

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MEKAYLA PARKS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0835

Case Type: PA

DECISION NO. 41282

Appearances:

Mekayla Parks, 257 Veranda Lane, Mount Pleasant, Wisconsin, appearing on her own behalf.

Nicole M. Porter, 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 October 3, 2025, Mekayla Parks filed an appeal with the Wisconsin Employment Relations Commission asserting she had been issued a written reprimand in lieu of a one-day suspension without just cause by the State of Wisconsin Department of Corrections (DOC). The matter was assigned to Commission Examiner Anfin J. Wise.

On September 16, 2025, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Wise was given final authority to issue the Commission's decision.

On October 9, 2025, DOC filed a motion to dismiss for lack of subject matter jurisdiction over the written reprimand in lieu of a one-day suspension. On October 12, 2025, Parks filed a response opposing the DOC's motion. On October 12, Examiner Wise denied the DOC's motion.¹

¹The Commission previously concluded that it did not have jurisdiction over "in lieu of" suspensions. *See Schallock v DOC*, Dec. No. 36326 (WERC, 4/16). That conclusion was a departure from years of a contrary view which viewed the statutory word "suspension" more broadly in acknowledgment of the real-world impact "in lieu of" discipline has on employees in the context of disciplinary progression. *See Rogers v. DOC*, 98-0094-PC (1/99); *Winslow-Stanley v DOC*, Dec. No. 33213-A (WERC, 11/11). Recently, the Commission has returned to the view that an "in lieu of" suspension is a constructive suspension as to which the Commission has jurisdiction. *See Pompey v DOC*, Dec. No. 41235 (WERC, 10/25).

A Zoom hearing was held on January 7, 2026, by Examiner Wise. The parties made oral argument at the conclusion of the hearing. Later on January 7, Parks submitted written post-hearing argument and her exhibits. The record was closed on January 8, 2026.

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

FINDINGS OF FACT

1. Mekayla Parks (Parks) is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at Racine Correctional Institution (RCI) and had permanent status in class when she was issued the written reprimand in lieu of a one-day suspension.

2. RCI is a medium-security correctional facility located in Sturtevant, Wisconsin operated by the DOC, an agency of the State of Wisconsin.

3. On July 3, 2025, Parks was scheduled to work at 10:30 PM and did not call in her absence until about 10:25 PM, in violation of DOC work rules and policies.

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 issue a written reprimand in lieu of a one-day suspension to Mekayla Parks.

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

ORDER

The written reprimand in lieu of a one-day suspension issued to Mekayla Parks by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin this 12th day of January 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Anfin J. Wise, 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.

Mekayla Parks had permanent status in class at the time of her written reprimand in lieu of a one-day suspension and her appeal alleges that the written reprimand in lieu of a one-day suspension was not based on just cause.

The State has the burden of proof to establish that Parks 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).

On July 3, 2025, Parks was scheduled to work third shift, starting at 10:30 PM. While on her way to work, due to the July Fourth fireworks in Sturtevant, there was heavy traffic and law enforcement blockades of streets surrounding RCI. Parks asked a law enforcement officer if she could access Wisconsin Street, which is the road leading to RCI's main entrance. She was denied access. At about 10:25 PM, Parks contacted the institution and spoke to the supervising lieutenant on duty, Jennifer Flairty. Parks informed Lt. Flairty that she was having trouble getting to the institution because there were multiple police-controlled road closures and law enforcement was denying her access to get through. Lt. Flairty explained alternate options, depending on which direction she was coming from, including the road by the Sturtevant Transitional Facility. Parks informed Flairty that she was not going to do that and that she was not coming in to work for her shift that night.

DOC's policy on reporting absences provides that uniformed staff shall report their absence to the shift supervisor no later than two hours prior to the start of their scheduled shift. DOC's work rule #5 prohibits the failure to report promptly at the starting time and prohibits the failure to promptly notify the proper authority of impending absences.

Here, the Commission finds that Parks' late call-in and failure to report to work on July 3 were violations of DOC's policy on reporting absences and work rule #5. Thus, workplace misconduct has been established.

Nevertheless, Parks argues that her discipline should be rejected. Parks testified that she

made good faith efforts to report to work as scheduled that night. She planned accordingly for traffic and left her house early around 10:00 PM, even though she only lives about three minutes away from the institution. She was ready, willing, and attempting to get to work, but was prevented from accessing the institution due to reasons beyond her control. Then, she notified the supervisor as soon as possible when it became clear that she could not get access to the institution.

While the Commission believes that Parks made some efforts to report to work as scheduled, we are not persuaded that she made every effort to report to work on July 3. First, she refused to follow Lt. Flairty's directive to try alternate routes. Second, she could have waited until traffic died down and reported to work late. In fact, credible testimony from the warden showed that there were about five other staff members who also experienced issues reporting to work on time that night due to the fireworks event. However, those staff were able to report to work, albeit late. Those tardies were eventually forgiven due to the circumstances. And, while Parks denied that Lt. Flairty gave her alternative route options, her testimony was self-serving and Flairty had no motivation to lie. Furthermore, the record established that Parks previously received a non-disciplinary letter of expectation (LOE) for a similar incident on July 2, 2024, a late call-in. The LOE reminded Parks of the expectation that absences must be reported no later than two hours prior to the start of her shift, and that future violations would subject her to the progressive disciplinary process.

Given the foregoing, it is concluded there was just cause for Parks' written reprimand in lieu of a one-day suspension and it is therefore affirmed.

Issued at Madison, Wisconsin this 12th day of January 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Anfin J. Wise, Hearing Examiner