

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JOSEPH APPENFELDT, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0195

Case Type: PA

DECISION NO. 41416

Appearances:

Sean Heiser, 1616 E Road 2, Edgerton, Wisconsin, appearing on behalf of Joseph Appenfeldt.

Nicole M. Porter, Legal Counsel, Department of Administration, 101 East 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 January 20, 2026, Joseph Appenfeldt filed an appeal with the Wisconsin Employment Relations Commission asserting he had been issued a written reprimand in lieu of a three-day suspension without just cause by the State of Wisconsin Department of Health Services. The appeal was assigned to Commission Examiner Anfin J. Wise.

An in-person hearing was held in Madison on March 10, 2026, by Examiner Wise. The Appellant submitted additional exhibits on March 13, 2026. The Respondent also submitted additional exhibits on March 16, 2026. On March 20, 2026, the parties submitted written closing arguments, whereupon the record was closed.

On March 26, 2026, Examiner Wise issued a Proposed Decision and Order affirming the written reprimand in lieu of a three-day suspension of Appenfeldt by the DHS. No objections to the proposed decision were filed, and the matter became ripe for Commission consideration on April 1, 2026.

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

FINDINGS OF FACT

1. Joseph Appenfeldt (Appenfeldt) is employed by the State of Wisconsin Department of Health Services (DHS) as a Nurse Clinician 2 at Mendota Mental Health Institute (MMHI) and had permanent status in class at the time of his written reprimand in lieu of a three-day suspension.

2. The DHS is a state agency responsible for the operation of various treatment facilities including MMHI, a mental health institute located in Madison, Wisconsin.

3. On June 14, 2025, Appenfeldt was scheduled to work at 7:00 a.m. and arrived at work at approximately 7:30 a.m., in violation of DHS work rules and policies. This was his fourth tardy in the calendar year.

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 to review 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 issue a written reprimand in lieu of a three-day suspension to Joseph Appenfeldt.

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

ORDER

The written reprimand in lieu of a three-day suspension of Joseph Appenfeldt by the State of Wisconsin Department of Health Services is affirmed.

Issued at Madison, Wisconsin, this 23rd 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.

Joseph Appenfeldt had permanent status in class at the time of his written reprimand in lieu of a three-day suspension and his appeal alleges that the written reprimand in lieu of a three-day suspension was not based on just cause.

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

DHS's HR Policy and Procedure on Attendance provides that an employee's first three instances of tardiness each calendar year will be excused in terms of progressive discipline. After the third instance of tardiness each calendar year, any additional tardy is subject to progressive discipline. The reason for the tardy does not matter.

It is undisputed that Appenfeldt was scheduled to work at 7:00 a.m. on June 14, 2025, and did not arrive at work until approximately 7:30 a.m. This was his fourth tardy in the calendar year. Thus, misconduct has been established and progressive discipline is warranted.

Nonetheless, Appenfeldt argues that his discipline should be rejected because he was only late due to a flat tire on his way to work. However, he conceded that he was aware of the attendance policy and responsible for his attendance, regardless of the circumstances. During the investigation, Appenfeldt also agreed that he did not have any mitigating circumstances for any of his four tardies. While the Commission understands that things happen unexpectedly that are outside your control, the State has a valid operational interest in timely employee arrival. Additionally, the first three tardies are excused. Accordingly, we do not find Appenfeldt's argument to be a mitigating basis for rejecting the discipline.

The Commission has consistently held that it remains a fundamental employee responsibility to arrive at work on time. Failure to do so negatively impacts the State's operational needs, especially in a 24/7 mental health facility such as MMHI. Given the foregoing, we conclude that there was just cause for Appenfeldt's progressive disciplinary written reprimand in lieu of a three-day suspension, and it is therefore affirmed.

Issued at Madison, Wisconsin, this 23rd day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis
Peter G. Davis, Chairman