

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DANIEL RUNGE, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0947

Case Type: PA

DECISION NO. 41549

Appearances:

Daniel Runge, N7623 State Rd. 22, Neshkoro, Wisconsin, appearing on his own behalf.

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 June 22, 2026, Daniel Runge 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.

A hearing was held in Waupun, Wisconsin on August 20, 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. Daniel Runge (Runge) was employed by the State of Wisconsin Department of Corrections (DOC) as a Correctional Sergeant at Fox Lake Correctional Institution and had permanent status in class at the time of his discharge
2. Runge filed a report asserting that he had been assaulted by an inmate.
3. Runge was not assaulted by an 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 had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to discharge Daniel Runge.

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

ORDER

The discharge of Daniel Runge by the State of Wisconsin Department of Corrections 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.

Daniel Runge 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 Runge 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 during an inmate meal that Runge was supervising, he was approached by an inmate who complained about finding a piece of wood in his green beans. Because the wood had been in the inmate's mouth, Runge covered his hand in a paper napkin and directed the inmate to give him the wood. The inmate placed a piece of the wood on the napkin. Runge directed the inmate to give him the remaining piece of wood. The inmate did so. Runge then crumpled up the napkin and carried the pieces of wood in his hand as he went about his duties. Runge subsequently filed a report asserting that the inmate had assaulted him by the manner in which the inmate gave him the second piece of wood. Runge also discovered that he had a wood sliver in his hand.

Runge's assault charge is based on his assertion that the inmate threw the second piece of wood "like a dart" and presumably his belief that the wood had pierced the napkin with such force that it caused a sliver.

Witness testimony established that a charge of inmate assault potentially has serious consequences for the inmate. Typically, the inmate is immediately removed from the general population and placed in a segregated setting for multiple days while the charge is investigated. If the charge is substantiated, the consequences can range from loss of privileges to transfer to a more secure facility to additional time being added to the inmate's sentence.

In this matter, supervisors immediately reviewed video of the interaction between Runge and the inmate and quickly concluded there was no merit to the charge. Thus, the inmate was not placed in segregation but the incident nonetheless delayed the process the inmate was pursuing to be moved to a less secure facility.

The Commission has also viewed the video and concurs with the supervisors' assessment of what occurred. While the inmate did not place the second piece of wood on Runge's napkinned hand as gently as he did the first piece, he essentially dropped it from roughly a foot above the hand. While it is fair to say that there was a little bit of an aiming motion by the inmate, he hardly "threw it like a dart." Further, given the small size of the piece of wood and Runge's napkinned hand, there is no way the wood pierced the napkin and gave Runge a sliver. Rather, it was Runge who subsequently gave himself the sliver by the manner in which he carried the napkin and wood thereafter.

Given all the foregoing, Runge engaged in misconduct by reporting an assault that did not occur.

Turning to the issue of whether there was just cause to discharge Runge for his misconduct, the Commission concludes that there was. As previously discussed, assault charges have potentially serious consequences for inmates. The inmate in question testified as to how scared he was when he learned of the charge. Further, witness testimony established that a false charge erodes the trust the inmates have in the fairness of the system in which they live and thus has a potentially negative impact on the safety and security of inmates and staff. It is also concerning that Runge continues to insist that he had been assaulted. Even after viewing the video several times at hearing, Runge never wavered although the saliva on the wood then became part of the assault. His inability to confront the reality of what the video clearly shows and thus to take accountability for his actions lessens any confidence that might exist as to his ability to successfully function in a correctional environment going forward.

Runge does point to Commission decisions and prior DOC disciplinary actions where employees who "falsified" records of various kinds were not discharged. He views those as being relevant comparables to his misconduct because he, like those employees, is being accused of falsifying a record. The Commission disagrees. It is not the label which the State uses when it categorizes what work rule an employee has violated, but rather the misconduct itself that matters. As the Commission held in *Morris v DOC*, Dec. No. 35682-A (WERC, 7/15), only if the misconduct is the same is there a potential comparable. Here, the comparable misconduct would be filing a charge of inmate assault that is not supported by credible evidence. No such comparable has been presented by Runge.

Given all of the foregoing, the Department of Corrections had just cause to discharge Runge and thus the discharge is affirmed.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman