

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

NEIL PUENT, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0815

Case Type: PA

DECISION NO. 40943-A

Appearances:

Emma E. Knatterud-Johnson, Attorney, Hawks Quindel, S.C., 409 East Main Street, P.O. Box 2155, Madison, Wisconsin, appearing on behalf of Neil Puent.

William H. Ramsey, Deputy Chief Legal Counsel, 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 25, 2025, Neil Puent (Puent) 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 (DOC). The matter was assigned to Commission Examiner Anfin J. Wise.

A Zoom hearing was held on November 20, 2025, by Examiner Wise. The parties filed post-hearing written argument by December 1, 2025. On December 3, 2025, Examiner Wise issued a Proposed Decision and Order affirming the discharge of Puent by the DOC. On December 8, 2025, Puent filed objections to the Proposed Decision. On December 9, 2025, DOC filed a response to the objections. On December 10, 2025, Puent filed a reply to DOC's response to the objections, 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. Neil Puent (Puent) was employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at New Lisbon Correctional Institution (NLCI), and he had permanent status in class at the time of his discharge.
2. NLCI is a medium-security correctional facility located in New Lisbon, Wisconsin operated by DOC, a state agency of the State of Wisconsin.
3. On March 29, 2025, Puent was monitoring an inmate under clinical observation status and failed on four consecutive occasions to contemporaneously log his observations as required every 15 minutes. When he realized his failure, he made four log entries that reflected his guess as to what the inmate was doing.

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 discharge Neil Puent.

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

ORDER

The discharge of Neil Puent by the State of Wisconsin Department of Corrections is modified to reinstatement, effective the day after the date of this Order but without back pay.

Issued at Madison, Wisconsin, this 22nd day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.34(1)(a), Stats., provides in pertinent part, the following as to certain employees of the State of Wisconsin:

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.

Neil Puent had permanent status in class at the time of his discharge and his appeal alleges that the discharge was not based on just cause.

The State has the burden of proof to establish that Puent 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. On March 29, 2025, Puent was the Restrictive Housing Unit (RHU) Sergeant responsible for conducting observation checks every 15 minutes for an inmate under clinical observation status in the RHU, as well as logging his observations in the observations log. At around 10:15PM, the inmate suffered a medical emergency. Later, the Department performed an “after action review” of the incident, including the period leading up to the medical emergency. Upon review, there were four inaccurate entries logged by Puent in the observation log at 9:05PM, 9:20PM, 9:33PM, and 9:48PM. Puent admitted that while observing the inmate, he failed to make the required contemporaneous entries describing what the inmate was doing. He further admitted that upon realizing his error he panicked and wrote down entries that reflected his guess as to what the inmate was doing. Video review revealed that his guesses were not accurate.

Puent’s conduct created a substantial risk to the safety and security of the institution, staff, and the inmate in Puent’s care. An accurate observation log of an inmate in clinical observation status is needed so that health care professionals can correctly assess the inmate’s condition. Thus, there can be no doubt that failing to maintain a contemporaneous log and then subsequently guessing at what an entry should be warrants significant discipline.

Turning now to whether the level of discipline imposed here meets the just cause standard, at the time in question Puent had a one-day suspension on his record for attendance issues. The NLCI Warden recommended a one level skip in progression to a five-day suspension. DOC administration determined that discharge was the correct level of discipline under the just cause standard. But for the fact that Puent had given 19 years of loyal service to DOC at the time of his

discharge, the Commission would agree. However, that length of loyal service is sufficient to warrant a reduction in the level of discipline to the lengthy suspension created by reinstatement without back pay.¹

Issued at Madison, Wisconsin, this 22nd day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

¹ When meeting its statutory responsibility to determine if there was just cause for the imposed discipline, the Commission has consistently held in recent years that is not constrained by any disciplinary sequence the State creates for itself when it disciplines an employee. Length of employee service is one of the factors the Commission can consider when it makes a just cause determination as to the level of discipline. *See Gomez v. DOC*, Dec. No. 39760 (WERC, 2/22); *Black v DHS*, Dec. No. 40395-A (WERC, 8/24); *Duerst v. DOC*, Dec. No. 41246 (WERC, 11/25).