

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CURISSA MITCHELL, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0900

Case Type: PA

DECISION NO. 41496

Appearances:

Curissa Mitchell, c/o Copper Lake School/Lincoln Hills School, W4380 Copper Lake Avenue, Irma, Wisconsin, appearing on her own behalf.

Nicole M. 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 11, 2026, Curissa Mitchell filed an appeal with the Wisconsin Employment Relations Commission asserting she had been suspended for one day without just cause by the State of Wisconsin Department of Corrections (DOC). The matter was assigned to Commission Examiner Anfin J. Wise.

On September 16, 2025, pursuant to Wis. Stat. § 227.46(3)(a), Examiner Wise was given final authority to issue the Commission's decision.

A Zoom hearing was held on June 1, 2026, by Examiner Wise. The parties made oral closing arguments at the conclusion of the hearing.

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 II (SYC) at Copper Lake School/Lincoln Hills School (CLS/LHS), and she had permanent status in class at the time of her suspension.

2. The DOC is a state agency responsible for the operation of various correctional facilities including CLS/LHS, a juvenile correctional facility located in Irma, Wisconsin.

3. On August 3, 2025, Mitchell received a report from a Youth Counselor about an alleged sexual abuse between youth.

4. Mitchell was negligent in her duties by failing to immediately gain further information and ensure the safety and wellness of the youth involved, skirting her responsibility as a supervisor.

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 Curissa Mitchell for one day.

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

ORDER

1. The one-day suspension of Curissa Mitchell by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 18th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Anfin J. Wise

Anfin J. Wise, Hearing Examiner

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.

Curissa Mitchell 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 Mitchell 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 3, 2025, Mitchell was the acting third shift commander and sole female supervisor on duty when she received a report from Youth Counselor (YC) J.C. that a youth had passed a note to her alleging sexual abuse between youth. The note stated, "I need to speak with somebody urgent. Please...be discreet...female if possible...about sexual..." YC J.C. read the note to Mitchell, notifying her that it was about potential sexual abuse. Mitchell informed J.C. that she had a lot going on and was handling something on another unit. J.C. asked if she could talk to the youth, which Mitchell granted. J.C. met with the youth for an hour and a half and took notes during the meeting. Afterwards, J.C. immediately started an incident report (IR). Mitchell did not follow up with her staff until first shift.

As the shift commander on duty, Mitchell was the point of contact for the shift. She was also the only female supervisor during that shift. As a Supervising Youth Counselor (SYC), if reported to her, Mitchell was responsible for the entirety of the investigation related to any PREA or Prison Rape Elimination Act violations as SYCs have extensive PREA training over YCs. Mitchell should have taken immediate action to ensure the safety and wellness of the youth, including gathering as much information as possible to make a decision whether to contact law enforcement or child protective services, separate youth if needed, or whether there is a need for the health services unit to be involved. All PREA allegations are taken seriously and investigating allegations of sexual assault take top priority. As a result of the delay, a full investigation was pushed to first shift. By failing to act immediately, Mitchell was negligent in her duties and responsibility as a supervisor. Thus, misconduct has been established.

We now turn to Mitchell's defenses. Mitchell asserts that she did not hear J.C. say that the allegations were related to sexual abuse. She was busy working on something else on a different

unit so she may have been stressed when she spoke to J.C. However, bodycam footage from J.C. established that J.C. clearly informed Mitchell about the sexual abuse allegations. Mitchell also claims that she delegated the investigation to J.C., a female YC, and another male SYC as soon as she became aware of the PREA allegations. She expected this supervisor to follow up and contended that it was not her responsibility to tell another supervisor to follow up. Here, the Commission is not persuaded that Mitchell's actions are mitigated, given the seriousness of PREA allegations and that the youth's note requested to talk to a female staff member. While J.C. was female, Mitchell was the supervisor who received the report and the only female supervisor on duty that night. Therefore, we reject Mitchell's arguments.

Turning now to a just cause consideration of the level of discipline Mitchell received. The Commission finds that Mitchell's misconduct does provide just cause for progressive discipline and the imposition of a one-day suspension. It is expressly noted that a one-day is the first step in the progressive disciplinary schedule. Therefore, the one-day suspension of Mitchell is affirmed.

Issued at Madison, Wisconsin, this 18th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Anfin J. Wise

Anfin J. Wise, Hearing Examiner