

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

YOUNES MAYOUF, Appellant,

vs.

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

Case ID: 454.0004

Case Type: PA

DECISION NO. 41259

Appearances:

Younes Mayouf, 914 Vernon Avenue, Madison, Wisconsin, appearing on his own behalf.

David Makovec, 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 Agriculture, Trade, and Consumer Protection.

DECISION AND ORDER

On August 18, 2025, Younes Mayouf (Mayouf) 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 Agriculture, Trade, and Consumer Protection (DATCP). The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

A Zoom hearing was held on November 18, 2025, by Examiner Lisiecki. The parties made oral closing arguments at the end of the hearing. On November 24, 2025, Examiner Lisiecki issued a Proposed Decision and Order affirming the discharge of Mayouf by the DATCP. No objections were filed by the parties and the matter became ripe for Commission consideration on December 2, 2025.

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

FINDINGS OF FACT

1. Younes Mayouf (Mayouf) was employed by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), as an IS Systems Development Services

Specialist in the Division of Management Services. He had permanent status in class when he was discharged.

2. On May 1, 2025, Mayouf claimed to be in the office at his scheduled start time, but badge information, computer login information, and an eyewitness show that Mayouf arrived at work nearly an hour and a half after his scheduled start time.

3. On 24 occasions between April 22 and May 27, 2025, Mayouf logged into his computer more than 20 minutes after his scheduled start time. On 19 occasions between February 5 and March 27, 2025, Mayouf entered the building more than 20 minutes after his scheduled start time. In total, he was at least 62 hours late to work in a four-month period.

4. Following an investigation, the DATCP discharged Mayouf for failure to report promptly at the starting time or notify the proper authority of impending absences or tardiness, falsifying records, and failing to comply with the time and attendance policy.

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 discharge Younes Mayouf.

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

ORDER

The discharge of Younes Mayouf by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection is affirmed.

Issued at Madison, Wisconsin, this 8th 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.

Younes Mayouf 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 Mayouf 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).

Mayouf was employed by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), as an IS Systems Development Services Specialist in the Division of Management Services. DATCP Procedure #341, Time and Attendance Reporting, requires employees to record their actual hours of work in PeopleSoft each day. *See* Exhibit R-3, pgs. 22 – 24. Mayouf's supervisor, Amy Knoploh, reminded Mayouf to accurately enter his time in PeopleSoft on January 31, 2025. *See* Exhibit R-3, pgs. 7, 25. In his investigatory interview, Mayouf admitted that he was required to accurately record his time in PeopleSoft and to notify his supervisor if he was going to be late to work. *See* Exhibit R-3, pg. 10 – 11.

During the time period in question, Mayouf was scheduled to start work at 7 a.m. The morning of May 1, 2025, Knoploh asked an employee, Scott Gordon, to check whether Mayouf was in the office. Gordon testified that when he walked by Mayouf's office at 7:30 a.m., it was empty, the door was closed, the lights were off, and there were no personal items around. Gordon informed Knoploh, who messaged Mayouf at 7:44 a.m., asking Mayouf to check in with Gordon when he arrived at the office. *See* Exhibit R-3, pg. 4. Mayouf did not reply. At approximately 8:15 a.m., Gordon walked by Mayouf's office again; it was still empty. *See* Exhibit R-3, pg. 5. Gordon informed Knoploh, who messaged Mayouf again, asking Mayouf when he planned to arrive. *See* Exhibit R-3, pg. 4. Mayouf replied to this second message, claiming to be in the office. *Id.* However, badge information shows that Mayouf entered the building at 8:28 a.m. and logged into his computer for the first time at 8:31 a.m. *See* Exhibits R-4, R-6 pg. 1. The first time Gordon saw Mayouf physically present in the building was around 8:30 a.m. *See* Exhibit R-3, pg. 9.

After this incident, Knoploh requested Mayouf's badge and login information for the past few months, to determine whether this incident was out of the ordinary. The data showed that on at least 24 occasions between April 22 and May 27, 2025, Mayouf logged into his computer more than 20 minutes after his scheduled start time. *See* Exhibit R-6. On at least 19 occasions between

February 5 and March 27, 2025, Mayouf entered the building more than 20 minutes after his scheduled start time. *See* Exhibit R-4. In total, Mayouf was nearly 63 hours late in a four-month period. *See* Exhibit R-3, pg. 19. In his investigatory interview, Mayouf claimed that if he was ten or twelve minutes late, he would reflect that in his timecard. *See* Exhibit R-3, pg. 11. However, on all of these dates, he entered his start time in PeopleSoft as 7 a.m. *See* Exhibit R-5.

Mayouf testified that, on May 1, he followed another employee into the building, so his badge was not logged. He claimed that his 8:28 a.m. entry time was actually him returning from his car to retrieve something he had forgotten. Mayouf claimed that he did not log in at 7 a.m. because his computer needed to update. He claimed that his stomach problems forced him to go to the bathroom – on a different floor – and that he took his laptop and his backpack to the bathroom with him to enter his credentials as his laptop updated, which is why there were no personal effects in his office. However, Mayouf’s testimony is simply not credible. Many elements of his account are implausible or unlikely. For instance, it is extremely unlikely that someone suffering from stomach problems would pack their laptop into their backpack and bring it with them to the bathroom. Further, if Mayouf had his laptop with him in the bathroom, as he claimed, he would have responded promptly to his supervisor’s message, rather than thirty minutes later. In the light of his frequent and extreme tardiness, the most plausible explanation is that Mayouf was an hour and a half late to work on May 1, 2025.

Mayouf argues that he “made up the time” by working late. However, this does not matter. Mayouf was required to accurately record the time he worked, and he falsified his timesheets by claiming he worked when he did not.

Mayouf argues that he should not be held responsible because his supervisor approved his timesheets. However, Knoploh credibly testified that she was not aware of the extent of Mayouf’s misconduct until after the May 1 incident. Knoploh does not usually have access to her employees’ badge or login information.

Mayouf committed serious misconduct when he failed to report promptly to work at his scheduled start time on at least 43 occasions over a four-month period. Further, Mayouf falsified records and violated DATCP’s time and attendance reporting policy, Procedure #341, when he incorrectly recorded his start time as 7 a.m. despite starting work much later. Mayouf’s frequent and extreme pattern of tardiness, as well as his dishonesty about his whereabouts, falsification of records, and refusal to take responsibility for his actions, justifies the skip in progression from a one-day suspension to a discharge. There was just cause for the discharge, and the discharge is therefore affirmed.

Issued at the City of Madison, Wisconsin, this 8th day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman