

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JESSE MCWILLIAMS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0791

Case Type: PA

DECISION NO. 41243

Appearances:

Jesse McWilliams III, 3708 W. Juniper Ct., Milwaukee, Wisconsin, appearing on his own behalf.

William Ramsey, 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 July 8, 2025, Jesse McWilliams filed an appeal with the Wisconsin Employment Relations Commission asserting that he had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). The matter was assigned to Commission Examiner Katherine Scott Lisiecki. On July 11, 2025, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Lisiecki was given final authority to issue the Commission's decision.

A Zoom hearing was held on September 29, 2025, by Examiner Lisiecki. The parties made oral closing arguments at the end 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. Jesse McWilliams (McWilliams) was employed by the State of Wisconsin Department of Corrections (DOC), Milwaukee Secure Detention Facility (MSDF), as a correctional sergeant. At the time of his discharge, he had permanent status in class.

2. On March 6, 2024, McWilliams activated an electronic device on an inmate's leg, which was not a justified use of force.
3. On August 23 and October 3, 2024, McWilliams fell asleep while on duty.
4. Following an investigation, the DOC discharged McWilliams for 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 discharge Jesse McWilliams.

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

ORDER

The discharge of Jesse McWilliams by the State of Wisconsin Department of Corrections is affirmed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Katherine Scott Lisiecki, Hearing Examiner

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.

McWilliams 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 McWilliams 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).

McWilliams was employed as a correctional sergeant at the Milwaukee Secure Detention Facility (MSDF). On March 6, 2024, McWilliams was assigned to monitor an inmate vigil. Inmate A.H. made derogatory, racial remarks towards the officers with McWilliams. *See Exhibit R-2*, pg. 9. When McWilliams told A.H. to calm down, A.H. replied with additional profanity. *Id.* McWilliams activated a Band-it – a device that shocks and immobilizes inmates – on A.H.’s leg. *See Exhibit R-2*, pg. 5. Correctional officer Kevin Griffin testified that although A.H. was disruptive, he posed no physical threat to anyone. A Use of Force Committee Review determined that the use of the Band-it was not justified because the inmate was properly restrained and did not present a physical danger to anyone, and because McWilliams used force as a first option rather than as a last resort. *See Exhibit R-2*, pgs. 18 - 19.

On August 23, 2024, McWilliams fell asleep while on duty. This resulted in a coworker, correctional officer Jake Anderson, getting locked in a hallway for approximately 27 minutes. *See Exhibit R-3*, pg. 1. Anderson testified that, while he was locked in and trying to get McWilliams’s attention by banging on the window, he could see McWilliams slumped in front of his computer, asleep.

On October 3, 2024, supervising officer Timothy Kubiszewski testified that he saw McWilliams sleeping deeply while on duty.

McWilliams credibly testified that he has diabetes, which makes him more likely to fall asleep at work. He submitted a letter from his doctor confirming this diagnosis and stating that McWilliams’s falling asleep at work could be due to hypoglycemia. *See Exhibit A-2*. McWilliams argues that he was trying to obtain equipment to monitor his blood sugar more effectively.

However, falling asleep while on duty is a serious matter. Here, the evidence shows that McWilliams often fell asleep on duty; however, prior to the investigation, McWilliams did not request an accommodation. *See Exhibit R-3, pg. 6.* In his investigatory interview, McWilliams admitted that he could ensure that these episodes were less likely to occur by remembering to eat. *Id.* McWilliams is ultimately responsible for managing his health issues and ensuring that they do not interfere with the performance of his duties.

McWilliams was grossly negligent when he activated a Band-it on an inmate who was physically restrained and did not pose a physical threat to anyone. Further, he was negligent when he fell asleep on duty twice. Assistant Administrator Angela Hansen testified that the fact that McWilliams was asleep on duty again a short time after the first incident weighed heavily in the decision to recommend discharge. McWilliams previously received a one-day suspension in 2021, as well as several letters of expectation, primarily for attendance issues. *See Exhibit R-4, pg. 9.* For progressive disciplinary purposes, he had no discipline. However, each of these three incidents is worthy of formal discipline. Additionally, given the serious nature of McWilliams's use of force, a three-level skip in progression from a one-day suspension to discharge is warranted. Therefore, there is just cause for the discharge, and the discharge is affirmed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Katherine Scott Lisiecki, Hearing Examiner