

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DANIKA DEMERS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0930

Case Type: PA

DECISION NO. 41515-A

Appearances:

Kyle Keller, Waupun Correctional Institution, 200 S. Madison Street, Waupun, Wisconsin, appearing on behalf of Danika Demers.

Elizabeth A. Longo, Attorney, Wisconsin Department of Corrections, 3099 E. Washington Avenue, P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On May 18, 2026, Danika Demers 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 August 18, 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. Danika Demers (Demers) is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at Waupun Correctional Institution (WCI), 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 WCI, a maximum-security facility located in Waupun, Wisconsin.

3. On November 1, 2025, Demers was the Control Center Sergeant responsible for ensuring that the Secure Intake Fence was secure.

4. Demers was negligent in her duties by leaving the Secure Intake Fence gate unsecured for approximately three hours.

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 Danika Demers 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 Danika Demers by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 10th day of September 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Anfin J. Wise

Anfin J. Wise, 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.

Danika Demers 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 Demers 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 November 1, 2025, it was reported that the Secure Intake Fence was unsecured. After an investigation, security footage showed that the entry gate remained unsecured for approximately three hours. On November 1, 2025, Demers was the Control Center Sergeant responsible for ensuring that the fence is secure. Demers acknowledged that it was her responsibility to ensure that the fence was secure.

The control panel shows a red light when the gate is open and no visible light when the gate is closed. As the Control Center Sergeant, Demers should have noticed that the red light was on and that the gate was unsecured. By failing to ensure that the fence was secure, Demers was negligent in her duties. Thus, misconduct has been established.

We now turn to Demer's defenses. Demers asserts a number of reasons why the fence remained unsecured, including that there were multiple electronic issues associated with the gate light, that there was a lot of inmate movement that day, that she was busy, that the security cameras were focused on the movement and not on the fence, and that the institution was short-staffed. However, the Commission is unpersuaded that any of the reasons excuse Demers' responsibility for ensuring the security of the fence. Therefore, we reject Demers' arguments and find that she can be held accountable for her negligence.

Turning now to a just cause consideration of the level of discipline Demers received. The Commission finds that Demers' 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 is affirmed.

Issued at Madison, Wisconsin, this 10th day of September 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Anfin J. Wise

Anfin J. Wise, Examiner