

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KAYLA POMPEY, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0881

Case Type: PA

DECISION NO. 41441

Appearances:

Kayla Pompey, 7277 West Marine Drive, Milwaukee, Wisconsin, appearing on her own behalf.

David Makovec, 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 Corrections.

DECISION AND ORDER

On January 23, 2026, Kayla Pompey (Pompey) filed an appeal with the Wisconsin Employment Relations Commission asserting the State of Wisconsin Department of Corrections (DOC) did not have just cause to discipline her with a three-day suspension. The appeal was assigned to Commission Hearing Examiner Cara Larson.

A virtual hearing was held on April 2 and 8, 2026, by Examiner Larson via Zoom. The parties made oral arguments at the conclusion of the hearing. On April 23, 2026, Examiner Larson issued a Proposed Decision and Order rejecting the three-day suspension of Pompey by the DOC and ordering she be made whole with interest. No objections to the Proposed Decision were received by the parties by the given deadline, and the matter became ripe for Commission consideration on April 29, 2026.

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

FINDINGS OF FACT

1. Kayla Pompey is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at the Milwaukee Secure Detention Facility. She had permanent status in class when she was disciplined.

2. The DOC is a state agency responsible for the operation of various corrections facilities including Milwaukee Secure Detention Facility, located in Milwaukee, Wisconsin.

3. On June 25, 2025, during a conflict resolution meeting between Sgt. Pompey and Officer AB, facilitated by Supervisor Paulson, Pompey interrupted Officer AB and spoke over her.

4. The DOC issued a three-day suspension to Pompey on December 1, 2025, for her behavior referenced in Finding of Fact 3.

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 did not have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Kayla Pompey 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 issued to Kayla Pompey by the State of Wisconsin Department of Corrections is rejected and she shall be made whole with interest.¹

Issued at Madison, Wisconsin, this 4th day of May 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

¹ See Wis. Admin. Code ERC 94.07.

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.

Kayla Pompey had permanent status in class at the time of her three-day suspension, and her appeal alleged that the discipline was not based on just cause.

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

The discipline in this case arose from a June 2025 interaction during a conflict resolution meeting led by Supervisor Heather Paulson. The meeting involved Sergeant Pompey and Correctional Officer AB at the Milwaukee Secure Detention Facility.

The key facts in this case are largely undisputed. Sergeant Pompey acknowledges that during the attempted conflict resolution meeting she interrupted Officer AB and stated “that’s a lie.” The record therefore supports a finding that her conduct during the interaction was not fully professional. The question, however, is not whether Pompey’s behavior was ideal, it was not, but whether the three-day suspension imposed by the Department is supported by just cause.

The interaction occurred during an informal, on-the-spot attempt to address an ongoing workplace conflict. Pompey had been trying for months to resolve issues with Officer AB and requested the meeting. The exchange took place in a supervisory setting and was brief. While Pompey spoke over Officer AB and showed frustration, there is no evidence that she used profanity, made threats, or engaged in overtly abusive language.

The working relationship between Pompey and Officer AB had been strained for some time. Pompey had previously raised concerns with supervisors and sought assistance in resolving the situation. Those efforts provide important context for Pompey’s frustration during the interaction. Her conduct, while unprofessional, arose in the course of attempting, albeit imperfectly, to address a workplace issue that had gone unresolved. In addition, Supervisor Paulson acknowledged that both employees contributed to the breakdown in communication during the interaction, noting that neither party allowed the other to speak.

After considering all of the evidence, the Commission concludes that Pompey's conduct did not warrant formal discipline and thus the three-day suspension is rejected.

Issued at Madison, Wisconsin, this 4th day of May 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman