

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JESSIE HART, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0875

Case Type: PA

DECISION NO. 41429

Appearances:

Daniel Zolper, c/o Jackson Correctional Institution, N6500 Haipek Road, Black River Falls, Wisconsin, appearing on behalf of Jessie Hart.

Michelle Zaccard, Attorney, Department of Corrections, 3099 East Washington Street, P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On January 14, 2026, Jessie Hart 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 Corrections (DOC). The matter was assigned to Commission Examiner Anfin J. Wise.

A Zoom hearing was held on March 24, 2026, by Examiner Wise. On March 30, 2026, the Appellant filed written closing argument. On April 3, 2026, the Respondent filed written closing argument, whereupon the record was closed. On April 14, 2026, Examiner Wise issued a Proposed Decision and Order, affirming the three-day suspension of Jessie Hart by the DOC. No objections were filed by the parties and the matter became ripe for Commission consideration on April 21, 2026.

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

FINDINGS OF FACT

1. Jessie Hart (Hart) is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Officer at Jackson Correctional Institution (JCI), and she had permanent status in class at the time of her suspension.

2. JCI is a medium-security correctional facility located in Black River Falls, Wisconsin operated by DOC, a state agency of the State of Wisconsin.

3. In July 2025, Hart referred to her coworker as a “bitch.”

4. During an investigation into Hart’s conduct in the workplace, it was found that Hart was Facebook friends with five individuals under DOC supervision without an approved fraternization exception.

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 had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Jessie Hart 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 three-day suspension of Jessie Hart by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 8th day of May 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.

Jessie Hart 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 Hart 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).

In June 2025, DOC initiated an investigation after it was reported that Hart called an inmate by his nickname and referred to her coworker as a “bitch.” During the course of the investigation into Hart’s workplace conduct, it was discovered that Hart was Facebook friends with five individuals under the supervision of the DOC.

We first address the nickname allegation. Hart admitted to using the inmate’s nickname after unsuccessfully getting his attention at the urgent request of her sergeant. DOC contended that it is inappropriate to call an inmate by a nickname. Staff are trained in professional communication and appropriate ways of initiating contact with inmates, including asking them their name or DOC number, or looking them up and checking unit rosters. However, credible testimony and evidence established that it is not uncommon or unreasonable for staff to refer to an inmate by their nickname. While generally inappropriate, we conclude that calling an inmate by his nickname on one occasion does not amount to misconduct in the workplace.

Next, there was conflicting testimony regarding the context of the comments Hart made about her coworker. However, multiple witnesses testified that Hart said something to the effect of “how is the bitch doing today,” referring to a coworker she does not get along with. At the hearing, Hart did not deny referring to the coworker as a bitch. Hart claimed she “could not recall.” Not recalling is distinct from an outright denial. Thus, we are persuaded that Hart did make that comment and refer to her coworker as a “bitch.” Clearly, this is workplace misconduct worthy of discipline.

Finally, we address Hart’s Facebook friends. It is undisputed that five of the friends of Hart’s shared Facebook profile were confirmed to be individuals under DOC supervision. The

Facebook account was started by her ex-fiancé in 2021. It appears that Hart was added to the account and had partial control over its contents and postings around February 22, 2023. The Facebook profile was also linked to Hart's Instagram account. It is unclear who accepted the invitations to be Facebook friends with the individuals. However, it is clear that Hart had the ability to "unfriend" any individuals who she did not know.

DOC has a legitimate security interest in not having its employees be Facebook friends with individuals who are still under DOC supervision. Access to a DOC employee's Facebook account by such individuals has the potential to provide personal information that could be used to compromise the employee and thus also the prison where the employee works.

As the Commission has previously found, given that security interest, if a DOC employee who chooses to be on Facebook is not certain as to the identity of someone who wants to "friend" them, the employee needs to decline the invitation, check that individual's identity before becoming their "friend" on Facebook, or "unfriend" them. By having Facebook friends that are still under DOC supervision, Hart engaged in conduct that had the potential to compromise her security as a DOC employee and the security of the prison where she works. Therefore, she engaged in misconduct.

Turning now to a just cause consideration of the level of discipline Hart received. The Commission finds that Hart's misconduct does provide just cause for imposition of formal discipline. Being Facebook friends with individuals under DOC supervision without an approved fraternization exception is a violation of DOC's Serious Act of Misconduct related to fraternization. While Hart did not have a prior disciplinary history, her violation of the fraternization policy, as well as her discourteous behavior towards her coworker, warrants a skip in progression. Therefore, the three-day suspension is affirmed.

Issued at Madison, Wisconsin, this 8th day of May 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman