

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LEONARD RASPOTNIK, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0192

Case Type: PA

DECISION NO. 41339

Appearances:

Jennifer Wilson, N3604 Hale Rd., Elroy, Wisconsin, appearing on behalf of Leonard Raspotnik.

William Ramsey, 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 Health Services.

DECISION AND ORDER

On December 11, 2025, Leonard Raspotnik (Raspotnik) filed an appeal with the Wisconsin Employment Relations Commission asserting that he had been discharged without just cause by the State of Wisconsin Department of Health Services (DHS). The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

A hearing was held on March 3, 2026, in Mauston, Wisconsin, by Examiner Lisiecki. The DHS made oral closing arguments at the end of the hearing, and Raspotnik submitted a written closing argument on March 4, 2026.

On March 24, 2026, Examiner Lisiecki issued a Proposed Decision and Order affirming the discharge of Raspotnik by the DHS. On March 30, 2026, Raspotnik filed objections to the Proposed Decision. No reply to the objections was filed by the given deadline and the matter became ripe for Commission consideration on April 7, 2026.

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

FINDINGS OF FACT

1. Leonard Raspotnik (Raspotnik) was employed by the State of Wisconsin Department of Health Services (DHS) as a correctional officer at Sand Ridge Secure Treatment Center (SRSTC). He had permanent status in class when he was discharged.

2. On August 4, 2025, Raspotnik was directed to assist with the security escort of a patient who was being transferred to a hospital in Madison. Security protocols for medical transfers require the use of a chase vehicle driven by SRSTC staff. Instead of driving the chase vehicle behind the ambulance to Madison, Raspotnik returned to SRSTC without having been directed to do so by a supervisor.

3. Following an investigation, the DHS discharged Raspotnik for insubordination, negligence, and refusal to carry out written or verbal assignments, directions, or instructions.

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 Health Services had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to discharge Leonard Raspotnik.

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

ORDER

The discharge of Leonard Raspotnik by the State of Wisconsin Department of Health Services is affirmed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

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.

Leonard Raspotnik had permanent status in class at the time of his discharge, and his appeal alleges that the discharge was not based on just cause.

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

Leonard Raspotnik (Raspotnik) was employed as a correctional officer at Sand Ridge Secure Treatment Center (SRSTC). SRSTC houses patients who are sexually violent. On August 4, 2025, Raspotnik was part of the security escort for a patient who was being transferred from a hospital in Mauston to a hospital in Madison. SRSTC Policy and Procedure 104 requires that “During an emergency trip via ambulance, one escorting staff member will ride with the patient in the ambulance and one staff member will follow in a state vehicle.” *See* Exhibit R-2, pg. 71. Post Order 17 states that: “Transportation staff will remain with patient until the treatment or event is completed.... If a patient is admitted to the hospital, transportation staff will notify the institution immediately to arrange for vigil protocols to be initiated. Transportation staff will remain with the patient until properly relieved by oncoming vigil staff.” *Id.* at 82. The Temporary Release Order for the patient in question directed staff to “Abide by Administrative Code & Institution Rules, two officer escort, and chain belt with cuffs and leg irons at all times.” *Id.* at 105. These protocols are meant to ensure that, in the event of an accident, the patient cannot escape.

When it became clear that the patient needed to be transferred to the hospital in Madison, Raspotnik’s shift was ending. He was scheduled to start a different post at SRSTC. Raspotnik called SRSTC to ask whether he should drive the chase vehicle to Madison or return to SRSTC. He spoke with sergeant Angela Lutz, who credibly testified that she told Raspotnik that there were already two officers attending to another patient at the hospital in Madison, and so only one officer from Raspotnik’s escort would have to remain with the patient once the escort got to the hospital. Lutz credibly testified that she never told Raspotnik to return to SRSTC or to not accompany the ambulance to Madison. Raspotnik, however, believed that Lutz meant that only one officer needed to accompany the patient to Madison. Raspotnik then spoke with captain Michael Julson, who

credibly testified that he did not tell Raspotnik to return to SRSTC. Raspotnik testified that Julson told him (Raspotnik) to “go with the flow,” which Raspotnik took to mean that he (Raspotnik) should return to SRSTC. Raspotnik did not ask Julson to clarify.

Instead of driving the chase vehicle to Madison, Raspotnik returned to SRSTC. When Raspotnik’s supervisors realized Raspotnik had not driven the chase vehicle to Madison, they immediately sent two staff members to take over the medical trip.

Raspotnik argues that his supervisors, Lutz and Julson, were responsible for giving him improper direction. However, Lutz did not give Raspotnik a directive not to drive the chase vehicle to Madison or to return to SRSTC. Raspotnik misunderstood her comments regarding a vigil in Madison. Julson also did not tell Raspotnik not to drive the chase vehicle to Madison or to return to SRSTC. Because Julson’s statement (“go with the flow”) was ambiguous, Raspotnik should have asked for clarification.

Raspotnik argues that he wasn’t trained properly on SRSTC transportation policies. He argues that his normal post in SRSTC does not require him to complete transportation duties often. However, one of Raspotnik’s key responsibilities as a correctional officer was to “transport and supervise patients outside the secure perimeter to ... hospitals.” *Id.* at 34. Raspotnik had been trained on Restraints and Transportation and Principles of Subject Control. *Id.* at 56 – 62. Further, Julson credibly testified that these transports were frequent occurrences and these policies were common knowledge among SRSTC staff.

Raspotnik argues that there was an issue with the investigation, because the investigation summary states that he was aware of the requirement to have two officers escort a patient and a different document states that he was unaware of the policy. *See* Exhibit R-2, pg. 12; Exhibit A-113. However, it is normal for internal documents to change during an investigation; seeking clarity on that issue is likely the reason that Raspotnik was interviewed twice in the course of the investigation. Raspotnik further argues that a document asking SRSTC staff to provide reasons for Raspotnik’s discharge, in order to defend the decision before the Commission, means that the investigation was improper. *See* Exhibit A-104. However, there is nothing objectionable to asking decisionmakers to be prepared to justify their disciplinary decision in the likely event that it is appealed.

Raspotnik argues that a chase vehicle is not always sent with a medical transport. In June 2025, a patient was transferred from a hospital in La Crosse to a hospital in Madison via a medical helicopter flight, and a chase vehicle was dispatched from SRSTC, not from the hospital. However, the June 2025 transfer is clearly distinguishable from the August 2025 transfer, because an escort car cannot physically follow a helicopter in flight. The security escort is therefore not as essential. This one-time deviation from using a chase vehicle does not override longstanding institutional policy and practice.

As to the issue of whether there is just cause for discharge, the Commission acknowledges that Raspotnik had a clean disciplinary record. However, the Commission concludes discharge was justified because of the egregiousness of Raspotnik’s conduct. Administrator Gynger Steele

testified that nearly half of bad outcomes occur during transportation, and, therefore, following policy and standard practice to reduce this risk – regardless of outcome – is essential. Therefore, Raspotnik failed to fulfill his basic responsibility to keep dangerous patients secure. This gross negligence provides just cause for discharge and the discharge is affirmed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman