

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JASON WEHRLE, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0842

Case Type: PA

DECISION NO. 41299

Appearances:

Jason Wehrle, 6591 Green River Rd., Fennimore, Wisconsin, appearing on behalf of himself.

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 October 30, 2025, Jason Wehrle filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for one day without just cause by the State of Wisconsin Department of Corrections. The appeal was assigned to Commission Examiner Anfin J. Wise and then reassigned to Examiner Cara J. Larson.

A Zoom hearing was held on January 29, 2026, by Examiner Larson. The parties made oral arguments at the conclusion of the hearing. On February 5, 2026, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Larson was granted final authority to issue the Commission's decision.

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

FINDINGS OF FACT

1. Jason Wehrle (Wehrle) is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Officer at Prairie Du Chien Correctional Institution (PDCI) and had permanent status in class at the time of his suspension.

2. The DOC is a state agency responsible for the operation of various corrections facilities including PDCI, a minimum-security center located in Prairie Du Chien, Wisconsin.

3. Wehrle was insubordinate when he refused to follow the directive to provide additional bedding sheets.

4. Wehrle was suspended for one day by DOC due to his insubordination in Findings of Fact 3, above.

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 to review 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 Jason Wehrle 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 Jason Wehrle by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 6th day of February 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Cara J. Larson, Hearing Examiner

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.34(1)(a), Stats., provides 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.

Jason Wehrle 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 Wehrle 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 issue before the Commission is whether the Department of Corrections had just cause to impose a one-day suspension on Correctional Officer Jason Wehrle for refusing to provide additional sheets to inmates suffering from poison ivy, despite repeated directives from a supervisor.

On August 2, 2025, several inmates housed at PDCI were suffering from poison ivy. Institution Unit Supervisor Janet Fischer determined that additional sheets should be issued to three affected inmates and directed Utility Sergeant Mitchell Mezera to contact the laundry department to request that the sheets be sent to the housing unit. Mezera contacted Wehrle, the laundry officer on duty, who refused to provide the sheets, stating that the inmates lacked a Health Services Unit (HSU) restriction authorizing additional bedding.

Fischer then contacted HSU and spoke with Nurse Jamie Salinas, who indicated that providing additional sheets was reasonable under the circumstances. Fischer again directed Wehrle to provide the sheets, but he refused, stating he would not issue additional bedding without a formal medical restriction. As a result, Fischer went to the laundry area herself, obtained the sheets, and distributed them to the inmates. Wehrle's refusal delayed the delivery of bedding and required Fischer to divert from her supervisory duties.

In a correctional setting, the orderly functioning of the institution depends on staff following supervisory directives. Warden Peter Jaeger credibly testified that supervisors are given professional discretion to make decisions regarding inmate supplies, including bedding, and that such directives must be followed unless they are unlawful or unsafe. The directive to provide sheets was not unlawful, unsafe, or outside Fischer's authority. Fischer testified that she had authority to

issue additional bedding and confirmed with Health Services Unit (HSU) staff that providing sheets was reasonable. Nurse Jamie Salinas also testified that providing additional sheets was reasonable in light of the inmates' poison ivy.

Despite multiple directives, Wehrle refused to comply, insisted on additional verification, and did not provide the sheets. His refusal caused delay and required a supervisor to perform tasks that should have been completed by him.

Wehrle argued that policy required a medical restriction before issuing additional sheets. However, the credible testimony established that Fischer had discretion to authorize additional sheets. Disagreement with a supervisor's directive does not justify refusing to follow it.

Warden Jaeger testified that if an employee disagrees with a directive, the employee must comply, document the concern, and elevate the matter through supervisory channels. Wehrle did not follow this process. Instead, he refused to comply and conducted his own inquiry with HSU. Even if Wehrle believed the directive conflicted with policy or practice, the proper course was to comply and raise the concern after, not to refuse outright. His refusal constituted insubordination.

The Commission has previously held that when a supervisor issues a legitimate order or directive, the employee must comply. *See Reesman v. DOC*, Dec. No. 37301 (WERC, 2/18). In *Reesman*, the Commission stated that “[e]mployers have a legitimate interest in ensuring that employees follow the directives they are given. When employees fail to follow orders or directives, that conduct is obviously detrimental to the workplace environment. If an employee does not comply with a work order or directive, then their conduct constitutes insubordination, and there can be adverse employment consequences as a result.”

Accordingly, the Commission finds that Wehrle's insubordination constituted just cause for the one-day suspension imposed by the DOC. A one-day suspension was not excessive, as it is the first step in DOC's progressive discipline sequence. Therefore, the one-day suspension of Jason Wehrle is affirmed.

Issued at Madison, Wisconsin, this 6th day of February 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Cara J. Larson, Hearing Examiner