

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BROOKE HELLEY, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION, Respondent.

Case ID: 315.0038

Case Type: PA

DECISION NO. 41413

Appearances:

Ben Hitchcock Cross, Attorney, Cross Law Firm, 845 North 11th Street, Milwaukee, Wisconsin, appearing on behalf of Brooke Helley.

Nicole Porter, 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 Administration.

DECISION AND ORDER

On December 19, 2025, Brooke Helley filed an appeal with the Wisconsin Employment Relations Commission asserting that she had been discharged without just cause by the State of Wisconsin Department of Administration. The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

A hearing was held in Madison on March 17, 2026, by Examiner Lisiecki. The parties submitted written closing arguments on March 20, 2026. On March 26, 2026, Examiner Lisiecki issued a Proposed Decision and Order affirming the discharge of Brooke Helley by the Wisconsin Department of Administration. No objection to the Proposed Decision were filed by the parties and the matter became ripe for Commission consideration on April 1, 2026.

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

FINDINGS OF FACT

1. Brooke Helley (Helley) was employed by the State of Wisconsin Department of Administration (DOA), as a Payroll and Benefits Specialist—Advanced with the Division of Personnel Management (DPM). She had permanent status in class when she was discharged.

2. In 2025, Helley was convicted of retail theft after she stole merchandise from Farm & Fleet on nine separate occasions.

3. Payroll and Benefits Specialists have access to state employees' confidential information, including Social Security numbers, full legal names, birth dates, and bank account information. Access to this information is an essential part of their jobs.

4. Following an investigation, the DOA discharged Helley for engaging in any outside activities (including violations or convictions of criminal or other laws) which may impair the employee's independence of judgment or impair the employee's ability to perform her duties as an employee of the state.

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 had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to discharge Brooke Helley.

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

ORDER

The discharge of Brooke Helley by the State of Wisconsin Department of Administration is affirmed.

Issued at Madison, Wisconsin, this 16th day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.34(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.

Brooke Helley had permanent status in class at the time of her discharge and her appeal alleges that the discharge was not based on just cause.

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

Brooke Helley (Helley) was employed as a Payroll and Benefits Specialist—Advanced with the Division of Personnel Management (DPM) with the Wisconsin Department of Administration. On nine dates – November 23, 2024, November 29, 2024, December 6, 2024, December 13, 2024, December 14, 2024, December 21, 2024, December 23, 2024, January 6, 2025, and January 9, 2025 – Helley stole merchandise from Farm & Fleet, switched price tags to intentionally lower prices, and lied to City of Monroe Police officers when asked if she had unpaid merchandise in her vehicle. On January 9, 2025, Helley was arrested. On August 7, 2025, she was convicted of retail theft and resisting or obstructing an officer and was placed on probation for two years.

Work Rule 25 prohibits employees from “engaging in any outside activities (including violations or convictions of criminal or other laws) which may impair the employee’s independence of judgment or impair the employee’s ability to perform his/ her duties.” *See* Exhibit R-3, pg. 4.

Helley’s supervisor, Payroll and Benefits Program Officer Pam Capozziello, credibly testified that Payroll and Benefits Specialists—Advanced have access to a wide range of confidential, personally identifiable information about state employees and their dependents, including Social Security numbers, full legal names, birth dates, and bank account information. Capozziello testified that Payroll and Benefit Specialists have the ability to update job data, such as payroll transactions or the aforementioned data. Access to this information is an essential function of their jobs: Capozziello testified that if Helley did not have access to this information, she would not be able to do her job. Helley’s job description states that her duties include

accurately completing payroll documents and initializing or making changes to electronic deposit requests. *See* Exhibit R-2, pg. 3. The required skills and abilities for the position include the “ability to maintain strict confidentiality.” *Id.* at 4. Helley works remotely, and Capozziello testified that Payroll and Benefits Specialists have a high degree of independence, without much monitoring.

Helley argues that she should have been accommodated because much of her daily work does not require access to Social Security numbers. She also argues that her access to personally identifiable information could be limited, and that her work is audited. However, Helley admitted that her work could, in fact, involve employees’ and dependents’ Social Security numbers. Capozziello and Division of Personnel Management Administrator Donna Bente testified that it would not be practical to accommodate Helley by removing her access to confidential information, as she would not be able to do her job.

Helley argues that her actions were caused by the depression and PTSD she experienced as the result of an abusive relationship. However, mental illness is not an excuse for repeatedly, premeditatively stealing for personal gain.

Helley argues that her job was not impaired by her off-duty misconduct, because she did not commit misconduct at work. It is uncontested that her discharge is solely based on her off-duty misconduct. However, Work Rule 25 prohibits employees from “engaging in any outside activities which *may* [emphasis added] impair the employee’s independence of judgment or impair the employee’s ability to perform his/ her duties.” “May” indicates the possibility or probability that the employee’s judgment or ability to perform her duties could be impaired. An employee’s judgment or ability need not be actually impaired for them to have violated Work Rule 25.

Helley argues that she has no prior discipline in her eight years as a Payroll and Benefits Specialist and has been an exemplary employee. However, the skip in progressive discipline is justified because of the seriousness of Helley’s conduct and its substantial relationship to her position as a Payroll and benefits Specialist, which requires her to have access to employees’ confidential information. Bente testified that it is essential that state employees trust that their sensitive information is kept secure, and that a reasonable employee would be concerned if someone who had been convicted of theft had access to their confidential information. Bente further testified that the pattern and forethought of Helley’s crimes made it impossible to maintain confidence in her (Helley’s) ability to have access to sensitive information. Progressive discipline is inappropriate because of the seriousness of Helley’s conviction and its substantial relationship to the essential functions of her position. Therefore, Helley’s discharge is affirmed.

Issued at the City of Madison, Wisconsin, this 16th day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman