

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KATARYNA KRAINYK, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0914

Case Type: PA

DECISION NO. 41476

Appearances:

Jacob Aronson, 200 S. Madison St., Waupun, Wisconsin, appearing on behalf of Kataryna Krainyk.

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 April 14, 2026, Kataryna Krainyk filed an appeal with the Wisconsin Employment Relations Commission asserting that she had been suspended without just cause by the State of Wisconsin Department of Corrections. The appeal was assigned to Commission Examiner Katherine Scott Lisiecki. On September 16, 2025, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Lisiecki was given final authority to issue the Commission's decision.

A Zoom hearing was held on May 26, 2026, by Examiner Lisiecki. The parties made oral closing arguments at the end 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. Kataryna Krainyk (Krainyk) is employed by the State of Wisconsin Department of Corrections (DOC), as a Nurse Clinician 2 at Waupun Correctional Institution (WCI). She had permanent status in class when she was suspended.

2. On September 29, 2025, Krainyk yelled “Shut the fuck up” at inmates.

3. Following an investigation, the DOC issued Krainyk a one-day suspension for demeaning, treating discourteously, or using profane or abusive language in dealing with others.

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 had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Kataryna Krainyk 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 suspension of Kataryna Krainyk by the State of Wisconsin Department of Corrections is affirmed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Katherine Scott Lisiecki

Katherine Scott Lisiecki, Hearing Examiner

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.

Kataryna Krainyk had permanent status in class at the time of her suspension and her appeal alleges that the suspension was not based on just cause.

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

Kataryna Krainyk (Krainyk) is employed by the State of Wisconsin Department of Corrections (DOC), as a Nurse Clinician 2 at Waupun Correctional Institution (WCI). On September 29, 2025, Krainyk yelled “Shut the fuck up” at inmates. Footage of the incident was recorded on staff body cameras. *See* Exhibit R-8.

Krainyk argues that the investigation was conducted improperly, because the “Final Conclusion” incorrectly states that Krainyk admitted to the misconduct in her investigatory interview, and because the investigatory packet contains misspellings. However, these arguments are irrelevant. The video evidence clearly shows that Krainyk shouted “Shut the fuck up” at inmates, thereby committing misconduct.

In May 2024, Krainyk was given a letter of expectation after she made a rude gesture to an inmate. *See* Exhibit R-6. However, Krainyk has no previous discipline for the purposes of progressive discipline, and this one-day suspension represents progressive discipline. Bureau of Health Services Director Jessica Gross explained that it is particularly inappropriate for nurses to direct profanity at inmates because it harms the patient-provider relationship. Krainyk committed misconduct when she yelled an obscenity at inmates, thereby treating them in a discourteous and demeaning manner. Therefore, Krainyk’s one-day suspension is affirmed.

Issued at the City of Madison, Wisconsin, this 4th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Katherine Scott Lisiecki

Katherine Scott Lisiecki, Hearing Examiner