

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

TYLER CLEVELAND, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0902

Case Type: PA

DECISION NO. 41493

Appearances:

Sean Daley, Business Agent, AFSCME Council 32, AFL-CIO, N1463 Second Street Road, Watertown, Wisconsin, appearing on behalf of Tyler Cleveland.

David Makovec, Attorney, Department of Administration, 101 E. Wilson St., 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On March 13, 2026, Tyler Cleveland filed an appeal with the Wisconsin Employment Relations Commission asserting he had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Cara Larson.

A Zoom hearing was held on May 19, 2026, by Examiner Larson. The parties submitted written closing arguments on May 26, 2026. On June 17, 2026, Examiner Larson issued a Proposed Decision and Order affirming the discharge of Cleveland by the DOC. On June 22, 2026, Cleveland filed objections to the Proposed Decision and Order and later that same day the State filed a response.

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

FINDINGS OF FACT

1. Tyler Cleveland (Cleveland) was employed by the State of Wisconsin Department of Corrections (DOC) as a Recreation Leader Senior at Copper Lake/Lincoln Hills School, Division of Juvenile Corrections, and had permanent status in class at the time of his discharge.

2. The DOC is a state agency responsible for the operation of various corrections facilities including juvenile facilities such as Copper Lake/Lincoln Hills School, located in Irma, Wisconsin.

3. On October 29, 2025, Cleveland and another employee entered an unoccupied living unit at Lincoln Hills School. There, they found a clothed CPR mannequin. The other employee asked for and received Cleveland's help suspending the mannequin from the doorway, creating the appearance of a suicide by hanging.

4. When the mannequin was subsequently observed by another employee, she thought for an instant that it was an actual suicide attempt and had the panicked stress reaction one would have before recognizing it was a mannequin.

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 Corrections did not have just cause within the meaning of Wis. Stat. § 230.34 (1)(a) to discharge Tyler Cleveland, but did have just cause to suspend him without pay from the date of his discharge to the date he is promptly reinstated pursuant to this Decision.

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

ORDER

The discharge of Tyler Cleveland by the State of Wisconsin Department of Corrections is modified to a reinstatement without back pay and he shall be promptly reinstated without loss of seniority.

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., 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.

Tyler Cleveland had permanent status in class at the time of his discharge and his appeal alleges that the discharge was not based on just cause.

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

On October 29, 2025, Cleveland and another employee entered an unoccupied living unit at Lincoln Hills School, a juvenile correctional facility. There, they found a clothed CPR mannequin. The other employee asked for and received Cleveland's help suspending the mannequin from the doorway, creating the appearance of a suicide by hanging.

When the mannequin was subsequently observed by another employee, she thought for an instant that it was an actual suicide attempt and had the panicked stress reaction one would have before recognizing it was a mannequin.

Lincoln Hills/Copper Lake is a juvenile correctional treatment facility. The youth housed there often have significant mental-health needs, including histories of trauma, self-harm, and suicidal ideation. Staff are expected to maintain a professional and trauma-informed environment and to model appropriate behavior at all times. Against that backdrop, Cleveland's participation in the hanging of the mannequin was particularly serious. As reflected by the stress reaction one staff member had when momentarily believing that she had come upon an actual suicide attempt, one can only imagine the potential trauma that could have occurred had a youth come upon the scene.

Turning now to a just cause consideration of the level of discipline. Cleveland worked as a Recreation Leader Senior and was responsible for interacting with and supporting youth in the Department's care. Despite that responsibility, he assisted in staging a mock suicide. His conduct was intentional, reckless, and fundamentally inconsistent with the professional standards the Department has the right to expect from its employees. Thus, while Cleveland had no prior disciplinary record, has accepted responsibility for what he acknowledges was wrong, and did not

intend to cause harm, target or harass any specific individual, there was just cause for the imposition of serious discipline. However, because the evidence establishes that he was not the instigator of the mock suicide but rather the assistant, the Commission is satisfied by the slimmest of margins that there was not just cause for discharge. But given what was a serious, thoughtless and tasteless act of misconduct, Cleveland's reinstatement is without back pay – the harshest disciplinary penalty the Commission can impose short of discharge.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Peter G. Davis

Peter G. Davis, Chairman