

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KAYLA POMPEY, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0903

Case Type: PA

DECISION NO. 41491

Appearances:

Kayla Pompey, c/o Milwaukee Secure Detention Facility, 1015 North 10th Street, Milwaukee, Wisconsin, appearing on her own behalf.

Nicole Porter, Attorney, Department of Administration, 101 East 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 16, 2026, Kayla Pompey filed an appeal with the Wisconsin Employment Relations Commission asserting she had been suspended for five¹ days without just cause by the State of Wisconsin Department of Corrections (DOC). The matter was assigned to Commission Examiner Anfin J. Wise.

A Zoom hearing was held on June 9, 2026, by Examiner Wise. The parties made oral arguments at the conclusion of the hearing.

On June 15, 2026, Examiner Wise issued a Proposed Decision and Order affirming the suspension. On June 16, 2026, Pompey filed objections to the Proposed Decision and Order. On June 22, 2026, DOC filed a response.

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

¹ The five-day suspension letter was amended to a three-day suspension letter after the Commission rejected a three-day suspension (a separate disciplinary matter) in *Pompey v. DOC*, Decision No. 41441 (WERC, 5/26). Therefore, the parties stipulated that the current appeal is for a three-day suspension.

FINDINGS OF FACT

1. Kayla Pompey (Pompey) is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at Milwaukee Secure Detention Facility (MSDF), and she had permanent status in class at the time of her suspension.

2. MSDF is a correctional facility located in Milwaukee, Wisconsin operated by DOC, a state agency of the State of Wisconsin.

3. On August 26, 2025, Pompey told co-workers that she used open records requests to obtain information to potentially use against other employees or gain favorable treatment in the future.

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 Kayla Pompey for three days.

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

ORDER

The three-day suspension of Kayla Pompey by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 9th day of July 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., 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.

Kayla Pompey 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 Pompey 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).

On August 26, 2025, Pompey told co-workers that she uses open records requests to obtain information to potentially use against other employees or gain favorable treatment in the future. Whether or not Pompey actually has acquired open records for that purpose, DOC correctly argues that her comment constitutes misconduct.² Her comment sows fear and discord in a workplace where harmony among staff is critical to the safe operation of the correction facility

Turning now to the level of discipline that is appropriate under a just cause standard, Pompey had a one-day suspension on her record at the time. The Commission finds the imposition of a three-day suspension is consistent with just cause. Therefore, the three-day suspension is affirmed.³

Issued at Madison, Wisconsin, this 9th day of July 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

²Given this determination, the Commission need not determine if DOC met its burden of proof as to the allegation that she directed profane and abusive language at certain individuals.

³Pompey makes a variety of disparate treatment claims. None of the conduct she alleges occurred without a DOC disciplinary response involved an implicit threat and thus her arguments in this regard are not persuasive. She also asserts she is being targeted by co-workers. This assertion is not supported by the evidence in the record.