

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LATASHA WILSON, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0737

Case Type: PA

DECISION NO. 40905

Appearances:

Latasha Wilson, 2710 Durand Avenue, Racine, 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 Corrections.

DECISION AND ORDER

On April 4, 2025, Latasha Wilson filed an appeal with the Wisconsin Employment Relations Commission asserting she had been suspended for five days without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Anfin J. Wise.

A Zoom hearing was held on June 17, 2025, by Examiner Wise. The parties made oral argument at the conclusion of the hearing. Wilson submitted additional exhibits on June 18, 2025.

On June 24, 2025, Examiner Wise issued a Proposed Decision and Order modifying the five-day suspension to a Letter of Expectation.

On June 30, 2025, the DOC filed objections to the Proposed Decision. Wilson did not file a response to the objections. On July 11, 2025, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Wise was given final authority to issue the Commission's decision.

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

FINDINGS OF FACT

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

2. RCI is a correctional facility located in Racine, Wisconsin operated by DOC, a state agency of the State of Wisconsin.

3. On October 28, 2024, Wilson responded to an email from the warden voicing her opinion about recent entrance procedure policy changes. Her email described the changes as “very nazi-ish and not legal.”

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 not have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Latasha Wilson for five days.

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

ORDER

The five-day suspension of Latasha Wilson shall be modified to a Letter of Expectation and Wilson shall be made whole with interest.¹

Issued at Madison, Wisconsin, this 29th day of July 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Anfin J. Wise, Hearing Examiner

¹ See Wis. Admin. Code ERC 94.07.

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 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).

The facts are undisputed. On October 28, 2024, Warden Miller sent an email to the staff at RCI about new enhanced entrance procedures at the institution. The changes were significant and limited the staff's ability to bring in certain items to work. Wilson responded to the email to voice her opinion on the changes. She copied the deputy warden and security director on the response. Her email stated:

“So is the facility going to provide is [sic] with hand sanitizers? Because RCI stop [sic] providing that a long time ago. And if we get forced out family members can't bring food? This seems very nazi-ish and not legal.”

The warden initiated an investigation based on Wilson's use of the word “nazi-ish.” DOC's investigation determined that Wilson violated work rules 14 and 17. Department Work Rule #14 prohibits intimidating, interfering with, harassing, demeaning, treating discourteously, or bullying; or using profane or abusive language in dealing with others. Department Work Rule #17 prohibits making false, inaccurate or malicious statements about another person or the employer.

DOC contended that Wilson's language was inappropriate, defamatory, and unprofessional. Warden Miller found the email offensive because it compared the procedural changes to an organization tied to genocidal activities.

Wilson explained that the warden's email welcomed questions and comments about the changes. She credibly testified that the abrupt changes felt very controlling of staff's actions, not unlike a dictatorship. The new policy seemed more restrictive on staff, almost treating them like

inmates. When she used “nazi-ish,” she meant the controlling part of the change. Her reference was not meant to be malicious or an attack on the warden.

Here, the Commission is persuaded that the DOC overreacted to the use of the word “nazi-ish.” While we recognize that term is generally considered highly offensive and inappropriate due to its association with extremism, hatred, and the horrific atrocities of the Nazi regime, Wilson did not mean it in the way it was received by the warden. Additionally, she did not direct her statement at the warden or any other individual. While we do not condone the Nazi reference, this is a learning opportunity that is best addressed with a job instruction.

In its objection to the Proposed Decision, the Department argues that Wilson could have used words like restrictive, controlling, or dictatorial, but did not. While Wilson could have chosen to use other words, the Commission is satisfied that the word she chose was conveying the same sentiment as the alternatives DOC has suggested. And although Wilson has received prior discipline for engaging in unprofessional communication, each incident is fact specific. In this instance, we conclude that Wilson’s conduct is most effectively handled with a Letter of Expectation.

Under the circumstances, we conclude that DOC did not have just cause for a five-day suspension but that a Letter of Expectation is appropriate to remind Wilson of the importance of mindful communication.

Given the foregoing, it is concluded that the five-day suspension be modified to a Letter of Expectation and that Wilson be made whole in all other regards.

Issued at Madison, Wisconsin, this 29th day of July 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Anfin J. Wise, Hearing Examiner