

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ALEXANDER J. HOLLFELDER, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0682

Case Type: PA

DECISION NO. 40729

Appearances:

Alexander J. Hollfelder, 7 Reids Drive, Waupun, Wisconsin, appearing on his own behalf.

David G. 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 October 4, 2024, Alexander Hollfelder filed an appeal with the Wisconsin Employment Relations Commission asserting he had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Anfin J. Wise.

A hearing was held on January 6, 2025, by Examiner Wise. The parties submitted written closing arguments on January 8, 2025. Neither party filed a response by the given deadline of January 9, 2025. On January 16, 2025, Examiner Wise issued a Proposed Decision and Order, affirming the discharge of Alexander Hollfelder by the DOC. No objections to the Proposed Decision were filed by the parties by the given deadline of January 21, 2025.

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

FINDINGS OF FACT

1. Alexander Hollfelder (Hollfelder) was employed by the State of Wisconsin Department of Corrections (DOC), as a Correctional Sergeant at Waupun Correctional Institution (WCI) and had permanent status in class when he was discharged.

2. The DOC is a state agency responsible for the operation of various corrections facilities including WCI, a maximum-security facility located in Waupun, Wisconsin.

3. Hollfelder worked as the 1st shift Segregation Sergeant in the Restrictive Housing Unit (RHU) on February 19 through February 22, 2024.

4. On February 21, 2024, after being told that an inmate (D.M.) was likely coming out of a seizure, Hollfelder was grossly negligent in his duties as a Correctional Sergeant when he failed to check on D.M. for the remainder of his shift.

5. On February 22, 2024, after an officer reported to Hollfelder that D.M. was lying in the same position on the floor, and that he was unable to get a verbal response from D.M. throughout the shift, Hollfelder was grossly negligent in his duties as a Correctional Sergeant when he failed to check on D.M. or have any cell front contact.

6. Also on February 22, 2024, Hollfelder directed an officer to falsify and initial the rounds log at 8:00am, even though Hollfelder was aware that the officer did not complete the security round.

7. As the assigned Segregation Sergeant, Hollfelder failed to complete the first and last rounds of the shift, as required, and then failed to document the missed rounds as required.

8. Hollfelder falsified an agency record when he signed off on the Round Log sheet on February 22, 2024, indicating that all rounds were completed as expected.

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 Alexander Hollfelder.

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

ORDER

The discharge of Alexander Hollfelder by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 28th day of January 2025.

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 Hollfelder 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 Hollfelder 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).

On February 22, 2024, inmate D.M. died at Waupun Correctional Institution (WCI). As a standard practice after an inmate death, the Department completed a review of the circumstances surrounding D.M.'s death, including identifying any deficiencies in staff performance.

Hollfelder was a Correctional Sergeant at Waupun Correctional Institution (WCI). In that capacity, his primary duties included the security, custody, control, and rehabilitation of inmates. Additionally, as a Sergeant, he was a lead worker responsible for directing and providing guidance to other officers and staff, as well as assisting in training new officers.

On February 19 through 22, 2024, Hollfelder was assigned as the 1st Shift Segregation Sergeant in the Restrictive Housing Unit (RHU). According to the post orders, the sergeant is responsible for ensuring the completion of security rounds and ensuring that the rounds log sheet is completed for the shift. The post orders also require the sergeant to conduct the first and last rounds of the shift.

The Department's investigation and review of the days leading up to D.M.'s death revealed that on February 21, 2024, nursing staff told Hollfelder that D.M. was likely coming out of a seizure, however Hollfelder did not check on D.M. for the remainder of his shift. On February 22, 2024, an officer informed Hollfelder on three occasions that D.M. was lying in the same position on the floor, and that D.M. was either nonresponsive or minimally responsive throughout the shift check-ins. Hollfelder indicated to the officer that he would look into it, however Hollfelder failed to check on D.M. or have any cell front contact, or notify a supervisor or health services personnel.

Hollfelder admits that he did not conduct the first and last security rounds of the shift on February 22, 2024.

Credible testimony and evidence at the hearing established that Hollfelder directed an officer to falsify and initial the rounds log at 8:00am on February 22, 2024, even though Hollfelder was aware that the officer did not complete the security round. Hollfelder then signed off on the Rounds Log sheet on February 22, 2024, indicating that all rounds were completed as expected.

The DOC asserts that a “skip” to termination was warranted due to the serious nature of Hollfelder’s misconduct, specifically that he was grossly negligent in his duties as a Correctional Sergeant and that he falsified records of the agency. The Commission agrees. Accordingly, we find that DOC had just cause to discipline Hollfelder for his serious misconduct.

Nonetheless, Hollfelder argues that his discipline should be rejected because he did his job to the best of his ability. Hollfelder denies that he was grossly negligent when he failed to check on D.M. on February 21, 2024. He contends that the nurse “cleared” D.M. so there was no need to further check on him. However, aside from his testimony, Hollfelder failed to present any evidence that nursing staff “cleared” D.M. after possibly coming out of a seizure. Thus, we reject this argument.

At the hearing, Hollfelder did not deny that he failed to check on D.M. on February 22, 2024. But he argued that the RHU is a very busy and chaotic unit, and that it is impossible for him to complete his other assigned duties, and also complete security rounds and ensure that rounds were completed properly by other staff. While there is no doubt that there is a heavy work burden on all staff assigned in RHU at WCI, missed rounds should be documented, and a supervisor should be notified. Additionally, if a security round is not completed properly, the Rounds Log sheet should not be initialed or signed off on. Hollfelder did not document the missed rounds or notify a supervisor, and then falsified the Rounds Log records.

Turning now to the issue of whether Hollfelder’s serious misconduct establishes just cause for discharge. The Commission concludes that just cause for discharge exists. The DOC routinely discharges employees who engage in serious misconduct, such as gross negligence and falsification of records. Furthermore, Wis. Stat. § 230.34 (1)(a)5. expresses a legislative intent that falsification of agency records is one of the types of misconduct that is so serious that it can justify skipping progressive discipline and proceeding directly to discharge. In fact, regarding the circumstances surrounding D.M.’s death, the DOC discharged every employee who falsified the rounds log in RHU. Consequently, the Commission finds that Hollfelder’s discharge was not excessive under the circumstances.

Therefore, the discharge of Hollfelder is affirmed.

Issued at the City of Madison, Wisconsin, this 28th day of January 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman