

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

TRAMEL WIGGINS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0872

Case Type: PA

DECISION NO. 41452

---

Appearances:

Jaquetia Wiggins and Tramel Wiggins, 5130 North 62<sup>nd</sup> Street, Milwaukee, Wisconsin, appearing on behalf of Tramel Wiggins.

David Makovec, Legal Counsel, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin; appearing on behalf of the Department of Corrections.

**DECISION AND ORDER**

On January 9, 2026, Tramel Wiggins filed an appeal with the Wisconsin Employment Relations Commission asserting he had been discharged without just cause by the State of Wisconsin Department of Corrections.

A hearing was held on March 20, 2026, in Milwaukee Wisconsin by Commission Chairman Peter G. Davis. The parties thereafter filed written argument by April 10, 2026.

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

**FINDINGS OF FACT**

1. Tramel Wiggins was employed by the State of Wisconsin Department of Corrections as a Sergeant at the Milwaukee Secure Detention Facility. At the time of his discharge, he had worked 18 years for the Department and had permanent status in class.

2. Wiggins made unwanted physical contact with a co-worker at her home. Wiggins subsequently made an unwanted but unsuccessful attempt to speak to the co-worker pre-shift in a

work parking ramp and subsequently engaged in an unwanted conversation with the co-worker during the shift.

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 did not have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to discharge Tramel Wiggins but did have just cause to suspend him for five days and demote him.

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

**ORDER**

The discharge of Tramel Wiggins by the State of Wisconsin Department of Corrections is modified to a five-day suspension and demotion from Sergeant to Correctional Officer. He shall be reinstated and made whole with interest.<sup>1</sup>

Issued at Madison, Wisconsin this 1<sup>st</sup> day of May 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

**Electronically signed by Peter G. Davis**

Peter G. Davis, Chairman

---

<sup>1</sup> See Wis. Admin. Code ERC 94.07

**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.

Wiggins had permanent status in class at the time of his discharge, and his appeal alleges that the discharge was not based on just cause.

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

Wiggins and a female co-worker made arrangements for Wiggins to pick-up and purchase food at the co-worker's home. After the purchase was completed, the co-worker gave Wiggins a "side hug" by touching her hip against his and putting her arm around his waist. Wiggins then asked for a "real hug" and he and the co-worker embraced torso to torso. During the "real hug", Wiggins made contact with the co-worker's "butt."

Wiggins was subsequently charged with 4<sup>th</sup> degree sexual assault and pled guilty to disorderly conduct as part of a plea deal. The co-worker successfully obtained a restraining order against Wiggins.

There is much dispute about whether Wiggins then did or didn't refuse to leave and did or didn't encourage the co-worker to have sex with him. What isn't in dispute is that the co-worker was on the phone potentially "face timing" with someone at least during the period between the "real hug" and Wiggins' departure. Because the State did not interview that person and that person did not testify at hearing, the Commission concludes the State failed to meet its burden of proof as to any improper post-hug conduct by Wiggins.

Following the interaction between Wiggins and the co-worker, the co-worker advised Wiggins by message that she did not want to have any future contact with him. Despite the message, Wiggins wanted to have a conversation with the co-worker and approached her as she sat in her car in a parking lot as both were about to start a work shift. The co-worker ignored Wiggins and he left. Later during the shift, Wiggins inadvertently came upon the co-worker. Instead of avoiding contact, he approached the co-worker and insisted on speaking with her. The co-worker recorded the conversation on her phone.

There is a dispute about the extent of Wiggins' efforts to contact the co-worker in the parking lot. The co-worker contends and Wiggins denies that he banged on the hood of her car and attempted to open the car door. Another employee who had a long-standing grudge against Wiggins supported the co-worker's version of events during the State's investigation but did not testify at hearing despite receiving a Letter of Appearance at Wiggins' request. Video from the parking lot does not support the co-worker's claims. The co-worker's credibility is damaged by State witness testimony that contradicts her claim that she asked to have any phone contact from Wiggins blocked during the shift. Thus, the Commission has credited Wiggins' version of the parking lot interaction.

Given the foregoing, the Commission concludes that Wiggins engaged in misconduct by his unwanted physical contact with a co-worker while off-duty<sup>2</sup> and by seeking and ultimately having unwanted contact with the co-worker in the workplace. Whatever Wiggins' motivation for wanting to speak with the co-worker might have been, she had made it clear that she wanted no contact and he ignored that request. As the Warden correctly testified, once a request for no contact has been made, even potentially well-intentioned efforts to clear the air become workplace misconduct. Indeed, it seems clear that the State views the workplace misconduct as the most serious component of its decision to discharge Wiggins.

Turning to the issue of whether Wiggins' misconduct establishes just cause for his discharge, the Commission concludes that it does not – in large part because of the workplace grace Wiggins has earned by virtue of 18 years of loyal essentially discipline free State service.<sup>3</sup> Nonetheless, it is clear that serious discipline is appropriate for the combination of Wiggins' off-duty and on-duty misconduct and thus the Commission concludes there is just cause for a five day suspension – a two level skip in the standard disciplinary progression. In addition, consistent with the impact of the existing restraining order in the workplace, the Commission concludes there is just cause for demoting Wiggins from Sergeant to Correctional Officer to eliminate any power imbalance should unavoidable contact occur. The State is also free to schedule Wiggins in a manner that minimizes the potential for such contact.

Issued at Madison, Wisconsin, this 1<sup>st</sup> day of May 2026.

## **WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

**Electronically signed by Peter G. Davis**

Peter G. Davis, Chairman

---

<sup>2</sup>Because the off-duty conduct involved a co-worker, the Commission has no difficulty concluding that there is a relationship between that off-duty conduct and the performance of Wiggins' work responsibilities which is sufficient to warrant discipline.

<sup>3</sup>The Commission has recognized lengthy discipline free service as a potential factor when evaluating whether there is just cause for the discipline imposed. *Puent v. DOC*, Dec. No. 40943-A (WERC, 12/25); *Duerst v. DOC*, Dec. No. 41246 (WERC, 11/25); *Black v. DHS*, Dec. No. 40395-A (WERC, 8/ 24); *Gomez v. DOC*, Dec. No. 39760 (WERC, 2/22); *Nowak v. DOC*, Dec. No. 37951 (6/19). Indeed, as reflected the *Duerst* record, the State itself considers this factor when it determines the level of discipline that it should impose.