

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ANTHONY COLLINS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0861

Case Type: PA

DECISION NO. 41455

Appearances:

Anthony Collins, 4126 N. 74th St., Milwaukee, Wisconsin, appearing on his own behalf.

Eric Muellenbach, Attorney, Department of Corrections, Office of Legal Counsel, 3099 E. Washington Ave., Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On December 19, 2025, Anthony Collins filed an appeal with the Wisconsin Employment Relations Commission regarding the decision by the State of Wisconsin Department of Corrections (DOC) not to hire him for a correctional officer position. The matter was assigned to Hearing Examiner Katherine Scott Lisiecki.

In lieu of a hearing, the parties submitted written briefs on February 19, 2026. On May 6, 2026, Examiner Lisiecki issued a Proposed Decision and Order, affirming the decision by the DOC not to hire him for a correctional officer position. No objections to the Proposed Decision were received, and the matter became ripe for Commission consideration on May 27, 2026.

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

FINDINGS OF FACT

1. Anthony Collins (Collins) applied for a position with the State of Wisconsin Department of Corrections (DOC) as a correctional officer.
2. The correctional officer application requires all applicants to identify friends, relatives, or acquaintances who are incarcerated or under the supervision of the DOC.

3. Collins did not list any known associates on his application. However, a security check revealed that his family member is under DOC supervision.

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)(d).

2. The State of Wisconsin Department of Corrections did not act illegally or abuse its discretion by failing to hire Anthony Collins.

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

ORDER

The State of Wisconsin Department of Corrections' decision not to hire Anthony Collins is affirmed.

Issued at Madison, Wisconsin, this 11th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.44(1)(d), Stats., provides that “[a] personnel action after certification which is related to the hiring process in the classified service and which is alleged to be illegal or an abuse of discretion may be appealed to the commission.” An illegal act is one that is contrary to Wisconsin civil service statutes or administrative rules. An abuse of discretion is when an agency exercises discretion “to an end or purpose not justified by and clearly against reason and evidence.” The appellant has the burden of proving that his or her non-selection was either illegal (contrary to Wisconsin civil service statutes or administrative rulings) or an abuse of discretion (not justified by and clearly against reason and evidence). See *Moeller-Bunker v. DWD*, Dec. No. 36786 (WERC, 5/17).

The State of Wisconsin Department of Corrections (DOC) requires correctional officer applicants to complete a form, DOC-1098Z, providing various security information, including their phone numbers or email addresses. The DOC uses this information to conduct security checks, including cross-referencing the applicant’s phone numbers with the phone numbers of inmates or individuals on community supervision. Applicants are also required to identify their “known associates” – friends, relatives, or acquaintances – who are incarcerated or under the supervision of the DOC. The form explains that having known associates does not automatically disqualify an applicant. Applicants must affirm that all of the above information is true and complete, to the best of their knowledge.

On December 16, 2025, Collins completed the DOC-1098Z form. He did not list any known associates. However, a security check revealed that one of his known associates, a family member, is under DOC supervision. In his appeal letter, Collins admitted that he knew this family member was under DOC supervision but that “it did not cross [his] mind” to list the individual.

Because Collins failed to accurately complete his application and disclose a known associate under DOC supervision, the DOC’s decision not to hire Collins was neither illegal nor an abuse of discretion. Given the foregoing, the Commission affirms the DOC’s decision not to hire Collins as a correctional officer.

Issued at Madison, Wisconsin, this 11th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman