

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MATTHEW MCMAHON, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0825

Case Type: PA

DECISION NO. 41278

Appearances:

Thomas Holland, 2353 Eastman Ave. Apt. 5, Green Bay, Wisconsin, appearing on behalf of Matthew McMahon.

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 Corrections.

DECISION AND ORDER

On September 11, 2025, Matthew McMahon filed an appeal with the Wisconsin Employment Relations Commission asserting that he had been suspended without just cause by the State of Wisconsin Department of Corrections. The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

A hearing was held via Zoom on November 24, 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. Matthew McMahon (McMahon) is employed by the State of Wisconsin Department of Corrections (DOC), as a correctional sergeant at Green Bay Correctional Institution (GBCI). He had permanent status in class when he was suspended.

2. On the evening of January 4 – 5, 2025, an officer informed McMahon that an inmate’s cell window was covered and that the inmate was threatening to self-harm. However, McMahon did not follow post orders regarding self-harming inmates.

3. Following an investigation, the DOC suspended McMahon for one day for inattentiveness, negligence, and failure to comply with written agency policies or procedures.

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 suspend Matthew McMahon 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 Matthew McMahon by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 7th day of January 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Katherine Scott Lisiecki, 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.

Matthew McMahon 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 McMahon 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).

Matthew McMahon (McMahon) is employed by the State of Wisconsin Department of Corrections (DOC), as a correctional sergeant at Green Bay Correctional Institution (GBCI). On the evening of January 4 – 5, 2025, an inmate at GBCI covered his cell window and threatened to self-harm. During shift change, the sergeant on the previous shift, Daniel Firkus, told McMahon about the problematic inmates on the unit. However, Firkus said that at the time of shift change, there were no covered cell windows, so he would not have informed McMahon that the inmate's window was covered.

McMahon argues that correctional officers Detyn Granger and Melissa Wagner failed to notify him that an inmate's cell window was covered or that the inmate was threatening to self-harm. Granger testified that he did not recall whether he had informed McMahon. However, Wagner credibly testified that, around 11 p.m., after the inmate threatened to self-harm, she went to the sergeant's office to notify McMahon. Body camera footage shows Wagner interacting with an inmate whose cell window is covered and who threatened to self-harm at approximately 10:40 p.m. Shortly thereafter, at approximately 11 p.m., body camera footage shows Wagner leaving what appears to be the sergeant's office. *See Exhibit R-7.*

Despite being made aware of the inmate's situation, McMahon did not comply with his post orders, which required him to notify security staff to stabilize, medically assess, and monitor the inmate. *See Exhibit R-7, pg. 24.*

McMahon argues that Granger and Wagner were given letters of expectation or job instructions instead of suspensions for this incident. The Commission has long recognized that

disparities in discipline may, under certain circumstances, affirmatively defend against discipline despite the existence of misconduct. Underlying that position is the notion that if an employer treats one employee significantly more harshly than a similarly situated coworker for similar misconduct, inherent unfairness exists. *Morris v. DOC*, Dec. No. 35682-A (WERC, 7/15). An employee who raises a disparate treatment claim has the burden of proving that contention. Here, GBCI Warden Chris Stevens testified that the sergeants involved in the incident (Firkus and McMahon) received one-day suspensions, whereas the officers involved in the incident (Granger and Wagner) received letters of expectation or job instructions. As lead workers, sergeants are responsible for directing other officers and staff and bear greater responsibility for what happens on their unit. As a sergeant, McMahon was not similarly situated to correctional officers Granger and Wagner.

On May 17, 2024, McMahon received a one-day suspension for failing to complete rounds. *See* Exhibit R-6. Failing to properly conduct rounds – either by failing to complete them or by ignoring concerning information gathered on those rounds – jeopardizes inmate wellbeing and institutional safety. Given the potentially serious consequences of McMahon’s behavior, there was just cause for a one-day suspension. Therefore, the suspension is affirmed.

Issued at the City of Madison, Wisconsin, this 7th day of January 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Katherine Scott Lisiecki, Hearing Examiner