

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JUAN RODRIGUEZ, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0909

Case Type: PA

DECISION NO. 41509

Appearances:

Andrew Colin, c/o Wisconsin Secure Detention Facility, Boscobel, Wisconsin, appearing on behalf of Juan Rodriguez.

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 Corrections.

DECISION AND ORDER

On March 30, 2026, Juan Rodriguez 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 Anfin J. Wise.

A Zoom hearing was held on June 23, 2026, by Examiner Wise. The parties made closing arguments at the conclusion of the hearing. On July 2, 2026, Examiner Wise issued a Proposed Decision and Order affirming the discharge of Juan Rodriguez by the DOC. No objections to the Proposed Decision were filed by the parties, and the matter became ripe for Commission consideration on July 8, 2026.

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

FINDINGS OF FACT

1. Juan Rodriguez (Rodriguez) was employed by the State of Wisconsin Department of Corrections (DOC), as a Correctional Sergeant at the Wisconsin Secure Program Facility (WSPF) and had permanent status in class when he was discharged.

2. The DOC is a state agency responsible for the operation of various corrections facilities including WSPF, a maximum-security facility located in Boscobel, Wisconsin.

3. On September 26, 2025, at 11:49 pm, Rodriguez was notified by a correctional officer that an inmate was experiencing chest pains.

4. Between 11:49 pm and 4:30 am on September 27, 2025, Rodriguez failed to take any action regarding the inmate's potential medical emergency.

5. On September 26 through 27, 2025, Rodriguez was grossly negligent in his duties as a Correctional Sergeant.

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 discharge Juan Rodriguez.

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

ORDER

The discharge of Juan Rodriguez by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 23rd 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.

Juan Rodriguez (Rodriguez) 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 Rodriguez 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).

Rodriguez was a Correctional Sergeant at the Wisconsin Secure Program Facility (WSPF). In that capacity, his primary duties included the security, custody, control, and rehabilitation of inmates. Additionally, as a Sergeant, he was a lead worker responsible for directing and providing guidance to other officers and staff, as well as assisting in training new officers.

On September 26, 2025, at 11:49 pm, Rodriguez was notified by Correctional Officer T.T. that an inmate reported experiencing chest pains. Between 11:49 pm and 4:30 am on September 27, 2025, Rodriguez did not contact a supervisor or go to the inmate's cell front to observe the reported health concern. At approximately 3:50 am, while at the cell front, the inmate told Officer T.T. "I'm having a heart attack." Around 4:30 am, Rodriguez checked on the inmate but did not believe that he was in medical distress. However, at that time, Rodriguez alerted Captains T.B. and P.B. of the inmate's health concerns. The security logbook showed that at 4:36 am and 4:54 am the inmate continued to express his health concerns, including chest pains and dizziness. Around 5:00 am, the inmate fell down in his cell. At 6:35 am, a nurse was notified that the inmate had fallen and there was a small amount of bleeding. After determining that the fall was unobserved by staff, the inmate was taken to the hospital for further assessment and treatment.

A review of the incident revealed numerous performance deficiencies that resulted in disciplinary action issued to the three individuals who failed to respond or act after being notified of the inmate's serious health concern. Captains T.B. and P.B., along with Rodriguez, were all issued a one-level skip in the standard disciplinary progression schedule.

The DOC concluded that a “skip” was warranted due to the serious nature of Rodriguez’s misconduct, specifically that he was grossly negligent by failing to take any action after being notified of an inmate’s serious health concern. We agree. After being notified of the inmate’s potential medical emergency, no evidence was presented that Rodriguez checked on the inmate for more than four hours, notified a supervisor to contact an on-call health professional, or documented the incident. The inmate may have been suffering from a serious cardiac event that could be deadly if not treated or assessed. Rodriguez’ inaction and four-hour delay clearly caused a substantial risk to the inmate’s health and safety. Accordingly, we find that DOC had just cause to discipline Rodriguez for his serious misconduct.

At the hearing, Rodriguez testified that he did in fact contact a supervisor. However, there was insufficient evidence to establish that he contacted a supervisor around 11:49 pm on September 26, 2025, or took any appropriate action for four hours. A preponderance of the credible evidence established that Rodriguez notified his supervisors of the inmate’s medical condition at around 4:30 am on September 27. Thus, we conclude that Rodriguez was grossly negligent in his duties as a Correctional Sergeant.

Turning to a just cause consideration of the level of discipline Rodriguez received, the record reflects that the discharge was imposed as a one-level skip in the normal disciplinary progression schedule based on the DOC’s conclusion that Rodriguez engaged in serious misconduct and gross negligence or conduct which causes a substantial risk to the safety of the inmates under the agency’s care. Rodriguez previously received a three-day suspension on September 23, 2025, for similar misconduct – failing to follow the protocols for managing a medical notification and failing to respond appropriately to an inmate who experienced a fall and reported medical distress. Accordingly, we find that the one-level skip in progression meets the just cause standard here. We note that the two captains involved in the same incident also received a one-level skip in progressive discipline, consistent with Rodriguez’s discipline. Because neither captain had a prior disciplinary history, both received a three-day suspension.

Given the foregoing, it is concluded that there was just cause for Rodriguez’s discharge, and it is therefore affirmed.

Issued at the City of Madison, Wisconsin, this 23rd day of July 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman