

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MICHAEL BROWN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0862

Case Type: PA

DECISION NO. 41435

Appearances:

Michael Brown, 508 Woodard Ave., Tomah, Wisconsin, appearing on behalf of himself.

David Makovec, Attorney, 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 Corrections.

DECISION AND ORDER

On December 19, 2025, Michael Brown filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for one day without just cause by the State of Wisconsin Department of Corrections. The appeal was assigned to Commission Hearing Examiner Cara J. Larson.

On February 5, 2026, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Larson was granted final authority to issue the Commission's decision.

A Zoom hearing was held on March 11, 2026, by Examiner Larson. The parties made oral arguments 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. Michael Brown, herein Brown, is employed by the State of Wisconsin Department of Corrections (DOC) as a Dentist. He had permanent status in class at the time of his suspension.
2. Brown was demeaning and discourteous toward multiple colleagues in the dental department.

3. Brown was suspended for one day by DOC due to his conduct in Findings of Fact 2, above.

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 Corrections had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Michael Brown for one day.

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

ORDER

The one-day suspension of Michael Brown by the State of Wisconsin Department of Corrections is affirmed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Cara J. Larson

Cara J. Larson, Hearing Examiner

MEMORANDUM ACCOMPANYING DECISION AND ORDER

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

Michael Brown had permanent status in class at the time of his suspension and his appeal alleges that the suspension was not based on just cause.

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

Multiple employees, all credible, provided consistent accounts of Brown's repeated demeaning and discourteous behavior towards his colleagues in the dental department. Specific behaviors named include raising his voice, yelling, rolling his eyes, sighing loudly, and other dismissive and discourteous gestures and interactions. The behavior was persistent, caused anxiety amongst the employees, affected staff morale, negatively impacted the functioning of the dental department, and caused multiple staff to choose not to work at New Lisbon Correctional Institution as a result. The Department therefore proved that Brown engaged in misconduct.

Turning now to a just cause consideration of the level of discipline Brown received. A one-day suspension was not excessive, as a one-day suspension is the first step in DOC's progressive discipline sequence. Moreover, Brown had prior counseling regarding professional workplace conduct. His lack of acknowledgment or reflection of his behavior's effects on his colleagues is concerning and underscores the necessity of disciplinary action to reinforce agency expectations to maintain a professional work environment. The one-day suspension is affirmed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Cara J. Larson

Cara J. Larson, Hearing Examiner