

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ADAM FRITZ Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0705

Case Type: PA

DECISION NO. 40762

Appearances:

Adam Fritz, 4722 Green River Road, Fennimore, Wisconsin, appearing on his own behalf.

Attorney William Ramsey, 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 December 12, 2024, Adam Fritz (Fritz) filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for one day without just cause by the State of Wisconsin Department of Corrections (DOC).

A zoom hearing was held on February 25, 2025, by Commission Examiner Peter G. Davis. The parties made oral arguments at the hearing's conclusion. On March 5, 2025, Examiner Davis issued a Proposed Decision and Order affirming the one-day suspension of Fritz by the DOC. No objections to the Proposed Decision were filed by the parties and the matter became ripe for Commission consideration on March 11, 2025.

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

FINDINGS OF FACT

1. Adam Fritz (herein Fritz) is employed by the State of Wisconsin Department of Corrections (DOC) as a Sergeant at the Prairie du Chien Correctional Institution, and he had permanent status in class at the time of his suspension.

2. On two separate days, Fritz failed to ensure that certain rounds were conducted and failed to log any reason why rounds were not conducted on those days. Shortly before the days in question, Fritz had been reminded of the need to ensure that rounds were conducted

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 did have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Adam Fritz 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 Adam Fritz by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 20th day of March 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING PROPOSED 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.

Fritz 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 Fritz 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).

Fritz does not dispute that rounds were missed and that he failed to make entries in the log book documenting why. Thus, it is clear he engaged in misconduct. However, he does have several arguments as to why his misconduct should be excused or the discipline rejected or reduced.

Fritz contends that he needed more employees if rounds were to be conducted timely and that his repeated requests for more help were denied. He correctly points out that additional personnel have since been added. However, that reality does not excuse his failure to log the missed rounds.

Fritz argues that the employee who failed to conduct the rounds only received a Letter of Expectation. However, the testimony reflects that said employee was only found to be accountable for one missed round on one day while Fritz is accountable for missed rounds on two different days and failing to log the misses. Therefore, it is clear there was a valid basis for the differing levels of DOC response.

Fritz also established that other rounds have been missed by other employees who have not been disciplined. The testimony reflects that DOC was not aware of several of the instances Fritz identified and thus the absence of discipline does not provide a persuasive basis for reducing the level of discipline Fritz received. Further, to the extent DOC was generally aware of a problem with missed rounds, testimony establishes that DOC only moved to a disciplinary response after employees had been reminded of the need to make sure that the rounds were performed. Fritz had received such a reminder prior to his misconduct.

Given the foregoing, it is clear that Fritz engaged in misconduct and that he has not provided the Commission with a persuasive basis for excusing the misconduct or concluding that the level of discipline he received should be rejected or reduced under the just cause standard. Particularly as a one-day suspension is the lowest level of formal discipline DOC could have imposed, the Commission is satisfied that DOC had just cause for the discipline it imposed. Therefore, the suspension is affirmed.

Issued at Madison, Wisconsin, this 20th day of March 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman