

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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LATASHA WILSON, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0725

Case Type: PA

DECISION NO. 40895

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Appearances:

Latasha Wilson, 12710 Durand Avenue, Racine, Wisconsin, appearing on her own behalf.

David G. Makovec, Attorney, Department of Administration, 101 East 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 March 5, 2025, Latasha Wilson (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 Corrections (DOC). The matter was assigned to Commission Examiner Peter G. Davis.

A telephone hearing was held on April 28, 2025, by Examiner Davis. By May 5, 2025, the parties provided written closing arguments. On June 17, 2024, Examiner Davis issued a Proposed Decision and Order, affirming the one-day suspension imposed on Latasha Wilson by the DOC. On June 20, 2025, Wilson filed objections to the Proposed Decision. The DOC did not file a response to the objections, and the matter became ripe for Commission consideration on June 26, 2025.

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

**FINDINGS OF FACT**

1. Latasha Wilson, herein Wilson, is employed by the State of Wisconsin Department of Corrections (DOC) at the Racine Correctional Institution (RCI) as a Correctional Sergeant. At the time of her suspension, she had permanent status in class.

2. On May 10, 2024, Wilson was angered when RCI employees searched her belongings as she entered RCI. She verbally expressed that anger in a loud, disrespectful and unprofessional manner, including calling those involved racists.

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 Latasha Wilson 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 Latasha Wilson by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin this 2<sup>nd</sup> day of July 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.

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

The State has the burden of proof to establish that Wilson 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).

Wilson is employed as a Correctional Sergeant at Racine Correctional Institution (RCI). Her suspension is based on two alleged instances of similar misconduct-using improper language in the workplace.

One instance involves Wilson allegedly making improper remarks to an inmate. Both during the investigation and at hearing, Wilson denied making the remarks. There is no contrary testimony in the record by anyone who was allegedly present during the interaction with the inmate. Thus, the State has failed to meet its burden of proof as to this allegation. The Commission now turns to consideration of the remaining allegation.

On May 10, 2024, while going through security as she entered RCI, Wilson believed white employees had singled her out for a search of her bags because she is black. She loudly accused those white employees of being racist. Her comments were heard by multiple employees. Wilson does not deny making the accusations.

Whatever the truth of Wilson's accusations of racism at RCI might be, she engaged in misconduct by loudly making those accusations to co-workers in the workplace-particularly in a space frequented by many employees as they report to work. Wilson was no doubt frustrated by what she perceived as her failed attempts to have RCI and DOC administrators take her claims of racism seriously. However, that frustration does not excuse her conduct, which had the potential to undermine the need for RCI employees to trust that they have each other's back in a correctional facility.

Turning to the issue of whether her misconduct warranted a one-day suspension under the just cause standard, the Warden credibly testified that he would have imposed a one-day suspension for either instance of alleged misconduct. Thus, the failure of the State to meet its burden of proof as to one of the instances of alleged misconduct does not form a basis for rejecting the suspension.

Wilson attacks the suspension based on the length of the investigation. However, particularly as Wilson does not dispute the remarks in question, the Commission rejects this argument as being irrelevant as to both what happened and to the level of discipline that should be imposed.

The Warden credibly testified that his suspension decision was influenced by a prior 2013 Letter of Expectation Wilson received for unprofessional remarks. Wilson argues that the Letter is not a legitimate consideration because it is more than one year old-apparently drawing on her understanding of how DOC policy provides that levels of formal discipline are “dropped off” after one year. The Commission does not find this argument to be persuasive. Letters of Expectation are not formal discipline and are not covered by the DOC policy Wilson references. More importantly, the Letter put Wilson on written notice of the DOC’s expectations as how she needed to conduct herself in the workplace. She violated that legitimate expectation on May 10, 2024, and thereby created just cause for a one-day suspension-the lowest level of discipline that could have been imposed in response.

Given the foregoing, the Commission affirms the one-day suspension imposed by the State of Wisconsin Department of Corrections on Latasha Wilson

Issued at Madison, Wisconsin this 2<sup>nd</sup> day of July 2025.

## **WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman