

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

CAROL KOHL, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT, Respondent.

Case ID: 303.0019

Case Type: PA

DECISION NO. 41504-A

---

**Appearances:**

Alicia Talianos, c/o Department of Workforce Development, 221 West Madison Street, Eau Claire, Wisconsin, appearing on behalf of Carol Kohl.

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

**DECISION AND ORDER**

On April 3, 2026, Carol Kohl filed an appeal with the Wisconsin Employment Relations Commission asserting she had been discharged without just cause by the State of Wisconsin Department of Workforce Development (DWD). The matter was assigned to Commission Examiner Anfin J. Wise.

An in-person hearing was held on June 30, 2026, by Examiner Wise. The parties made oral arguments at the conclusion of the hearing. On July 8, 2026, Examiner Wise issued a Proposed Decision and Order affirming the discharge of Carol Kohl by DWD. Later that same day, Kohl replied to the service email and the Commission advised Kohl it would treat the reply as an Objection to the Proposed Decision. No response to Kohl's objection was received from DWD and the matter became ripe for Commission consideration on July 14, 2026.

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

**FINDINGS OF FACT**

1. Carol Kohl (Kohl) was employed by the State of Wisconsin Department of Workforce Development (DWD) as a Call Center Coordinator at the Rock County Job Center, and she had permanent status in class at the time of her discharge.

2. The Rock County Job Center is an employment services center located in Janesville, Wisconsin operated by DWD, a state agency of the State of Wisconsin.

3. On January 15, 2026, Kohl was disrespectful, discourteous, and unprofessional when dealing with a call center customer, S.H.

4. On January 15, 2026, Kohl intimidated and threatened customer S.H. by telling the customer that she (Kohl) would delete her (S.H.'s) job center account to prevent her from obtaining unemployment benefits.

5. On January 26, 2026, Kohl was again discourteous and unprofessional when assisting a call center customer, R.M., including ending the call screaming and hanging up on the customer.

6. On January 26, 2026, Kohl provided false information to customer R.M., when she lied about her name and told him that she was 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 Workforce Development had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to discharge Carol Kohl.

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

### **ORDER**

The discharge of Carol Kohl by the State of Wisconsin Department of Workforce Development is affirmed.

Issued at Madison, Wisconsin, this 23<sup>rd</sup> 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.

Carol Kohl had permanent status in class at the time of her discharge, and her appeal alleges that the discharge was not based on just cause.

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

In January 2026, two customer complaints prompted DWD to initiate an investigation regarding Kohl's unprofessionalism on multiple call center calls. All Job Center phone calls are recorded. During two call center calls with customer S.H. on January 15, 2026, among other things, Kohl was disrespectful, discourteous, and unprofessional. Kohl was impatient with customer S.H. and had a condescending tone throughout the two phone calls. Additionally, Kohl intimidated and threatened S.H., stating that she (Kohl) would delete her (S.H.'s) job center account so she could not receive unemployment benefits.

During two call center calls with customer R.M. on January 26, 2026, Kohl was discourteous and unprofessional. While trying to find his account, Kohl gave R.M. incorrect information when he asked if it is possible that his Job Center account was purged. At one point, Kohl tells R.M. that he is being rude. At the end of the first call with R.M., Kohl is heard screaming for about three seconds straight before hanging up on the customer. After calling back in an attempt to reach a different agent, R.M.'s second call is answered by Kohl. During this call, Kohl lied to R.M. about being a supervisor, after he requests to speak to one. Then, Kohl refused to give the customer her name but eventually tells him that her name is "Sarah."

DWD work rule 1 prohibits knowingly giving false information to others. Work rule 3 prohibits disobedience, insubordination, and/or a failure to carry out written directions or instructions. Work rule 14 prohibits intimidating, demeaning, treating discourteously, or bullying when dealing with others.

During the hearing, Kohl denied any wrongdoing and insisted that she was professional and courteous to customers S.H. and R.M. She did not have an explanation for why she threatened

customer S.H. that she would delete her account so S.H. would not get unemployment benefits. With respect to the call with R.M., Kohl claims that she screamed into the call due to various reasons, including that a dog jumped on her and that her chair collapsed from under her. Here, we find Kohl's testimony self-serving and not credible. Additionally, the recorded calls established beyond a preponderance of the evidence that Kohl committed workplace misconduct and violated work rules 1, 3, and 14. Therefore, we reject Kohl's arguments.

Turning now to the level of discipline imposed here, the Commission concludes that Kohl's egregious and multiple acts of misconduct do meet the just cause standard to skip progressive discipline straight to her discharge from employment. We note that Kohl previously received a written work directive to be courteous, respectful, and professional in all communications with customers. Given all of the foregoing, the discharge is affirmed.

Issued at Madison, Wisconsin, this 23<sup>rd</sup> day of July 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

**Electronically signed by Peter G. Davis**

Peter G. Davis, Chairman