

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JASON WILLIAMS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION, Respondent.

Case ID: 454.0003

Case Type: PA

DECISION NO. 41241

Appearances:

Jason Williams, 1128 Crestline Drive, Milton, Wisconsin, appearing on his own behalf.

William H. Ramsey, Deputy Chief Legal Counsel, 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 Agriculture, Trade and Consumer Protection.

DECISION AND ORDER

On July 11, 2025, Jason Williams 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 Agriculture, Trade and Consumer Protection. The appeal was assigned to Commission Examiner Anfin J. Wise.

On September 16, 2025, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Wise was given final authority to issue the Commission's decision.

A Zoom hearing was held on October 13, 2025, by Examiner Wise. The parties made oral argument at the conclusion of the hearing.

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

FINDINGS OF FACT

1. Jason Williams (Williams) is employed by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), Division of Food and Recreational Safety,

Bureau of Meat and Poultry Businesses, as a Meat Safety Inspector-Objective and had permanent status in class at the time of his one-day suspension.

2. The DATCP's Division of Food and Recreational Safety is a state agency division responsible for regulating the entire food chain, including enforcement of food laws and regulations to ensure a safe and secure food supply.

3. On March 25, 2025, Williams' supervisor issued him a written Letter of Expectation (LOE) related to concerns about his job performance, professionalism and work completion.

4. In April 2025, Williams failed to follow the written directives in his LOE.

5. DATCP suspended Williams for one day for the conduct referenced in Finding 4.

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 Agriculture, Trade and Consumer Protection had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Jason Williams 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 Jason Williams by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection is affirmed.

Issued at Madison, Wisconsin, this 4th day of November 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Anfin J. Wise, Hearing Examiner

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.

Jason Williams 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 Williams 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).

As a Meat Safety Inspector, Williams is responsible for enforcement of meat safety laws, administrative codes, regulations and standards governing the production, processing, storage and transportation and sale of meat products under authority of Wisconsin Statutes. The impact of the work is to assure overall meat safety and meat-related consumer protection by assuring safe and wholesome food, properly labeled, for human consumption. His primary responsibilities include ensuring facilities follow food safety systems, HACCP plans, and standard operating procedures in an effort to reduce the risk of food borne disease, ensure product is protected from adulteration, prevent contamination of meat from pathogenic bacteria. His role is to protect public health by evaluating and documenting his findings and maximizing compliance with laws and regulations governing the production of meat and poultry products.

On March 25, 2025, Williams was issued a written Letter of Expectation (LOE) by his supervisor, Robert Darnell, after concerns were raised about Williams' job performance, professionalism, and work completion. In the LOE, Williams was provided with written expectations and directives including, in relevant part:

- Schedule, perform and document PHIS tasks utilizing the prescribed steps and methodology set forth in BMPB-SOP-022 PHIS Task Management, FSIS Directive 5000.1, FSIS Directive 5000.6 and any other FSIS Directive as applicable to every task performed.
- Identify, communicate, and document observed noncompliance, minimally, at the Objective level position description, to match establishment conditions.

When noncompliance is observed and documented, it is to be delivered to the establishment representative before the end of the day's inspection.

- Supervisory directives will be respected and followed.

The LOE also stated that if Williams did not demonstrate immediate improvement in the areas outlined in the letter, the Department would take further action, which may include progressive disciplinary action.

At the end of April 2025, the owner of Kelly's Pot Pies reached out to Darnell appealing a noncompliance report (NR) issued to his facility by Williams. After visiting and inspecting the facility and meeting with the owner, Darnell determined that Williams had issued an NR when there was no violation. Consequently, DATCP initiated an investigation into Williams' conduct.

The investigation found that on April 7, 2025, Williams incorrectly issued an NR to Kelly's Pot Pies for failure to perform their measurements for Critical Limits as written in their HACCP plan, as they were actually compliant. Additionally, Williams improperly issued a verbal noncompliance to revise their records review process. Not only was the verbal noncompliance inappropriate because all NRs are supposed to be in writing, but also Williams' verbal direction to Kelly's Pot Pies was inaccurate. Next, on April 9, 2025, Williams issued an NR to Johnson Creek Pernat's that was inaccurate and failed to provide a full account. Finally, on April 18, 2025, Williams marked the records review at Johnson Creek Pernat's as compliant, when in fact it was noncompliant.

During his investigatory interview, Williams acknowledged that he understood the expectations in his LOE. He also admitted to his errors on April 7, 9, and 18, 2025, related to Kelly's Pot Pies and Pernat's.

Based on the record, the Commission is persuaded that Williams failed to follow the written expectations and directives of his LOE. Thus, misconduct has been established. Accordingly, the Commission finds that DATCP had just cause to discipline Williams for his misconduct.

Turning now to a just cause consideration of the level of discipline Williams received. The Commission finds that Williams' misconduct does provide just cause for progressive discipline and the imposition of a one-day suspension. It is expressly noted that a one-day is the first step in the progressive disciplinary schedule. Therefore, the one-day suspension is affirmed.

Issued at the City of Madison, Wisconsin, this 4th day of November 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Anfin J. Wise, Hearing Examiner