

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

STANLEY JOHNSON, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0906

Case Type: PA

DECISION NO. 41494

Appearances:

Stanley Johnson, 4909 Maryland Ave, Racine, Wisconsin, appearing on behalf of himself.

David Makeovec, 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 23, 2026, Stanley Johnson 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. The appeal was assigned to Commission Examiner Cara Larson.

A Zoom hearing was held on May 28, 2026, by Examiner Larson. The parties made oral closing arguments at the end of the hearing. On June 17, 2026, Examiner Larson issued a Proposed Decision and Order affirming the discharge. On June 23, 2026, Johnson filed objections to the Proposed Decision and Order. The State did not file a response to the objections.

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

FINDINGS OF FACT

1. Stanley Johnson (Johnson) was employed by the State of Wisconsin Department of Corrections (DOC), as a Correctional Sergeant at Racine Correctional Institution (RCI) 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 Racine Correctional Institution, located in Racine, Wisconsin.

3. On April 11, 2025, Johnson failed to complete the required 3:30 a.m. security round and then falsely documented that he had completed it.

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 just cause within the meaning of Wis. Stat. § 230.34 (1)(a) to discharge Stanley Johnson 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 Stanley Johnson by the State of Wisconsin Department of Corrections is modified to reinstatement without back pay and he shall be promptly reinstated without loss of seniority.

Issued at Madison, Wisconsin, this 20th 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.

Stanley Johnson 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 Johnson 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).

The material facts are not in dispute. As a Correctional Sergeant at RCI, Johnson was responsible for conducting security rounds at required intervals and accurately documenting those rounds. On April 11, 2025, Johnson did not complete the required 3:30 a.m. security round. When Lieutenant Decker conducted the 4:00 a.m. round, he found no record of a 3:30 a.m. round in either the paper round sheets or the electronic WICS database. After Decker contacted him, Johnson entered a WICS log entry at 4:18 a.m. stating that he had completed the 3:30 a.m. round. Video footage reviewed during the investigation showed that no staff member conducted a security round between the documented 3:00 a.m. round and Decker's 4:00 a.m. round. Johnson does not dispute that the round never occurred or that he entered a record stating that he had completed it.

The falsification of the DOC record in question creates a substantial risk to the safety and security of the institution, staff, and the inmates. The security rounds log is an official document that must provide a truthful and accurate account of what occurs during each shift. Missing a security round creates the risk that important safety, security, or medical issues may go unnoticed. Intentionally logging a security round without completing it is even more serious because it creates a false record showing that a required security function occurred when it did not. The integrity of security-round documentation is essential to institutional operations, and DOC has a legitimate interest in holding correctional staff to that standard.

Turning now to the level of discipline imposed under a just cause standard, DOC has established that Johnson engaged in serious misconduct. If any harm had come due to the missed round or false entry or if the Commission believed that the false entry was based on an intent to deceive, there would be no question that discharge met the just cause standard. But fortunately, no

harm to inmates or staff occurred and the Commission is persuaded that Johnson made the false entry because he wrongly and negligently thought he had done so. Obviously, he was negligent when he did not double-check once the absence of verification of a 3:30 round was brought to his attention. But, because a supervisor had brought the issue to his attention before he made the false entry, it seems unlikely he would nonetheless intentionally make a false entry because he would have known the false entry would inevitably be caught.

Even with the absence of harm and the unintentional nature of the false entry, discharge would meet the just cause standard if not for Johnson's 20 years of service to DOC. That loyalty to DOC earns Johnson the very limited amount of grace reflected by his reinstatement. But the serious nature of his misconduct requires that his reinstatement is without back pay.

Given the foregoing, the discharge of Stanley Johnson by the State of Wisconsin Department of Correction is modified to reinstatement without back pay but without loss of seniority.

Issued at Madison, Wisconsin, this 20th day of July 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman