

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ERIC JONES, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0913

Case Type: PA

DECISION NO. 41502

Appearances:

Eric Jones, 3724 Astoria Dr. Racine, Wisconsin, appearing on his own behalf.

Nicole Porter, 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 April 13, 2026, Eric Jones filed an appeal with the Wisconsin Employment Relations Commission asserting he had been suspended for five days 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 June 3, 2026, by Examiner Larson. The parties made oral closing arguments at the end of the hearing. On June 26, 2026, Examiner Larson issued a Proposed Decision and Order, affirming the five day suspension of Eric Jones by the DOC. No objections to the Proposed Decision were filed by the parties, and the matter became ripe for Commission consideration on July 2, 2026.

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

FINDINGS OF FACT

1. Eric Jones (Jones) is employed by the State of Wisconsin Department of Corrections (DOC), as a Correctional Officer at Racine 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 corrections facilities including Racine Correctional Institution, located in Racine, Wisconsin.

3. On December 1, 2025, Jones was scheduled to begin his shift at his assigned post at 6:30 a.m. He arrived at 6:32 a.m. This was his sixth tardy of 2025. His previous tardies occurred on August 18, September 21, September 25, October 20, and November 10, 2025.

4. Following an investigation, the DOC issued a five-day suspension to Jones effective January 27, 2026, for the misconduct referenced in Finding of Fact 3.

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 had just cause within the meaning of Wis. Stat. § 230.34 (1)(a) to issue Eric Jones a five-day suspension.

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

ORDER

The five-day suspension of Eric Jones by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 3rd day of August 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.

Eric Jones 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 Jones 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 Jones reported to work two minutes late on December 1, 2025, and that this was his sixth tardy in calendar year 2025. Jones does not dispute either the December 1st or his attendance record. The record shows that he was tardy on August 18, September 21, September 25, October 20, November 10, and December 1, 2025.

The Department's attendance policy permits two tardies per calendar year before formal discipline is to be imposed. By December 1, Jones had accumulated six tardies and had exceeded that limit by a substantial margin.

The Department clearly communicated its attendance expectations to Jones before imposing the suspension. It issued Letters of Expectation concerning tardiness on September 20, 2022, and again on October 30, 2024. When his attendance problems continued, the Department applied progressive discipline. On April 16, 2025, Jones received a written reprimand in lieu of a one-day suspension for attendance-related violations and on October 20, 2025, he received a written reprimand in lieu of a three-day suspension for additional attendance violations involving tardiness. Under Department policy, reprimands issued in lieu of suspensions carry the same disciplinary weight as the corresponding suspension and count for purposes of progressive discipline. The next step in that sequence is a five-day suspension.

Timely reporting is important to the safe and efficient operation of a correctional institution. Warden Robert Miller explained that staff report to their assigned posts at the start of each shift so the institution can safely transition operations, relieve outgoing staff, and maintain adequate institutional coverage. When an employee arrives late, the employee being relieved

cannot leave on time, and the institution may incur overtime costs to maintain staffing. The Department has an operational interest in requiring employees report to their assigned posts on time.

Jones argues that the five-day suspension is excessive and points to personal circumstances, including family medical needs and vehicle problems. Those circumstances help explain some of his attendance difficulties but do not change the fact that the December 1st tardy occurred after repeated warnings and prior discipline. By that date, Jones had received two Letters of Expectation and discipline equivalent to a one-day suspension and a three-day suspension. Despite those corrective measures, he continued to violate the attendance policy. The December 1st tardy was therefore not an isolated event but part of an ongoing pattern of attendance violations. The Department therefore proved that misconduct occurred.

Turning now to a just cause consideration of the level of discipline Jones received. The Department followed its progressive discipline process and imposed the next disciplinary step. Jones received a written reprimand in lieu of a one-day suspension on April 16, 2025, and then received a written reprimand in lieu of a three-day suspension on October 20, 2025. The next step in the progressive discipline sequence is a five-day suspension. The discipline imposed was therefore not excessive.

Accordingly, the DOC had just cause to issue a five-day suspension and the discipline is affirmed.

Issued at Madison, Wisconsin, this 3rd day of August 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman