

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LAURIE BOOMSMA, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0653

Case Type: PA

DECISION NO. 40412

Appearances:

Laurie Boomsma, W1021 County Road A, Randolph, 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 June 13, 2024, Laurie Boomsma 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 Corrections (DOC).

A zoom audio hearing was held by Commission Examiner Peter G. Davis on August 19, 2024, and the record was closed August 21, 2024. On August 26, 2004, Examiner Davis issued a Proposed Decision and Order, affirming the one-day suspension of Laurie Boomsma by the DOC. No objections were filed by the parties by the given deadline of September 3, 2024.

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

FINDINGS OF FACT

1. Laurie Boomsma, herein Boomsma, is employed as Chaplain by the State of Wisconsin Department of Corrections at the Dodge Correctional Institution. At the time of her suspension, she had permanent status in class.

2. Boomsma found an eight-inch pair of sharp ended scissors on her desk in her Chaplain's office. She did not report the discovery and instead put the scissors in an unlocked desk drawer where they were subsequently discovered by another employee.

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 to suspend Laurie Boomsma 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 Laurie Boomsma by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 27th day of September 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.

Laurie Boomsma 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 Boomsma 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).

There is no dispute that Boomsma placed an eight-inch scissors with sharpened points in an unlocked desk drawer and took no further action to report that scissors had been found or where she had placed them. In the context of a prison setting, there can be no doubt that she thereby created a potential security risk and thereby engaged in misconduct.

Boomsma protests that there is no proof that she brought the scissors into the prison. However, she was suspended for what she did (and failed to do) after finding the scissors-not for bringing them into the prison. Thus, her argument is not persuasive.

Having determined that she engaged in misconduct, the inquiry then becomes whether the misconduct provided just cause for a one-day suspension. Given the potential security risk created by her conduct, the Commission concludes that there was just cause for a one-day suspension.

Issued at Madison, Wisconsin, this 27th day of September 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James. J. Daley, Chairman