

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ERIC WRIGHT, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0208

Case Type: PA

DECISION NO. 41552

Appearances:

Eric Wright, 419 Cambridge Court, Neenah, Wisconsin, appearing on his own behalf.

David 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 Health Services.

DECISION AND ORDER

On May 11, 2026, Eric Wright filed an appeal with the Wisconsin Employment Relations Commission asserting he had been discharged without just cause by the State of Wisconsin Department of Health Services.

A zoom hearing was held on July 23, 2026, by Commission Chairman Peter G. Davis. The parties filed post-hearing written argument by August 26, 2026.

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

FINDINGS OF FACT

1. Eric Wright (Wright) was employed by the State of Wisconsin Department of Health Services (DHS) as a Psychiatric Care Technician at the Winnebago Mental Health Institute and had permanent status in class at the time of his discharge

2. Wright caused a physical confrontation with a patient and used an untrained restraint technique (headlock) when subduing the patient.

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

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

ORDER

The discharge of Eric Wright by the State of Wisconsin Department of Health Services is affirmed.

Issued at Madison, Wisconsin, this 3rd 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.

Eric Wright 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 Wright 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).

As a Psychiatric Care Technician, Wright interacts daily with adult patients whose mental health makes their behavior unpredictable. On the day in question, Wright was supervising one such patient who was watching television in the day room and then randomly threw his rubber slip on shoe at the screen. Wright told the patient not to do that again or he would be going to his room. The patient then picked up the shoe and smacked the screen with it. Wright responded by again telling the patient that if he did that again, he would be going to his room. The patient rolled his eyes and threw the shoe in the direction of Wright and employee J. The shoe did not hit either of them. The shoe throw was also observed by employee E. Wright then began moving toward the patient.

What Wright did or didn't say as he moved toward the patient is hotly disputed. Wright testified that he said nothing. Employees J and E testified that Wright said "You wanna go, lets fucking go." Wright testified that it was the patient who said those words.

All agree that Wright had his back to employees J and E at the time. Wright points to this fact in support of this contention that it was the patient who spoke. Both employees J and E persuasively testified that they recognized Wright's voice and employee E testified that she could see the patient's face and the patient's lips were not moving. The Commission accepts the testimony of employees J and E as to what occurred.

When doing so, the Commission has considered Wright's claim that there was a conspiracy to get him fired. There is no persuasive evidence that employees J and E were part of any such

conspiracy. Unlike Wright, these two employees have no reason to be untruthful, and their testimony is credited.

What happened next is also in dispute. Wright and employee E made physical contact with the patient in an effort to move him to his room. Wright's confrontational remark to the patient and Wright's elevated emotional state inevitably set up more of a struggle than would otherwise have occurred. The patient was resistant, and in the struggle that ensued Wright grabbed the patient's head in what is best described as a headlock before the patient was taken to the ground. Once the patient was largely under control on the ground, the patient's forehead hit the floor.

Wright acknowledges concern over the patient's forehead hitting the floor but denies using any untrained technique during the struggle. As the person most involved in the struggle, the Commission observes that Wright was not in the best position to objectively describe what occurred. Given his apparent anger at the patient, use of the untrained technique of a headlock is inherently plausible and the testimony of employees J and E provides substantial support for the Commission's conclusion that a headlock was used.

Given the foregoing, the Commission concludes that Wright engaged in misconduct by provoking a confrontation with a patient and then using an untrained technique in the struggle that followed. When reaching this conclusion, the Commission acknowledges testimony from two co-workers of Wright's to the effect that he had never seen Wright behave in an inappropriate manner toward a patient. The Commission has no reason to doubt this testimony but notes that some of Wright's performance evaluations suggest otherwise. But in this instance the evidence establishes that Wright did engage in significant misconduct.

Turning to the issue of whether the misconduct was serious enough to warrant discharge under a just cause standard, the Commission concludes that it was. Wright acted contrary to his training by provoking a confrontation rather than deescalating the situation. He challenged a patient to a fight. His use of an untrained technique posed a risk of injury to the patient. In addition, the risk of this behavior recurring with even a worse outcome than a head bump is not to be overlooked. Therefore, just cause for Wright's discharge was present and his discharge is affirmed.

Issued at the City of Madison, Wisconsin, this 3rd day of September 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman