

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JESSICA WHITE, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0206

Case Type: PA

DECISION NO. 41511-A

Appearances:

Connor Clegg, Attorney, Hawks Quindel, S.C., 409 E. Main Street, Box 2155, Madison, Wisconsin, appearing on behalf of Jessica White.

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 Health Services.

DECISION AND ORDER

On May 8, 2026, Jessica White (White) filed an appeal with the Wisconsin Employment Relations Commission asserting she had been discharged without just cause by the State of Wisconsin Department of Health Services (DHS). The appeal was assigned to Commission Examiner Cara Larson.

A hearing was in Madison, Wisconsin on July 8, 2026, by Examiner Larson. The parties made oral closing arguments at the end of the hearing. On August 3, 2026, Examiner Larson issued a Proposed Decision and Order affirming the discharge of White by the DHS. White filed objections to the Proposed Decision on August 11, 2026. DHS filed a response to the objections on August 17, 2026, and the matter became ripe for Commission consideration.

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

FINDINGS OF FACT

1. Jessica White (White) was employed by the State of Wisconsin Department of Health Services (DHS), as a Psychiatric Care Supervisor (PCS) and had permanent status in class at the time of her discharge.

2. The DHS is a state agency responsible for the operation of various Department of Health Services facilities including Mendota Metal Health Institute, located in Madison, Wisconsin.

3. On January 18, 2026, White was the PCS responsible for Unit 4 during the AM shift. During that shift, a youth was tethered to the wall in the North Hall after a shower. While staff were attempting to handcuff the youth, the youth did not comply and obtained possession of a pair of metal handcuffs. White directed staff not to enter the North Hall while the youth remained tethered to the wall, which lasted for approximately two hours without direct, in-person supervision.

4. During the same time period, another youth on the North Hall was subject to suicide precautions requiring in-person safety checks every 15 minutes. White directed staff to conduct safety checks of the North Hall by video and audio monitoring rather than in person.

5. White left the unit for approximately 40 minutes while the youth remained restrained and safety checks were not being conducted in person. White directed staff not to enter hallway to deliver meal trays, resulting in delays in providing meals to the two youth.

6. The DHS discharged White effective March 17, 2026, for the misconduct referenced in Finding of Facts 3, 4, and 5.

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 Health Services had just cause within the meaning of Wis. Stat. § 230.34 (1)(a) to discharge Jessica White.

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

ORDER

The discharge of Jessica White by the State of Wisconsin Department of Health Services is affirmed.

Issued at Madison, Wisconsin, this 1st day of September 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.

Jessica White 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 White 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 largely undisputed. On January 18, 2026, while serving as the Psychiatric Care Supervisor on Unit 4, White directed staff not to enter the North Hall after a youth, who remained tethered to the wall, possessed a pair of handcuffs. As a result, the youth remained tethered for approximately two hours without direct, in-person supervision. During that same period, White instructed staff to conduct required in-person safety checks by camera and audio rather than in-person, despite acknowledging she knew Department policy required in-person checks. A second youth, who was on suicide precautions, also requiring in-person safety checks, every 15 minutes, likewise received only camera and audio monitoring. White also directed staff to delay delivering meal trays because she did not want staff entering the hallway. She also left the unit for approximately 40 minutes while these conditions remained in place.

White does not dispute that these events occurred. Rather, she contends she exercised reasonable professional judgment under difficult circumstances. She asserts she relied on the restrained youth's behavioral plan, sought to avoid escalating the situation, and acted to protect both staff and the youth. She further argues that similar monitoring practices had occurred at the facility and that discharge was inconsistent with the discipline imposed in other cases.

The record establishes that White was attempting to avoid a physical confrontation with an aggressive youth. However, that objective did not relieve her of her responsibility, as the supervisor in charge, to ensure compliance with mandatory safety requirements. The behavioral plan called for disengagement when appropriate, but it did not authorize leaving a mechanically restrained youth without direct in-person supervision, substituting camera monitoring for required in-person safety checks, or directing staff to disregard established safety procedures. Nor did it

excuse White from seeking assistance or utilizing available supervisory and clinical resources to resolve the situation.

White's conduct involved multiple, simultaneous departures from mandatory safety requirements. White's conduct was particularly serious because she directed subordinate employees to disregard required safety procedures, left a mechanically restrained youth without direct supervision for an extended period, failed to ensure required in-person safety checks were completed, and failed to seek available resources that could have helped resolve the situation.

White correctly notes that the record does not establish either youth suffered actual physical injury. Indeed, the Department's witnesses acknowledged they had no evidence of actual physical harm. However, the absence of physical injury does not diminish the seriousness of White's conduct. The Department's safety policies exist to prevent harm before it occurs. By knowingly directing staff to depart from those requirements for an extended period, White exposed two vulnerable youth to unnecessary and unacceptable risk. As the supervisor on duty, she bore responsibility not only for her own actions but also for ensuring the staff under her direction complied with mandatory policies.

White's arguments regarding past practice and disparate discipline are unpersuasive. Even assuming camera monitoring had occurred in other circumstances, the record does not establish that those situations involved a mechanically restrained youth left without direct supervision for approximately two hours while another youth on suicide precautions simultaneously failed to receive required in-person safety checks. Likewise, the evidence does not establish that the employees identified by White engaged in the same misconduct to demonstrate inconsistent discipline. See *Morris v DOC*, Dec. No. 35682-A (WERC, 7/15).

White had no prior disciplinary record and had several years of satisfactory service with the Department. Those factors weigh in her favor. Nevertheless, they do not outweigh the seriousness of the misconduct in this case. White knowingly made a series of supervisory decisions that departed from mandatory safety requirements, directed subordinate employees to do the same, and allowed those conditions to continue for an extended period. Given White's supervisory responsibilities and the significant risks created by those decisions, the Department reasonably concluded that progressive discipline would not adequately address the misconduct. The discipline imposed was not excessive and was consistent with just cause principles.

Given the foregoing, the discharge of Jessica White by the State of Wisconsin Department of Health Services is affirmed.

Issued at Madison, Wisconsin, this 1st day of September 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman