

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CURISSA MITCHELL, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0901

Case Type: PA

DECISION NO. 41483

Appearances:

Curissa Mitchell, W4840 Kamp Ave., Irma, 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 March 11, 2026, Curissa Mitchell (Mitchell) filed an appeal with the Wisconsin Employment Relations Commission asserting that she had been issued a written reprimand in lieu of a three-day suspension without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

A hearing was held via Zoom on June 2, 2026, by Examiner Lisiecki. The parties made oral closing arguments at the end of the hearing. On June 9, 2026, Examiner Lisiecki issued a Proposed Decision and Order affirming the written reprimand in lieu of a three-day suspension issued to Mitchell by the DOC. No objections to the Proposed Decision were filed by the parties and the matter became ripe for Commission consideration on June 16, 2026.

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

FINDINGS OF FACT

1. Curissa Mitchell (Mitchell) is employed by the State of Wisconsin Department of Corrections (DOC), as a Supervising Youth Counselor 2 at Copper Lake/Lincoln Hills School. She had permanent status in class when she was suspended.

2. In August, September, and October 2025, Mitchell had five unscheduled absences.

3. Following an investigation, the DOC issued Mitchell a written reprimand in lieu of a three-day suspension for unexcused or excessive absenteeism or tardiness and failure to comply with written agency policies or procedure.

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 issue Curissa Mitchell a written reprimand in lieu of a three-day suspension.

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

ORDER

The written reprimand in lieu of a three-day suspension of Curissa Mitchell by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 26th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.34(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.

Curissa Mitchell had permanent status in class at the time of her written reprimand in lieu of a suspension and her appeal alleges that the written reprimand in lieu of a suspension was not based on just cause.

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

Curissa Mitchell (Mitchell) is employed by the State of Wisconsin Department of Corrections (DOC), as a Supervising Youth Counselor 2 at Copper Lake/Lincoln Hills School. On July 11, 2025, the DOC updated the attendance policy to only allow employees to have four unscheduled absences for the remainder of 2025. *See* Exhibit R-7, pgs. 25 – 26. Mitchell was aware of this policy change. *See* Exhibit R-7, pg. 10. Mitchell had five unscheduled absences on August 20, 2025; August 25, 2025; September 13, 2025; September 14, 2025; and October 7, 2025.

Mitchell argues that she submitted a doctor's note for her absence on August 25, but the medical note Mitchell provided was not accepted since it did not have Mitchell's name or the hours she was unable to work. *See* Exhibit R-7, pgs. 3, 24, 28.

Mitchell argues that she was absent on September 13 and 14 because she had COVID. She asked HR to combine those absences into one absence and was denied, because she should have made the request upon her return to work on September 17 and did not do so until October 7. *See* Exhibit R-7, pg. 27. Mitchell believes she received late notification that her absences would not be excused but did not present any evidence of this. Mitchell further argues that she works different hours than HR, which made it challenging to get in contact with them to ask questions, but she still could have initiated the request in a timely manner.

Lastly, Mitchell argues that she was absent on October 7 because she had nerve pain that made her unable to walk. However, the medical note she provided was not accepted because it

did not contain an appointment time. *See* Exhibit R-7, pgs. 9, 36.

In December 2025, Mitchell received a one-day suspension. *See* Exhibit R-6. Therefore, this written reprimand in lieu of a three-day suspension represents progressive discipline. Mitchell committed misconduct when she had five unscheduled absences, in violation of the attendance policy. Therefore, the written reprimand in lieu of a three-day suspension is affirmed.

Issued at the City of Madison, Wisconsin, this 26th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman