

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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STEVEN LATURI Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0708

Case Type: PA

DECISION NO. 40778

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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 discharged 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 19, 2025, Examiner Davis issued a Proposed Decision affirming the discharge 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) was 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 discharge.

2. Laturi was responsible for overseeing the transport of an individual to a prison shower and then back to his cell. After the individual was placed in the shower, Laturi failed to notice that an item used in the transport was not properly secured by other employees. The shower was scheduled to last for 10 minutes. It was a very busy shift for Laturi. Roughly two hours after being placed in the shower, the individual was still in the shower, was able to access the unsecured item and attempted to hang himself.

3. 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 discharge Steven Laturi.

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

### **ORDER**

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

Issued at Madison, Wisconsin, this 17<sup>th</sup> day of April 2025.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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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 discharge 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 make sure that an item used in an attempted suicide was properly secured. It is undisputed that the individual who attempted suicide was in a shower for two hours rather than the scheduled ten minutes. It is undisputed that Laturi failed to activate his body worn camera during the shift. Therefore, it is clear that Laturi engaged in misconduct.

As to the issue of whether there is just cause for discharge, Laturi had recently received a three-day suspension for failing to activate his body worn camera. That suspension has been affirmed by the Commission. If DOC had then disciplined Laturi solely for his most recent camera failure, he presumably would have received a five-day suspension as part of the standard progression. Therefore, for the purposes of the Commission's just cause analysis, the question becomes whether the shower related misconduct provides just cause for a progression from a five-day suspension to discharge. The Commission answers that question in the affirmative.<sup>1</sup>

When reaching its answer, the Commission considered Laturi's testimony that he was distracted by another inmate when he failed to notice that the item used in the suicide attempt was not properly secured by the employees whose work he was directing.<sup>2</sup> The Commission has also considered his testimony that the shower events occurred during a short-staffed busy shift while his attention and efforts were focused on attempts to secure and find alternative housing for a very

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<sup>1</sup> DOC viewed the three elements of Laturi's misconduct in combination when concluding there was just cause for a skip in the standard disciplinary progression from a three-day suspension to discharge. Under either the DOC combination approach or the Commission's approach of splitting the misconduct into several pieces, the just cause for discharge result is the same.

<sup>2</sup> Those employees were discharged.

disruptive individual. Nonetheless, had Laturi noticed the unsecured item or had he returned to the shower in a timely manner, the suicide attempt would not have occurred. He is accountable for those failures which, in turn, provide just cause for discharge.

Thus, the discharge is affirmed.

Issued at Madison, Wisconsin, this 17<sup>th</sup> day of April 2025.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman