

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GRANT WOLFF, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0893

Case Type: PA

DECISION NO. 41490

Appearances:

Grant Wolff, 1224 Putnam Ave, Janesville, Wisconsin, appearing on behalf of himself.

Andrea Olmanson, Attorney, Department of Corrections, 3099 East Washington Avenue, PO Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On March 4, 2026, Grant Wolff filed an appeal with the Wisconsin Employment Relations Commission asserting he had been given a written reprimand in lieu of a one-day suspension without just cause by the State of Wisconsin Department of Corrections. The appeal was assigned to Commission Examiner Cara Larson.

A Zoom hearing was held on April 28, 2026, by Examiner Larson. The parties made oral arguments at the conclusion of the hearing. On February 5, 2026, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Larson was granted final authority to issue the Commission's decision.

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

FINDINGS OF FACT

1. Grant Wolff (Wolff) is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Officer at the Oakhill Correctional Institution and had permanent status in class at the time of his discipline.

2. The DOC is a state agency responsible for the operation of various Department of Corrections institutions including Oakhill Correctional Institution, located in Oregon, Wisconsin.

3. On December 26, 2025, Wolff reported to work as scheduled and worked approximately four hours before leaving work due to the illness of his child. This absence constituted Wolff's fifth unscheduled absence since implementation of the DOC's July 10, 2025, attendance policy. Wolff had previously incurred unscheduled absences on August 1, September 4, October 12, and December 11, 2025.

4. Following an investigation, the DOC issued Wolff a written reprimand in lieu of a one-day suspension on January 29, 2026, for unexcused or excessive absenteeism 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 to review this appeal pursuant to Wis. Stat. § 230.44 (1)(c).

2. The State of Wisconsin Department of Health did have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to issue a written reprimand in lieu of a one-day suspension to Grant Wolff.

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 one-day suspension issued to Grant Wolff by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 12th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Cara J. Larson

Cara J. Larson, 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.

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

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

It is undisputed that Wolff incurred five unscheduled absences following implementation of the DOC's attendance policy on July 10, 2025. It is further undisputed that in July 2025, the DOC updated their attendance policy and informed employees they would be permitted four unscheduled absences during the remainder of 2025 before progressive discipline would occur. Wolff had four unscheduled absences on August 1, September 4, October 12 and December 11, 2025. Wolff's December 26, 2025, was his fifth unscheduled absence and therefore exceeded the number of unscheduled absences permitted under the policy.

Wolff emphasizes that the December 26 absence occurred because he needed to care for his sick child and notes that he provided medical documentation supporting the appropriateness of sick leave usage. The DOC considered the circumstances. However, the medical documentation did not excuse the absence for purposes of the attendance policy; rather, it only established that use of sick leave was appropriate for the time away from work. The issue in this appeal is not whether Wolff was entitled to use sick leave, but whether the Department had just cause to impose discipline after he exceeded the allowable number of unscheduled absences under the attendance policy.

Correctional institutions operate on a twenty-four-hour basis and require dependable staffing levels to maintain safe and secure operations. Unscheduled absences directly impact staffing patterns and the Department's ability to ensure adequate institutional coverage. The Department therefore has a legitimate operational interest in enforcing attendance standards and addressing excessive unscheduled absences through progressive discipline.

The level of discipline imposed was also reasonable. A one-day suspension is the first step in the progressive discipline process. Moreover, the Department issued a written reprimand in lieu of suspension, meaning Wolff did not lose any pay. Wolff committed misconduct when he had five unscheduled absences, in violation of the attendance policy. Therefore, the written reprimand in lieu of a one-day suspension is affirmed.

Issued at Madison, Wisconsin, this 12th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Cara J. Larson

Cara J. Larson, Hearing Examiner