

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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JENNIFER RAPRAEGER, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0924

Case Type: PA

DECISION NO. 41548

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Appearances:

Adam Sutter, 37889 Maple Lane, Prairie du Chien, Wisconsin, appearing on behalf of Jennifer Rapraeger.

Karen M. Heineman, Attorney, Department of Corrections, 3099 E. Washington Avenue, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

**DECISION AND ORDER**

On May 7, 2026, Jennifer Rapraeger 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.

A zoom hearing was held on July 29, 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. Jennifer Rapraeger (Rapraeger) is employed by the State of Wisconsin Department of Corrections (DOC) as a Treatment Specialist at Prairie Du Chien Correctional Institution and had permanent status in class at the time of her suspension.

2. Rapraeger had a part-time job in addition to her employment with DOC.

3. Rapraeger did not have the required DOC approval for her outside employment and she violated the State of Wisconsin's prohibition against using State resources for her outside employment.

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 Jennifer Rapraeger for one day.

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

### **ORDER**

The one-day suspension imposed on Jennifer Rapraeger by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 27<sup>th</sup> day of August 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.

Jennifer Rapraeger 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 Rapraeger 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).

It is undisputed that Rapraeger did not have the DOC required written approval to engage in outside employment. It is also undisputed that she violated the prohibition against use of State resources for her outside employment. While it appears that Rapraeger may have thought she had approval, she did not. While it is clear that her use of State resources was very limited, such use is nonetheless prohibited-even if approval is given. Given the foregoing, Rapraeger engaged in two types of misconduct and the Commission is persuaded that her misconduct provided just cause for the lowest level of formal discipline-a one day suspension.

When reaching this conclusion, the Commission has considered Rapraeger's assertion that she is being unfairly treated differently than another employee. The Commission has held that discipline can be rejected or modified if an appellant can prove that another employee engaged in the same misconduct and received no or lesser discipline. See *Morris v. DOC*, Dec. No. 35682-A (WERC, 7/15). The DOC requirement that outside employment be approved also applies to volunteer work. Rapraeger established that DOC did not discipline an employee who was a volunteer wrestling coach for failing to have the required approval. However, that employee did not violate the prohibition against using State resources for personal gain. Thus, that employee is not comparable to Rapraeger and her disparate treatment defense is rejected.

Given the foregoing, the one day suspension is affirmed.

Issued at the City of Madison, Wisconsin, this 27<sup>th</sup> day of August 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

**Electronically signed by Peter G. Davis**  
Peter G. Davis, Chairman