

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CHAD HANSEN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES, Respondent.

Case ID: 306.0017

Case Type: PA

DECISION NO. 40702

Appearances:

Chad Hansen, 36 9th Street, Prairie du Sac, Wisconsin, appearing on his own behalf.

David 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 Natural Resources.

DECISION AND ORDER

On August 19, 2024, Chad Hansen (Hansen) filed an appeal with the Wisconsin Employment Relations Commission asserting he had been discharged without just cause by the State of Wisconsin Department of Natural Resources (DNR). The matter was assigned to Commission Examiner Anfin J. Wise.

A zoom hearing was held on October 15, 2024, by Examiner Wise. The parties made oral argument at the conclusion of the hearing. On November 20, 2024, Examiner Wise issued a Proposed Decision and Order affirming the discharge of Hansen by the DNR. Hansen filed objections to the proposed decision on November 25, 2024; the DNR did not file a response by the given deadline of December 2, 2024.

Being fully advised in the premises, the Commission makes and issues the following:

FINDINGS OF FACT

1. Chad Hansen (Hansen) was employed by the State of Wisconsin Department of Natural Resources (DNR) as a Real Estate Specialist-Senior and had permanent status in class when he was discharged.

2. The DNR is a state agency responsible for preserving and enhancing the natural resources of Wisconsin.

3. Between December 2022 and February 2024, Hansen used his state issued purchasing card (“P card”) for personal use on twenty separate occasions to place fuel in his personal vehicle, in violation of work rules and agency policy.

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 to review this appeal pursuant to Wis. Stat. § 230.44 (1)(c).

2. The State of Wisconsin Department of Natural Resources had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to discharge Chad Hansen.

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

ORDER

The discharge of Chad Hansen by the State of Wisconsin Department of Natural Resources is affirmed.

Issued at Madison, Wisconsin, this 6th day of December 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.

Chad Hansen had permanent status in class at the time of his discharge and his appeal alleges that the discharge was not based on just cause.

The State has the burden of proof to establish that Hansen 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).

The facts are not in dispute. Between December 2022 and February 2024, Hansen intentionally used his state issued purchasing card or “P card” for personal use to place fuel in his personal vehicle on twenty separate occasions, in violation of the work rules, Department policies, and the code of ethics. Hansen was aware of the rules about P card usage, having signed the Purchasing Card Application and Use Agreement on October 11, 2022. The various personal transactions totaled over \$800. Thus, misconduct has been established.

Nevertheless, Hansen asserts that his discipline should be rejected because of two reasons. First, Hansen claims that there was a lack of training, onboarding, as well as supervision as it related to proper P card usage. The Commission rejects this argument. As a Real Estate Specialist-Senior, Hansen is well-educated and a professional. And as a professional, he was entrusted with his own state issued P card. He was well aware of the policies regarding P card usage, which he intentionally disregarded. Therefore, the DNR is justified in holding Hansen accountable for his unauthorized use and abuse of the P card.

Second, Hansen argues that he has since reimbursed the agency for all of the personal transactions, which should be a mitigating factor to consider. While the reimbursement is notable, it does not negate or mitigate his serious misconduct.

Turning now to the level of discipline imposed, the record established that the Department has previously discharged an employee for similar misconduct; specifically, using a state P card for personal purchases on six occasions. Given the serious nature of Hansen’s misconduct and the number of violations, the Commission finds that the discharge was not excessive.

Under the circumstances, it is concluded that there was just cause for Hansen's discharge, and it is therefore affirmed.

Issued at Madison, Wisconsin, this 6th day of December 2024.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman