

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

LEAH HUBBARD, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION, Respondent.

Case ID: 315.0036

Case Type: PA

DECISION NO. 41340

---

Appearances:

Leah Hubbard, 6906 Dale Drive, Unit 18, Caledonia, Wisconsin, appearing on her own behalf.

Nicole Porter, Legal Counsel, 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 Administration

**DECISION AND ORDER**

On December 3, 2025, Leah Hubbard filed an appeal with the Wisconsin Employment Relations Commission asserting she had been suspended for three days without just cause by the State of Wisconsin Department of Administration.

A zoom hearing was held on March 12, 2026, by Commission Chairman Peter G. Davis. The parties made oral argument at the conclusion of the hearing.

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

**FINDINGS OF FACT**

1. Leah Hubbard is employed by the State of Wisconsin Department of Administration as an Institution Human Resources Director – Advanced. She had permanent status in class at the time of her suspension.

2. Hubbard verbally demeaned the work of a subordinate while in a location where other employees could hear. Hubbard had a one day suspension on her record at the time.

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 Administration did have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Leah Hubbard for three days

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

**ORDER**

The suspension of Leah Hubbard by the State of Wisconsin Department of Administration is affirmed.

Issued at Madison, Wisconsin, this 26<sup>th</sup> day of March 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

***Electronically signed by Peter G. Davis***

Peter G. Davis, Chairman

**MEMORANDUM ACCOMPANYING DECISION AND ORDER**

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

Hubbard 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 Hubbard 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 testimony of multiple witnesses establishes that Hubbard made demeaning remarks about a subordinate in a location that other employees could hear. Particularly for a high-level human resources employee, such remarks constitute misconduct.

As to the question of whether her misconduct established just cause for a three-day suspension, Hubbard had a one-day suspension on her record at the time of the incident. As a three-day suspension is the next step in the standard disciplinary progression, the Commission concludes there was just cause for the three-day suspension that was imposed. Therefore, the suspension is affirmed.

Issued at Madison, Wisconsin, this 26<sup>th</sup> day of March 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

**Electronically signed by Peter G. Davis**

Peter G. Davis, Chairman