

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

STEVEN LATURI Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0707

Case Type: PA

DECISION NO. 40776

Appearances:

Steven Laturi, 905 Silver Lake Drive, Portage, Wisconsin, appearing on his own behalf.

Nicole Porter, 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 December 23, 2024, Steven Laturi filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for three days without just cause by the State of Wisconsin Department of Corrections.

A zoom hearing was held on March 12, 2025, by Commission Examiner Peter G. Davis. The parties made oral arguments at the end of the hearing. On March 18, 2025, Examiner Davis issued a Proposed Decision affirming the three-day suspension of Laturi by the DOC. No objections to the Proposed Decision were filed by the parties, and the matter became ripe for Commission consideration on March 25, 2025.

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

FINDINGS OF FACT

1. Steven Laturi (herein Laturi) is employed by the State of Wisconsin Department of Corrections as a Supervising Officer 1 at the Columbia Correctional Institution and had permanent status in class at the time of his suspension.

2. During an emergency use of force, Laturi failed to activate his body worn camera.

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 Steven Laturi 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 Steven Laturi by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 17th day of April 2025.

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.

Laturi 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 Laturi 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).

It is undisputed that Laturi failed to activate his body worn camera when going to assist a co-worker in an emergency situation. In his defense, Laturi points to the need to respond quickly and notes that he may have tried to activate the camera but missed the activation button. Further, the evidence reflects that the use of force was recorded on the cameras of other responding employees. Nonetheless, DOC policy required activation and Laturi failed to do so. Therefore, the Commission is satisfied the Laturi engaged in misconduct.

As to the issue of whether there is just cause for a three-day suspension, Laturi had a one-day suspension on his record at the time. The three-day suspension was imposed as part of the standard DOC disciplinary progression. In the context of that progression, the Commission concludes there was just cause for a three-day suspension. Thus, the suspension is affirmed.

Issued at Madison, Wisconsin, this 17th day of April 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman