

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MICHAEL BOLIN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0811

Case Type: PA

DECISION NO. 40940

Appearances:

Elizabeth Pierson, Attorney, Pines Bach LLP, 122 W. Washington Avenue, Suite 900, Madison Wisconsin, appearing on behalf of Michael Bolin.

David 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 August 12, 2025, Michael Bolin filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for one-day without just cause by the State of Wisconsin Department of Corrections (DOC).

A hearing was held on October 28, 2025, by Commission Chairman Peter G. Davis. The parties filed post-hearing written argument by November 19, 2025

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

FINDINGS OF FACT

1. Michael Bolin (Bolin) was employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Officer at Oakhill Correctional Institution (OCI), and he had permanent status in class at the time of his suspension.

2. OCI is a minimum-security correctional facility located in Oregon, Wisconsin operated by DOC, a state agency of the State of Wisconsin.

3. Bolin was 12 minutes late (3 minutes beyond the 9 minute grace period) conducting an hourly security round.

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 Michael Bolin 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 Michael Bolin by the State of Wisconsin Department of Corrections is rejected and he shall be made whole with interest.¹

Issued at Madison, Wisconsin, this 1st day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

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.

Michael Bolin 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 Bolin 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 basic facts are not in dispute. Bolin was late conducting an hourly security round.

Even a late security round can be a matter of life or death for an inmate—particularly for the inmate population housed at OCI. Therefore, there can be no doubt that Bolin engaged in misconduct.

As to whether there was just cause for a one-day suspension in response to Bolin's misconduct, he had received a Letter of Expectation for a late round just two months prior to the incident in question. Thus, the Commission empathizes with the OCI Warden's frustration as to whether Bolin was taking his rounds responsibility seriously. But for Bolin's plausible claim that an urgent intestinal issue unexpectedly arose at the last minute, the Commission would sustain the one-day suspension. However, in light of that plausible claim, the Commission has reluctantly rejected the one day suspension.

Issued at Madison, Wisconsin, this 1st day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman