

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LISA MIEZEN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0828

Case Type: PA

DECISION NO. 41279

Appearances:

Chris Donahoe, Attorney, Hawks Quindel, S.C., 5150 N. Port Washington Road, Suite 243, Milwaukee, Wisconsin, appearing on behalf of Lisa Miezen.

Andrea L. 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 September 11, 2025, Lisa Miezen 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 (DOC).

A hearing was held on January 5 and 6, 2026, by Commission Chairman Peter G. Davis. Miezen made closing argument at the conclusion of the hearing. On January 7, 2026, the DOC submitted written closing argument, Miezen filed a response thereafter, and the matter became ripe for Commission consideration.

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

FINDINGS OF FACT

1. Lisa Miezen (Miezen) was employed by the State of Wisconsin Department of Corrections (DOC) as a Probation and Parole Agent-Senior, and she had permanent status in class at the time of her discharge.

2. At the direction of her supervisor, Miezen inaccurately reported the status of a sex offender.

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 Lisa Miezen.

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

ORDER

The discharge of Lisa Miezen by the State of Wisconsin Department of Corrections is modified to a three-day suspension. Miezen shall be made whole with interest¹ for all lost wages and benefits and offered reinstatement to the work location of her choosing.

Issued at Madison, Wisconsin, this 8th day of January 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

¹ See Wis. Admin. Code ERC § 94.07.

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.

Lisa Miezen 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 Miezen 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).

To her credit, Miezen admits that she inaccurately reported the status of a sex offender. Thus, it is clear that she engaged in serious misconduct.

Turning to the issue of whether there was just cause for her discharge, the record clearly establishes that Miezen was acting at the direction of her supervisor. While in some pristine world it could be argued that Miezen should have defied her supervisor and not engaged in misconduct, that is not the real world in which Miezen (an almost 20 year employee with an excellent record of job performance) worked. Her supervisor has a record of retaliating against employees who disagree with him. He can be angry and profane when supervising employees. As a consequence, many employees have transferred out of the unit he supervises and others who remain fear to cross him.² Perhaps most significantly, he has not been disciplined for directing an employee to perform work in a manner that conflicts with the reporting requirements that apply to sex offenders.

Because she was acting at the direction of a supervisor who she could not reasonably be expected to defy, the Commission concludes that DOC did not have just cause to discharge Miezen. Thus, the discipline for her serious misconduct has been modified to a three-day suspension and she shall be offered reinstatement and made whole. In light of the supervisor's involvement in this matter, the offer of reinstatement shall give her the option of being reinstated to a work location other than the one from which she was discharged.

² It is concerning that DOC has long known of these supervisory issues but has taken no action.

Issued at Madison, Wisconsin, this 8th day of January 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman