

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LEAH HUBBARD, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION, Respondent.

Case ID: 315.0030

Case Type: PA

DECISION NO. 40869

Appearances:

Leah Hubbard, 6906 Dale Drive, Unit 18, Caledonia, Wisconsin, appearing on her own behalf.

David G. Makovec, Attorney, Department of Administration, 201 East Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Administration.

DECISION AND ORDER

On January 23, 2025, Leah Hubbard filed an appeal with the Wisconsin Employment Relations Commission asserting she had been suspended for one day without just cause by the State of Wisconsin Department of Administration (DOA). The appeal was assigned to Commission Examiner Anfin J. Wise.

A hearing was held on March 26 and April 3, 2025, by Examiner Wise. The parties made oral argument at the conclusion of the hearing. On April 16, 2025, Examiner Wise issued a Proposed Decision, modifying the one-day suspension of Leah Hubbard by the DOA to a Letter of Expectation, without backpay. DOA submitted objections to the Proposed Decision on April 21, 2025. Hubbard responded to DOA's objections on April 22, 2025, and the matter became ripe for Commission consideration.

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

FINDINGS OF FACT

1. Leah Hubbard (Hubbard) is employed by the State of Wisconsin Department of Administration (DOA), Division of Personnel Management (DPM), as an Institution Human

Resources Director-Advanced at the Milwaukee Secure Detention Facility (MSDF), and she had permanent status in class at the time of her one-day suspension.

2. MSDF is a correctional facility located in Milwaukee, Wisconsin operated by DOC, a state agency of the State of Wisconsin. DPM is a division of DOA, a State agency of the State of Wisconsin.

3. Hubbard was issued a State credit card (a.k.a. purchasing card or “p-card”) in May 2022.

4. In August 2024, after discovering that Hubbard was not appropriately reconciling her p-card transactions per DOA requirements, the Department initiated an investigation into her purchasing activity.

5. The investigation showed that on February 2, 2023, Hubbard used her p-card for a work-related hotel stay, a tax-exempt transaction, but failed to ensure that the hotel did not charge taxes. This resulted in an overcharge of \$13.95 to the State.

6. The investigation also showed that on October 17, 2023, Hubbard used her p-card for a two-night hotel stay for a work conference in Stevens Point. Hubbard had received directions that lodging, travel, and other meal expenses were to be covered by the employee if they chose to attend the conference, but that lodging was not covered. This resulted in a \$180.00 charge to the State that should have been reimbursed by Hubbard.

7. Finally, the investigation showed that on April 16, 2024, Hubbard used her p-card to book a one-night hotel stay for her new employee to attend a training in Madison. Hubbard failed to ensure that the hotel did not exceed the maximum in-state lodging rate (\$98¹). This resulted in an overcharge of \$51.00 to the State.

8. DOA suspended Hubbard for one day for Findings 5, 6, and 7; failure to comply with the written agency policies on p-card usage and a violation of the work rule that prohibits insubordination, inattentiveness, negligence, and/or a failure to carry out written directions.

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 Administration did have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Leah Hubbard for one day.

¹ See State of Wisconsin, Pocket Travel Guide, Division of Personnel Management, issued November 1, 2023.

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 Leah Hubbard is affirmed.

Issued at Madison, Wisconsin, this 16th day of May 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.

Hubbard had permanent status in class at the time of her suspension and her appeal alleges that the suspension was not based on just cause.

The State has the burden of proof to establish that Hubbard 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. Hubbard was issued a State credit card (a.k.a. purchasing card or “p-card”) in May 2022. She received a 30-minute training on various p-card policies and signed the Purchasing Card Application and Use Agreement on March 27, 2022. In August 2024, management became concerned that Hubbard was not appropriately reconciling her p-card transactions per DOA requirements. The Department then initiated an investigation and full audit of Hubbard’s p-card purchasing activity.

The audit and investigation showed three charges that were essentially unauthorized. On February 2, 2023, Hubbard used her p-card for a work-related hotel stay, which is a tax-exempt transaction. Hubbard provided the hotel with the tax-exempt information, but then failed to ensure that the hotel did not charge taxes. This resulted in an overcharge of \$13.95 to the State. On October 17, 2023, Hubbard used her p-card for a two-night hotel stay for a work conference in Stevens Point. Prior to the conference, management sent employees two emails with directions that the State was covering the conference registration fee, however lodging, travel, and other meal expenses were to be covered by the employee if they chose to attend. Hubbard neglected to read the emails carefully and did not realize that lodging was her responsibility. This resulted in a \$180.00 charge to the State. Hubbard could have reimbursed the State, had the mistake been caught earlier. Finally, on April 16, 2024, Hubbard used her p-card to book a one-night hotel stay for her new payroll and benefits employee to attend a training in Madison. Hubbard admitted that she noticed the charge had exceeded the State’s maximum lodging rate. But, she neglected to get the receipt from her employee until she was notified of the investigation in September 2024. By that time, it was too late to recoup the overcharge. Because she failed to ensure that the hotel did not exceed the maximum rate, the State was overcharged \$51.00.

DOA contended that Hubbard failed to comply with its policies on p-card usage, as well as the work rule related to insubordination, inattentiveness, negligence, and/or a failure to carry

our written directions. The Department argued that there is a reasonable expectation that employees with access to p-cards be good stewards of the State's money. It is important to be in compliance with the required p-card procedures, including reconciling transactions with documentation on a timely and consistent basis. As an Institution Human Resources Director, Hubbard should have been aware of the policies related to p-card usage, finance, and procurement. She had access to the policies and training materials, and the burden is on the employee to understand the responsibilities of using a p-card. Because of her negligence and lack of attention to detail, the State is out about \$250.00.

Hubbard credibly testified that the three incidents were inadvertent errors and a result of unintentional oversight. All three charges were for legitimate work purposes and the failure to reconcile the transactions was not purposeful or an effort to defraud the State. Hubbard claims to take compliance with policies very seriously, especially as a Human Resources Director. She did not deny that "shortcomings" occurred, however argued that there was unclear guidance and training, that she did not have full access to the State's reconciliation program (STAR-Finance) for a period of time, and that the demands of her position are extensive. Reconciliation of infrequent p-card purchases was not a top priority. High-priority tasks like processing FMLA requests, investigating respectful workplace complaints, and other investigations are at the top of her to-do list. With her high-volume workload, it is also unrealistic to expect that there will not be any mistakes. She tries to perform her job with integrity and to the best of her ability, and it is always her intent to act responsibly. Furthermore, Hubbard offered to reimburse the State for the \$180.00 unapproved hotel charge, which was rejected by management. It is noted that this offer for reimbursement came during the investigation into the p-card usage.

Here, the Commission finds that Hubbard committed misconduct by failing and neglecting to follow the policies on p-card usage. Her failure to timely reconcile the three unauthorized charges on her p-card constitutes inattentiveness, negligence, and/or a failure to carry out written directions. As an Institution Human Resources Director, Hubbard should be held to a high standard.

Turning now to a just cause consideration of the level of discipline Hubbard received. While the Commission agrees with the State's contentions, we acknowledge that Hubbard's lack of a prior disciplinary history and the three unintentional errors in the two-year audit could be mitigating circumstances. However, as the Commission has stated in multiple prior decisions, it is not WERC's role to act as a super Human Resources department for the entire State and to second guess every level of discipline offered. Misconduct was found and discipline is warranted, especially given Hubbard's level of responsibility related to her title and position. In this matter, it is expressly noted that the one-day suspension is the lowest level of discipline offered and, given Hubbard's misconduct, just cause exists to uphold the discipline.

Given the foregoing, it is concluded that the one-day suspension is affirmed.

Issued at Madison, Wisconsin, this 16th day of May 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman