

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

TYLER HOLTHAUS, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0929

Case Type: PA

DECISION NO. 41541

Appearances:

Andrew Colin, 321 N. Iowa Street, Muscoda, Wisconsin, appearing on behalf of Tyler Holthaus

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 May 18, 2026, Tyler Holthaus 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.

A zoom hearing was held on July 13, 2026, by Commission Chairman Peter G. Davis. The parties made oral 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. Tyler Holthaus (Holthaus) is employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at the Wisconsin Secure Program Facility. He had permanent status in class at the time of his suspension.

2. Holthaus used excessive force when restraining the head of a combative inmate.

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 did not have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Tyler Holthaus for five days, but did have just cause to suspend him for three days.

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 Tyler Holthaus by the State of Wisconsin Department of Corrections is modified to a three day suspension. Holthaus shall be made whole for two days' pay with interest.¹

Issued at Madison, Wisconsin, this 27th day of August 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

¹ See Wis. Admin. Code ERC 94.07

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.

Tyler Holthaus had permanent status in class at the time of his suspension, and his appeal alleges that the suspension was not based on just cause.

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

The record satisfies the Commission that Holthaus used excessive force when securing the head of a very combative inmate. His action was misconduct and because he had a three-day suspension on his record at the time, DOC imposed a five- day suspension as part of its standard disciplinary progression.

The record also establishes that before the use of force occurred, the inmate had been verbally combative toward Holthaus and spat in his face. In that context, a supervisor asked Holthaus if he was okay to continue with the efforts to restrain the inmate and Holthaus indicated he was. In hindsight, the supervisor acknowledges that he should have removed Holthaus but noted that he wanted to give Holthaus an opportunity to handle the situation appropriately. Because Holthaus should have been removed from the situation (and thus would not have engaged in the misconduct), a reduction in the level of discipline to a three-day suspension is appropriate under the just cause standard. Therefore, his discipline has been modified to a three-day suspension and he shall be made whole for two days' pay with interest.

Issued at Madison, Wisconsin, this 27th day of August 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman