lack of judgment in putting on inmate attire and being in the presence of inmates.

Kostromin violated the uniform policy when he changed into inmate pants on October 24, 2023. Kostromin's actions could have jeopardized SCI's safety. The State followed progressive discipline, following Kostromin's previous three-day suspension with this five-day suspension. There was just cause for the five-day suspension, and the suspension is therefore affirmed.

Issued at the City of Madison, Wisconsin, this 3<sup>rd</sup> day of June 2024.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

---

James J. Daley, Chairman