

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

TAMAYA SCHREIBER-POZNIK, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0847

Case Type: PA

DECISION NO. 41266-A

Appearances:

Elizabeth Pierson, Attorney, Pines Bach LLP, 122 W. Washington Avenue, Suite 900, Madison, appearing on behalf Tamaya Schreiber-Poznik.

Andrea Olmanson, Legal Counsel, Department of Corrections, 3099 E. Washington Avenue, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On November 7, 2025, Tamaya Schreiber-Poznik filed an appeal with the Wisconsin Employment Relations Commission asserting she had been discharged without just cause by the State of Wisconsin Department of Corrections.

A hearing was held on January 13, 2026, in Madison, Wisconsin by Commission Chairman Peter G. Davis. The parties thereafter filed written arguments until February 16, 2026.

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

FINDINGS OF FACT

1. Tamaya Schreiber-Poznik was employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at the Oakhill Correctional Institution. She had permanent status in class at the time of her discharge.

2. On October 20, 2024, Schreiber-Poznik remained in an office for an hour instead of completing a mandatory hourly round. She nonetheless verified that she had completed the round in question. She also failed to satisfactorily complete other rounds that same day.

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 Tamaya Schreiber-Poznik but did have just cause to suspend her without pay from the date of her discharge to the date she is reinstated pursuant to this decision.

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

ORDER

The discharge of Tamaya Schreiber-Poznik by the State of Wisconsin Department of Corrections is modified to reinstatement without back pay, and she shall be made whole in other respects.

Issued at Madison, Wisconsin, this 2nd day of March 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Peter G. Davis

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.

Schreiber-Poznik had permanent status in class at the time of her discharge and her appeal alleges that the discharge was not based on just cause.

The State has the burden of proof to establish that Schreiber-Poznik 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).

It is undisputed that Schreiber-Poznik remained in an office for at least an hour during her shift and thus did not complete a mandatory hourly round. It is also undisputed that she nonetheless logged that the round in question had been completed. In addition, the record persuades the Commission that Schreiber-Poznik was distracted during other rounds that shift and did not perform them in a satisfactory manner.

The timely and satisfactory completion of a round is a known daily priority. More importantly, as the Commission has repeatedly noted in other decisions, timely and diligent completion of rounds is critical to maintaining the health and safety of those who are detained in a correctional facility.

Given all of the foregoing, it is clear that Schreiber-Poznik engaged in serious misconduct.

When reaching this conclusion, the Commission has necessarily rejected Schreiber-Poznik's assertion that she feared leaving the office because she had been cornered by an inmate. Video evidence does not support this claim as to the shift in question and there is credible testimony that a search of other video reveals no threat from an inmate. Further, had there been such a threat, it seems likely that she would have filed a report.

The Commission acknowledges that Schreiber-Poznik did seek Peer Assistance on the night in question. However, the record as a whole persuades the Commission that she did so because she was stressed by factors outside of work which, in turn, led her to believe there was a threat that did not exist. The Commission is further persuaded that those same stresses led her to be distracted when she inadequately performed rounds at other times during the shift.

Turning to the issue of whether there was just cause for discharge, Schreiber-Poznik asserts that DOC has imposed lesser discipline for the same or more egregious misconduct and thus claims she is being subjected to disparate treatment. She further alleges that the Commission has overturned discharges for the same or more egregious misconduct. The flaw in these contentions is that a successful disparate treatment claim/Commission must act consistently argument hinges on the same misconduct being treated differently by DOC or adjudicated differently by the Commission. In the Commission's experience, the combination of missing a round due to a non-existent threat, falsely recording that the round was nonetheless completed, and distractedly performing other rounds is unique misconduct. On that basis, the disparate treatment/Commission must act consistently argument fails.

There can be no question that by engaging in three acts of misconduct, Schreiber-Poznik might well have created just cause for her discharge. If these were intentional willful acts, the Commission would affirm the discharge. But they were not. As referenced earlier in this decision, she was stressed by factors outside of work. Indeed, given those stresses, it would have been wise for her not to go to work that day. But having done so, she must bear the disciplinary consequence of her misconduct. Thus, her reinstatement is without back pay. But because her actions were not willful, the just cause standard warrants giving Schreiber-Poznik another chance to prove she can perform successfully in a correctional setting.

Issued at Madison, Wisconsin, this 2nd day of March 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Peter G. Davis

Peter G. Davis, Chairman