

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KATHLEEN NABRZYSKI, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0814

Case Type: PA

DECISION NO. 41309

Appearances:

Kathleen Nabrzyski, 3233 Redbird Lane, Racine, Wisconsin, appearing on her own behalf.

Elizabeth Longo, Attorney, Department of Corrections, 3099 East Washington Avenue, P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On August 25, 2025, Kathleen Nabrzyski filed an appeal with the Wisconsin Employment Relations Commission regarding the decision by the State of Wisconsin Department of Corrections not to hire her for a correctional officer position.

A Zoom hearing was held on December 4, 2025, by Commission Examiner Katherine Scott Lisiecki. The parties made oral closing arguments on that date. On February 16, 2026, Examiner Lisiecki issued a Proposed Decision and Order finding that the DOC did not act illegally or abuse its discretion by failing to hire Kathleen Nabrzyski for a correctional officer position. No objections to the Proposed Decision were filed by the parties and the matter became ripe for Commission consideration on March 10, 2026.

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

FINDINGS OF FACT

1. Kathleen Nabrzyski (Nabrzyski) has been employed by the Wisconsin Department of Corrections (DOC) for approximately sixteen years in various positions.
2. Nabrzyski applied for a position with the DOC as a correctional officer. As part of the application process, pursuant to Sec. 104.100 of the Wisconsin Human Resources Handbook, Human Resources reviewed her personnel file and contacted her current supervisor as a reference.

3. Nabrzyski's personnel file and reference reflected multiple concerns regarding her professional communication, adaptability, and receptiveness to supervision and constructive criticism.

4. Due to Nabrzyski's history of poor communication and adaptability, which are relevant to essential functions of the correctional officer position, the DOC decided not to hire Nabrzyski.

5. On August 22, 2025, the DOC notified Nabrzyski that she had not been hired for the correctional officer position.

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)(d).

2. The State of Wisconsin Department of Corrections did not act illegally or abuse its discretion by failing to hire Kathleen Nabrzyski for the correctional officer position.

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

ORDER

The State of Wisconsin Department of Corrections' decision not to hire Kathleen Nabrzyski is affirmed.

Issued at Madison, Wisconsin, this 10th day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.44(1)(d), Stats., provides that “[a] personnel action after certification which is related to the hiring process in the classified service and which is alleged to be illegal or an abuse of discretion may be appealed to the commission.” An illegal act is one that is contrary to Wisconsin civil service statutes or administrative rules. An abuse of discretion is when an agency exercises discretion “to an end or purpose not justified by and clearly against reason and evidence.” The appellant bears the burden of proof. *See Moeller-Bunker v. DWD*, Dec. No. 36786 (WERC, 5/17). The Commission’s role is limited to determining whether the decision was based on an illegal factor or whether the appointing authority abused its discretion. An abuse of discretion occurs only where the decision is unreasonable, irrational, or made without consideration of relevant factors.

Here, Nabrzyski alleges that the DOC failed to hire her for a correctional officer position. She argues that the DOC unfairly relied on outdated information and portrayed her as a poor employee despite her lengthy service, education, and positive relationships with staff and inmates.

The DOC considered Nabrzyski’s personnel file and a skills survey completed by her references, which documented multiple concerns about Nabrzyski’s communication, adaptability, and de-escalation skills. These skills were directly relevant to the position’s core competencies. Both Warden Paula Stoudt and Warden Peter Jaeger credibly testified that effective communication, adaptability, de-escalation, and the ability to accept supervision are critical to institutional safety and security.

Nabrzyski does not dispute the accuracy of the information. Rather, she challenges the weight assigned to it and emphasizes that some incidents occurred many years ago. Nabrzyski bears the burden of proving that her non-selection was either illegal (contrary to Wisconsin civil service statutes or administrative rules) or an abuse of discretion (not justified by and clearly against reason and evidence). She has not done so. Nabrzyski’s testimony largely reflects a difference of opinion regarding how her work history should be interpreted, and such disagreement does not satisfy her burden of proof. In contrast, the DOC provided credible testimony showing that Nabrzyski’s non-selection was due to her poor professional communication and poor adaptability, which were directly relevant to the core competencies of the correctional officer position.

The DOC’s decision not to hire Nabrzyski was not illegal and did not constitute an abuse of discretion. Given the foregoing, the Commission affirms the DOC’s decision not to hire Nabrzyski as a correctional officer.

Issued at Madison, Wisconsin, this 10th day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman