

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JENNIFER KLAHN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0853

Case Type: PA

DECISION NO. 41334

Appearances:

Sean Daley, N1463 Second St. Rd., Watertown, Wisconsin, appearing on behalf of Jennifer Klahn.

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 November 14, 2025, Jennifer Klahn filed an appeal with the Wisconsin Employment Relations Commission asserting that she had been suspended for one-day 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 February 17, 2026, by Examiner Lisiecki. The parties submitted written arguments on February 27, 2026. On September 16, 2025, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Lisiecki 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. Jennifer Klahn (Klahn) is employed by the State of Wisconsin Department of Corrections (DOC), as a correctional sergeant at Kettle Moraine Correctional Institution (KMCI). She had permanent status in class when she was suspended.

2. On December 17, 2024, an inmate began self-harming. He was placed in

observation.

3. When the inmate continued to self-harm, Klahn called her supervisor's office. Her supervisor told Klahn that he was watching the inmate on camera, it didn't look too bad, and that she should talk to the inmate.

4. When the inmate continued to self-harm, Klahn called the Health Services Unit.

5. Following an investigation, the DOC suspended Klahn for one day for 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 did not have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Jennifer Klahn 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 suspension of Jennifer Klahn by the State of Wisconsin Department of Corrections is rejected, and she shall be made whole with interest.¹

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Katherine Scott Lisiecki

Katherine Scott Lisiecki, Hearing Examiner

¹ See Wis. Admin. Code § ERC 94.07.

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.

Jennifer Klahn had permanent status in class at the time of her suspension and her appeal alleges that the suspension was not based on just cause.

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

Jennifer Klahn (Klahn) is a correctional sergeant at Kettle Moraine Correctional Institution (KMCI). On the evening of December 17, 2024, an inmate began self-harming by banging his head repeatedly on a window. The inmate was placed in an observation cell at approximately 4:45 p.m. Ian Harbin, the officer conducting rounds, notified Klahn that the inmate continued to self-harm. Klahn told Harbin to engage in dialogue with the inmate to get the inmate to stop. When that did not work, Klahn called her supervisor's office at 5:15 p.m. *See* Exhibit R-6, pg. 398. Klahn credibly testified that her supervisor, Lieutenant Christian Arthurs, told her that he was watching the inmate on camera, that it didn't look too bad, and that she should talk to the inmate. The inmate did not respond to dialogue and continued to self-harm. At 5:43 p.m., Klahn called the Health Services Unit (HSU). The HSU arrived at the inmate's cell and contacted Arthurs, who responded. The inmate sustained a serious head injury from his self-harm.

Klahn credibly testified that she called Arthurs to inform him that the inmate was self-harming, and that Arthurs replied that he was watching the inmate on camera, it didn't look too bad, and that she should talk to the inmate. She consistently maintained this in her investigatory interviews. *See* Exhibit R-6, pgs. 6, 271. The phone log shows that Klahn called the office at 5:15 p.m. *See* Exhibit R-6, pg. 398. Further, Harbin testified that he saw Klahn on the phone with her supervisors "multiple times, calling people, trying to get something done." *See also* Exhibit R-6, pg. 411. Nurse Kim Wesenberg testified that, on the night of the incident, Klahn told her that she (Klahn) had called her supervisor and that the supervisor was not coming to intervene. *See also* Exhibit R-6, pgs. 321 – 322. In her investigatory interview, nurse Connie Gehl said Klahn had told her that she (Klahn) notified her supervisor that the inmate was continuing to self-harm, but no one had come over. *See* Exhibit R-6, pg. 353. In contrast, Arthurs claims that he couldn't recall a

phone call from Klahn and was not notified that the inmate was continuing to self-harm. *See* Exhibit R-6, pg. 333. Klahn's specific and consistent account of this phone call is more credible than Arthurs' testimony.

The State argues that Klahn failed to contact her supervisors by radio, activate the emergency alert on her radio, or deploy OC spray to gain the inmate's compliance. However, Klahn correctly argues that contacting her supervisors by radio and activating the emergency alert would have been unnecessary, because she had already made her supervisor aware of the situation during their phone call. Klahn was understandably reluctant to enter the observation cell of a violent, mentally ill inmate without supervisory authorization or support. She believed she could not authorize a cell entry without supervisory approval. Further, she credibly testified that she was not certain whether it would be safe to do so and believed it could even be counterproductive in gaining the inmate's compliance.

Klahn has no previous discipline. Here, Klahn was not negligent in her response to the inmate's self-harm. She monitored the inmate's condition, spoke with the inmate, sent an officer to talk to and check on the inmate, called her supervisor, and then sought help from the HSU. *See* Exhibit R-6, pg. 270. Her colleagues Harbin, Wesenberg, and Gehl all stated that Klahn was worried about the inmate's wellbeing, concerned about her supervisor's inaction, and took steps to keep the inmate safe. *See* Exhibit R-6, pgs. 182, 322, 354, 411. Klahn's failure to use the radio or push the emergency button is understandable, because she had already notified her supervisor. Likewise, Klahn did not enter the cell because it went against her supervisor's direction and she believed it would be risky and counterproductive. Because Klahn did not commit misconduct, the DOC did not have just cause to issue her a one-day suspension. Therefore, Klahn's one-day suspension is rejected, and she shall be made whole with interest.

Issued at the City of Madison, Wisconsin, this 12th day of March 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Katherine Scott Lisiecki

Katherine Scott Lisiecki, Hearing Examiner