

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

PETER GRUBBS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0193

Case Type: PA

DECISION NO. 41436

---

Appearances:

Peter Grubbs, 2525 Brookdale Ct. Appleton, 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 Health Services.

**DECISION AND ORDER**

On December 22, 2025, Peter Grubbs 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 Health Services. 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 February 24, 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. Peter Grubbs (Grubbs) is employed by the State of Wisconsin Department of Health Services (DHS) as a Psychiatric Care Technician (PCT) at the Wisconsin Resource Center (WRC) and had permanent status in class at the time of his suspension.

2. The DHS is a state agency responsible for the operation of various facilities including WRC, located in Oshkosh, Wisconsin.

3. On September 7 and 8, Grubbs made two entries that documented a resident as present in his cell when, in fact, the resident was not at the facility. The mis-documentation persisted for approximately eight hours before being corrected by another staff member on the next shift.

4. Grubbs was suspended for one day by DHS due to his conduct in Findings of Fact 3, 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 Health Services had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Peter Grubbs 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 Peter Grubbs by the State of Wisconsin Department of Health Services is affirmed.

Issued at Madison, Wisconsin, this 20<sup>th</sup> 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.

Peter Grubbs 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 Grubbs 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 facts regarding Grubbs documentation errors are largely undisputed. On September 7 and 8, Grubbs documented a resident as being in his cell when the resident was not in the facility. This mis-documentation persisted for approximately eight hours before it was corrected by another employee. Grubbs made two separate entries reflecting the inaccurate location. Another PCT on the same shift also made the same errors in the documentation, in multiple entries. The core duties of a PCT include monitoring the whereabouts and wellness of residents. Policy 3.1.10 requires PCTs to conduct census checks every 15 minutes, observe resident activity, and notify a supervisor immediately if a resident is unaccounted for. Grubbs' failure to accurately track and document a resident's location for an eight-hour period constitutes misconduct because it directly impacts the safety and care of residents. Grubb's behavior therefore constituted misconduct.

Turning now to a just cause consideration of the level of discipline Grubbs received. A one-day suspension was not excessive, as a one-day suspension is the first step in DHS's progressive discipline sequence. Grubbs argues that other employees engaged in similar conduct without receiving equivalent discipline. However, the record shows that the other PCT involved in the incident received a one-day suspension as well, and the appointing authority credibly testified that discipline was consistently applied. Grubbs has therefore not demonstrated disparate treatment. The one-day suspension is affirmed.

Issued at Madison, Wisconsin, this 20<sup>th</sup> day of April 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

**Electronically signed by Cara J. Larson**

Cara J. Larson, Hearing Examiner