

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SHIRLEY GODIWALLA, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0655

Case Type: PA

DECISION NO. 40426

Appearances:

Colin B. Good, Attorney, Hawks Quindel S.C., P.O. Box 2155, Madison, Wisconsin, appearing on behalf of Shirley Godiwalla.

David G. Makovec, Attorney, Department of Administration, 101 East 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 July 1, 2024, Shirley Godiwalla filed an appeal with the Wisconsin Employment Relations Commission asserting she had been suspended for three days without just cause by the State of Wisconsin Department of Corrections (DOC). The matter was assigned to Commission Examiner Anfin J. Wise.

A zoom hearing was held on September 9, 2024, by Examiner Wise. The parties made oral argument at the conclusion of the hearing. On September 25, 2024, Examiner Wise issued a Proposed Decision and Order affirming the three-day suspension of Shirley Godiwalla by the DOC. Godiwalla filed objections to the Proposed Decision on September 30, 2024; the DOC did not file a response by the given deadline of October 7, 2024.

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

FINDINGS OF FACT

1. Shirley Godiwalla (Godiwalla) is employed by the State of Wisconsin Department of Corrections (DOC) as a Physician at Fox Lake Correctional Institution (FLCI), and she had permanent status in class at the time of her suspension.

2. The DOC is a state agency responsible for the operation of various corrections facilities including FLCI, a medium-security facility located in Fox Lake, Wisconsin.

3. On or about August 7, 2023, Godiwalla engaged in discourteous and disrespectful behavior towards several coworkers, including yelling and belittling them to tears, and even telling one coworker, “There’s a reason God is in [my] name.”

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 Shirley Godiwalla 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 Shirley Godiwalla by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 25th day of October 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.34(1)(a), Stats., states in pertinent part:

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.

Shirley Godiwalla 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 Godiwalla 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).

Department Work Rule #14 prohibits intimidating, interfering with, harassing, demeaning, treating discourteously, or bullying; or using profane or abusive language in dealing with others.

On or about August 7, 2023, Godiwalla engaged in intimidating and discourteous behavior toward several coworkers. Nurse J.K. credibly testified that she was confronted by Godiwalla multiple times about her performance, including yelling at her and threatening to report her to management. This interaction resulted in J.K. crying and reporting the incident. Eventually, this led to J.K. resigning her position.

Another nurse, C.K. credibly testified that Godiwalla communicated with her in an angry and threatening manner. Godiwalla accused nurse C.K. of ignoring her. When C.K. informed Godiwalla that she has a hearing impairment, Godiwalla responded that she would have no way of knowing that. Nurse C.K. stated that she personally witnessed Godiwalla being very demeaning towards nursing staff. At one point, she thought about resigning because she was not going to be treated that way in the workplace.

Medical Assistant J.M. credibly testified that Godiwalla once said to her, "There's a reason God is in [my] name." On multiple occasions, she felt belittled by Godiwalla. Godiwalla would question her on what she was doing and sometimes accuse her of schedule-related matters. J.M. stated that Godiwalla made her feel incompetent. Godiwalla's interactions with J.M. led J.M. to submit her resignation.

Medical Program Assistant J.B. credibly testified that there were good days and bad days. Sometimes Godiwalla was friendly, but sometimes she was disrespectful, yelling, and pointing her

finger in J.B.'s face. J.B. recalled that there were times when Godiwalla would not speak to her for a week or two, presumably after J.B. did something Godiwalla did not like.

Godiwalla denies that her behavior violated any work rule and asserts that she uses pointed and direct language to "teach" her coworkers how to properly follow treatment protocols. She testified that she is the "top of the pyramid at Fox Lake," and if errors are made, it is her medical license on the line. She admits that she can get frustrated with the nursing staff, but that she is a dedicated physician with her primary focus on providing quality patient care. She conceded that when faced with frustration, she can initially react emotionally but denies that her conduct had a negative impact on the climate at work. Finally, Godiwalla claims that, when given direction, she has improved her working relationships with her colleagues.

Ultimately, a preponderance of the credible evidence establishes that Godiwalla engaged in a series of unprofessional and discourteous interactions with at least four coworkers on or around August 7, 2023.¹ Credible testimony established that Godiwalla's communication style routinely involved raising her voice, yelling, or being condescending and belittling to her colleagues. While she may be a dedicated physician, humility is a virtue. Telling a coworker that, "There's a reason God is in [my] name," is unprofessional, demeaning, and meant to intimidate. Not only is her behavior inappropriate, but it is also harmful in the workplace and may lead to a hostile work environment. Based on Godiwalla's admissions and the credible testimony of her coworkers, the Commission concludes that her conduct violated work rule #14. Thus, misconduct has been established.

Turning now to the level of discipline imposed here, the Commission finds that Godiwalla's misconduct does provide just cause for progressive discipline and the imposition of a three-day suspension. It is expressly noted that Godiwalla received a one-day suspension for insubordination and a non-disciplinary Letter of Expectation for unprofessional communication within the last 12 months. Therefore, the three-day suspension is affirmed.

Issued at Madison, Wisconsin, this 25th day of October 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

¹ These multiple interactions easily distinguish this matter from the singular misconduct present in the cases cited by the Appellant's objections. Further, it is noteworthy that these interactions contributed to the decision of several co-workers to quit.