

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MICHAEL BOLIN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0812

Case Type: PA

DECISION NO. 41262

Appearances:

Elizabeth Pierson, Attorney, Pines Bach LLP, 122 W. Washington Avenue, Suite 900, Madison Wisconsin, appearing on behalf of Michael Bolin.

David Makovec, 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 August 12, 2025, Michael Bolin 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).

A hearing was held on October 28, 2025, by Commission Chairman Peter G. Davis. The parties filed post-hearing written argument by November 19, 2025

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

FINDINGS OF FACT

1. Michael Bolin (Bolin) was employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Officer at Oakhill Correctional Institution (OCI), and he had permanent status in class at the time of his discharge.

2. OCI is a minimum-security correctional facility located in Oregon, Wisconsin operated by DOC, a state agency of the State of Wisconsin.

3. On January 23, 2025, Bolin failed to conduct an hourly security round and then logged that he had completed the round.

4. March 5, 2025, Bolin failed to conduct a security round.

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 Michael Bolin but did have just cause to suspend him without pay from the effective date of his discharge to the date of this Order

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

ORDER

The discharge of Michael Bolin by the State of Wisconsin Department of Corrections is modified and he shall be reinstated without back pay.

Issued at Madison, Wisconsin, this 1st day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

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.

Michael Bolin 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 Bolin 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 basic facts are not in dispute. Bolin did not but thought he had completed an hourly security round and then several hours later incorrectly logged that he had done so. Two months later, he missed a security round entirely.

The OCI Warden provided compelling testimony as to why a missed security round can be a matter of life or death for an inmate—particularly for the inmate population housed at OCI. Additional risks are created if an employee even inadvertently records a round he did not conduct.

Given the foregoing, the Commission is satisfied that Bolin engaged in three acts of misconduct: (1) failed to conduct a security round; (2) incorrectly logged that he had completed the round; and (3) failed to conduct yet another security round.

As to whether there was just cause to discharge Bolin, a close question is presented. Not only is there a substantial level of misconduct, but there is also evidence that Bolin had previously been warned several times of the obvious importance of conducting rounds. Nonetheless, the Commission concludes that discharge is too harsh under the just cause standard and thus Bolin is to be reinstated but without back pay.

Issued at Madison, Wisconsin, this 1st day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman