

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DAVID CRUMP, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0803

Case Type: PA

DECISION NO. 41231

Appearances:

David Crump, 9348 Florence Dr., Sturtevant, Wisconsin, appearing on his own behalf.

William Ramsey, Attorney, Department of Administration, 101 E. 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 1, 2025, David Crump filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for three days without just cause by the State of Wisconsin Department of Corrections. The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

A Zoom hearing was held on October 17, 2025, by Examiner Lisiecki. The parties made oral closing arguments at the end of the hearing. On October 21, 2025, Examiner Lisiecki issued a Proposed Decision and Order affirming the three-day suspension of David Crump by the DOC. No objections to the Proposed Decision were filed and the matter became ripe for Commission consideration on October 28, 2025.

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

FINDINGS OF FACT

1. David Crump (Crump) is employed by the State of Wisconsin Department of Corrections (DOC), as a correctional officer at Racine Correctional Institution (RCI). He had permanent status in class when he was suspended.

2. On January 17, 2025, Crump offered to get an inmate a soda, then did not get him one. The inmate became upset and caused a disturbance.

3. On January 17, 2025, Crump yelled at an inmate and told him to “shut up.”

4. Following an investigation, the DOC suspended Crump for three days for horseplay or disorderly conduct, demeaning or discourteous behavior, and gross negligence.

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 had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend David Crump for three days.

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

ORDER

The three-day suspension of David Crump by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 10th day of November 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.

David Crump 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 Crump was guilty of the alleged misconduct and that 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).

Crump is employed as a correctional officer at Racine Correctional Institution (RCI). On January 17, 2025, Crump was walking through the restricted housing unit when he jokingly told an inmate, T.L., that he (Crump) would get him (T.L.) a soda. Crump did not do so. T.L. was a difficult, volatile inmate who often acted out, requiring officers to enter his cell to subdue him. Lieutenant Laura Dangelser testified that after Crump failed to bring T.L. a soda, T.L. started self-harming. Officers had to perform a cell entry, using OC spray, to restrain T.L. As a result of the OC spray, three inmates on the unit became non-responsive and had to be sent to the emergency room.

Crump argues that T.L. was a difficult inmate and would have acted out no matter what Crump said. However, Crump could have remained silent. His taunting comment triggered an outburst from T.L., which resulted in a dangerous cell entry and medical harm to other inmates. Crump's actions were negligent and jeopardized employee and inmate safety.

On January 17, 2025, Crump's supervisor directed him to retrieve a medical bracelet from inmate N.C. N.C. refused to give the bracelet to Crump. N.C. credibly testified that Crump yelled at him and threatened to place him on the restricted housing unit. Crump admitted in his investigatory interview that he told N.C. to "shut up" during this interaction.

Crump argues that he was simply trying to retrieve an item that N.C. was not allowed to have, as directed by his supervisor, and N.C. was refusing. However, Crump's behavior unnecessarily escalated the situation. There was no need for Crump to reply to the inmate in such a demeaning and discourteous manner.

Crump was negligent when he offered to get a volatile inmate a soda, then did not get him one, on January 17, 2025. Further, he was demeaning and discourteous when he yelled at an inmate and told him to “shut up” on January 17, 2025. Crump’s negligence jeopardized the institution’s safety and the safety of inmates. His pattern of inappropriate behavior towards inmates justifies the skip in progression from a one-day suspension to a three-day suspension. There was just cause for the three-day suspension, and the suspension is therefore affirmed.

Issued at the City of Madison, Wisconsin, this 10th day of November 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman