

**STATE OF WISCONSIN: CITY OF CUBA CITY  
BEFORE HEARING OFFICER  
MALINA R. PIONTEK**

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*Disciplinary Charges of Chief Terrence R. Terpstra,  
City of Cuba City*

v.

PF 62.13-21-0304

*Officer Kimberly Jackson,  
Respondent*

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**DECISION AND ORDER**

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**Appearances**

City of Cuba City: Attorney Steven Zach, Boardman & Clark, LLP  
Chief Terrance R. Terpstra

Respondent: Attorney Tamara Packard, Pine Bach, LLP  
Officer Kimberly Jackson

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On March 4, 2021, the undersigned conducted a public evidentiary hearing pursuant to Wis. Stat. §62.13(5)d, on the charges of the City of Cuba City Chief of Police Terrence R. Terpstra (Chief Terpstra) against Officer Kimberly Jackson (Officer Jackson). The hearing was held remotely on a Zoom platform with notice to the public provided by the City of Cuba City advising of the date and time of the evidentiary hearing, and providing a link for members of the public to attend remotely. During the course of the hearing, public attendance varied between 75 and 90 remote attendees.

The parties submitted evidence through testimony and documents. They stipulated that because the City of Cuba City (City) is less than 4,000 in population, under Wis. Stat. §62.13(6m)(b), the City appropriately appointed the undersigned as its Hearing Officer. The parties also stipulated that the charges that were filed by Chief Terpstra against Officer Jackson were properly served on the appropriate parties pursuant to Wis. Stat. §62.13. Finally, the parties stipulated to the admission of City Exhibits 1 through 10, and Respondent Exhibits 101 through 108, with the understanding that the Hearing Officer would weigh the relevancy of each of the

documents in her decision making. All other exhibits offered by the parties were admitted into the record during the hearing. Upon the conclusion of the hearing, the record was closed.

Wis. Stat. §62.13(5)(f) requires that findings, determinations and orders of removal shall be in writing and shall be filed within three days<sup>1</sup> of the hearing. Due to the expedited nature of this proceeding, this Decision does not cite to the specific exhibits or transcript pages<sup>2</sup> at which testimony appears that support the Findings of Fact and Conclusions made herein. That being said, all evidence admitted into the record has been carefully considered and properly weighed prior to rendering this Decision and Order.

### **FINDINGS OF FACT**

The following Findings of Fact are based upon the preponderance of the evidence submitted at the hearing on this matter.

#### **Background**

Chief Terpstra has been the Chief of Police for the Cuba City Police Department (CCPD) for six years. He has more than 20 years of law enforcement experience, including working for 15 years at the City of Platteville where, for many years, he served as a supervisor. Officer Kimberly Jackson has been working for the CCPD since April, 2019. She first became a sworn officer in 2008. Prior to being hired at CCPD, her experience as a sworn law enforcement officer was limited to part-time, seasonal boat patrol for two different agencies.

The CCPD is comprised of four sworn officers<sup>3</sup> – the Chief, Sergeant and two officers. Upon hire, officers are told there are department policies; are provided with the CCPD policy book; and are given the City Employee Handbook.<sup>4</sup> They are told to read through the policy manual during their down time. The main policy book is located in the CCPD office<sup>5</sup> where all of the required law enforcement forms are also kept. Another policy book is kept at the shed – a CCPD building at which officers largely perform their duties and where the squad cars are kept.

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<sup>1</sup> Pursuant to Wis. Stat. §801.15, when the period of time prescribed or allowed is less than 11 days, Saturdays, Sundays and holidays shall be excluded in the computation.

<sup>2</sup> The court reporter provided an expedited, rough draft ASCII transcript for use in writing this Decision and Order, which also prevents me from accurately citing to the final transcript.

<sup>3</sup> The Hearing Officer is using the staffing and shift information at the time of the incident leading to the Charges, i.e., December, 2020.

<sup>4</sup> The Employee Handbook covers sick leave.

<sup>5</sup> The main CCPD office is located at City Hall, 108 North Main Street, Cuba City, WI. There is another location where officers clock in and out, and where the squad cars are kept. This second location is referred to as “the shed.”

The CCPD time clock, various records (including the policy manual), and lockers for officers to store their personal affects while on duty are in a separate room inside the shed. All policies were made available to Officer Jackson; she had seen the policy book at the shed; and she reviewed some, but not all, of the CCPD policies. CCPD Policy: Rules of Conduct is one policy with which she is familiar.

CCPD Policy Prisoners, Section IV B, covers Emergency Detentions. The Policy does not specify whether transports for Emergency Detentions should be handled by one or two officers. Thus, the Chief has the discretion to fill the Policy's gap. He has determined that the demeanor of the subject factors into whether one officer or two will transport a subject: if the subject is cooperative, only one officer should transport him/her; whereas if the subject is not cooperative, two officers should transport the subject. He has also determined that, due to the distance, when a transport is made to the emergency detention facility in Winnebago, WI, two officers should transport the subject. On the other hand, when a transport is made to the emergency detention facility in Madison, WI, which is closer to Cuba City, one officer should transport the subject. In general, regardless of the nature of the transport, transports have often been done by a single CCPD officer. In point of fact, Officer Jackson has conducted transports by herself in the past.

The CCPD is not a 24-hour police department. The Chief and Sergeant generally work a day shift from 7:00 am to 4:00 pm. The Chief and Sergeant vary their days off to maximize day-shift coverage. The two officers work a ten-hour night shift generally from 4:00 pm to 2:00 am. However, on Wednesdays, one officer is scheduled to work from 1:00 pm to 11:00 pm; while Officer Jackson is scheduled to work from 4:00 pm to 2:00 am. There is no scheduled coverage by the CCPD between 2:00 am and 7:00 am. During that time, Grant County covers any minor calls, and contacts either the Chief or the Sergeant to handle any major calls that arise.

### **Wednesday, December 9, 2020**

On Wednesday, December 9, 2020, CCPD Officer Nathan Kennicker was scheduled to be on duty from 1:00 pm until 11:00 pm and Officer Jackson was scheduled to be on duty from 4:00 pm until 2:00 am. However, an incident arose that caused them both to work beyond their normally scheduled hours. At approximately 9:00 pm, dispatch called Officer Kennicker's squad number over the radio regarding a person who had taken pills, possibly in a suicide attempt. He

arrived at the scene, and Officer Jackson arrived shortly thereafter, as did Emergency Medical Technicians (EMTs). The subject was taken by ambulance to the local hospital, arriving around 10:00 pm. At approximately 10:30 pm, it was determined that the subject was in need of an emergency detention. At a little before 2:00 am<sup>6</sup> a bed was located for the subject at a facility in Madison, WI. The officers decided they would both transport the subject to the facility. The officers returned to the CCPD and clocked out at approximately 5:45 am on December 10, 2020. They collectively worked 11 hours of overtime.

### **Thursday, December 10, 2020**

Chief Terpstra learned of the emergency detention and transport on the morning of December 10, 2020. Chief Terpstra reviewed the calls for service and saw that there was an emergency detention but no reports or forms had yet been filed. Officer Kennicker was contacted about the required paperwork. In the meantime, Chief Terpstra discovered the overtime earned by the two officers, and was concerned about it. He saw it as an issue he needed to discuss with the officers, but not in the context of discipline.

That same morning, Chief Terpstra received a phone call from a citizen that was involved in the emergency detention incident the night before. The citizen made a complaint about Officer Jackson's conduct at the scene of the call on December 9, 2020.

Around noon, Chief Terpstra met with Officer Kennicker when he dropped off the necessary paperwork. They discussed what had transpired the night before. Chief Terpstra shared that the Department's overtime budget is minimal, so he was concerned about the amount of time spent by the two officers at the local hospital.<sup>7</sup> Chief Terpstra also told Officer Kennicker that he felt the transport did not warrant two officers; rather, one officer would have sufficed because the subject was not combative, and the transport was made to Madison, WI. Officer Kennicker agreed. Chief Terpstra then questioned Officer Kennicker about the citizen's complaint on Officer Jackson's conduct the night before.

Following the meeting with Chief Terpstra, at approximately 3:30 pm, Officer Kennicker contacted Officer Jackson to alert her to the fact that the Chief had talked to him about concerns

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<sup>6</sup> Although Officer Kennicker's shift ended at 11:00 pm, he was still at the hospital with Officer Jackson when a bed was located for the subject.

<sup>7</sup> The two officers were at the local hospital for several hours prior to transporting the subject to Madison, which took approximately another four hours.

about the overtime, the two-person transport, and that a citizen on the scene had made a complaint about her conduct. He advised her that Chief Terpstra would most likely be talking to her about the same things when she got to work. Officer Jackson got upset that the transport issue was even being discussed; in fact, she testified that she was mad because it felt like Chief Terpstra didn't appreciate their efforts.

Knowing that Chief Terpstra wanted to talk to her, Officer Jackson headed to the shed early, still mad about the Chief's concerns regarding the overtime and the two-person transport. She clocked in at 3:53 pm for her ten-hour shift. She sat on a chair waiting for the Chief to arrive. Chief Terpstra arrived shortly thereafter. He walked into the room in the shed, and stood roughly seven feet from Officer Jackson, leaning on a filing cabinet. Officer Jackson stood in front of the chair on which she had been sitting.

The Chief started off the conversation using a phrase that he commonly uses, i.e., "I have a bone to pick with you." Officer Jackson responded that she had already heard. She stated that she wasn't happy that the Chief would choose overtime over safety. Chief Terpstra told her that he didn't see a safety issue because the subject was cooperative. During the conversation, Officer Jackson said, "you're asking us to transport by *ourselves*? You've *never* had to do a transport by yourself" (emphasis in original from recording, Exhibit 107). Chief Terpstra told her that wasn't true, as he had done transports by himself during the 15 years he was at his last job. Officer Jackson continued on, pressing the Chief as to whether he expected officers to do transports by themselves at the end of their shift when they're tired. Chief Terpstra replied that there are times when transports needed to be done alone even if you're tired. Officer Jackson replied with words to the effect of, if you expect me to do transports by myself, maybe this isn't the job for me. Chief Terpstra responded, "There's times you're going to have to do transports by yourself, so then this may not be the job for you."

Officer Jackson was visibly angry about the exchange over the potential to have to do transports by herself in the future. She walked to the time clock, punched out and left. She never said why she was leaving or that she was sick, although later she claimed to have been sick. Officer Jackson did not seek or receive permission to vacate her assigned shift on December 10, 2020. Chief Terpstra believed she had quit.

There were still over nine hours left on her shift when Officer Jackson walked off the job. Chief Terpstra was able to get coverage for part of Officer Jackson's shift, but the shift was

uncovered for seven hours from approximately 7:00 pm to 2:00 am. Officer Jackson never contacted Chief Terpstra on the night of December 10 or the morning of December 11, 2020, to explain why she walked off the job.

### **Completing the Investigations and Issuing Charges**

Chief Terpstra investigated the verbal complaint from the citizen with respect to Officer Jackson's conduct at the scene of the call on December 9, 2020. He ultimately interviewed the EMTs who were on the scene as well as Officers Kennicker and Jackson.<sup>8</sup> He determined that no discipline was warranted arising out of what he learned in his investigation.

With regard to the investigation preceding the charges issued to Officer Jackson, Chief Terpstra knew what happened on December 10, 2020, because he was there when Officer Jackson walked off the job. Regardless, he placed Officer Jackson on paid administrative leave pending his investigation into her conduct. Following the December 10 meeting, he communicated twice with Officer Jackson. When they were texting the following day (December 11, 2020), Officer Jackson never told Chief Terpstra that she left because she was sick. Nor did she advise Chief Terpstra when they met on December 15, 2020, that the reason she left work was because she was sick. Moreover, she did not at any time apologize or otherwise express regret for her actions on December 10, 2020.

CCPD Policy, Rules of Conduct, provides that "[a]ny employee wishing to leave the police department in good standing shall submit a letter of resignation to the Chief of Police." Prior to issuing charges against her, Chief Terpstra gave Officer Jackson the opportunity to resign, which she declined.

Chief Terpstra scheduled a pre-disciplinary meeting for December 21, 2020, by memo to Officer Jackson dated December 16, 2020, which was sent to her CCPD email account. Officer Jackson's work email was never shut down, and was available to her at all times relevant herein. Officer Jackson did not attend that meeting. When asked, Officer Jackson claimed she did not have access to the email account and did not know about the meeting.

Chief Terpstra scheduled another pre-disciplinary meeting for January 5, 2020. Officer Jackson asked that this meeting be re-scheduled. The pre-disciplinary meeting was ultimately

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<sup>8</sup> Chief Terpstra questioned Officer Jackson during the same conversation set forth above regarding the overtime and two-person transport.

held on Friday, January 8, 2020. Officer Jackson was present along with her legal counsel. Officer Jackson was provided with an opportunity to address whether she should be disciplined for her conduct on December 10, 2020. At the meeting, Officer Jackson for the first time advised that, on December 10, 2020, she began to feel physically sick and felt she had to leave the workplace. At the hearing, Officer Jackson also testified that she left work on December 10, 2020, because she felt sick.

On January 24, 2021, Chief Terpstra issued charges against Officer Jackson seeking termination of her employment with the CCPD for vacating her assigned shift without permission, a violation of the CCPD Rules of Conduct, and the Neglect of Duty and Insubordination policies.

### **POLICIES, RULES AND LAW**

The relevant polices, rules and laws are set forth below. However, for ease of reference, they are not set forth in their entirety.

#### **CCPD Policy 1.13 Neglect of Duty (Exhibit 8)**

All department employees will comply with all rules, regulations, policies and procedures of the Cuba City Police Department. Any employee of the Department failing to carry out completely the duties and responsibilities of the office to which he is assigned will be subject to disciplinary action.

#### **RULES AND DUTIES INCLUDE BUT ARE NOT LIMITED TO:**

Leaving duty assignment without being properly relieved or without proper authorization.

Being absent from duty without proper authorization.

Any action or conduct which impedes the department's efforts to achieve its objectives.

#### **CCPD Policy 1.11 Insubordination (Exhibit 9)**

The fulfillment of your duties, as well as the reputation of the department and its members, should always be uppermost in the officer's mind. Personal disagreements and arguments between supervisors and officers ... can only lead to a breakdown in discipline and efficiency. The failure to show proper respect for the authority of

commanding officers ... constitutes insubordination as set forth by the following rules.

Disrespect by action or language toward any commanding officer will not be tolerated.

Disobedience of a lawful order or directive, written or oral, constitutes insubordination.

All member and employees shall perform their duties as required by law, department rules, policies or orders of superior officers.

All lawful required duties shall be performed promptly.

### **CCPD Policy: Rules of Conduct (Exhibit 10)**

It is the policy of this department to recognize the overall professional conduct of its officers ....

#### **DISCIPLINARY ACTION**

##### **A. POLICE DISCIPLINE DEFINED**

3. All employees of the police department ... may be subject to disciplinary action ... for failure to perform the duties of their rank or assignment... or for any violation of any Policy, Procedure, Rule or Code of Conduct ....

##### **VI. Rules of Conduct:**

P. Police employees shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.

Q. Police employees shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties....

### **Wisconsin Statute §62.13(5) Disciplinary Actions Against Subordinates.**

(a) A subordinate may be suspended as hereinafter provided as a penalty. The subordinate may also be suspended by the commission pending the disposition of charges filed against the subordinate.

(b) Charges may be filed against a subordinate by the chief, by a member of the board, by the board as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the president of the board. Pending disposition of such charges, the board or chief may suspend such subordinate.



(c) A subordinate may be suspended for just cause, as described in par. (em), by the chief or the board as a penalty. The chief shall file a report of such suspension with the commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the chief requests a hearing before the board, the chief shall be required to file charges with the board upon which such suspension was based.

(d) Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The board shall set date for hearing not less than 10 days nor more than 30 days following service of charges. The hearing on the charges shall be public, and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the president of the board on request and be served as are subpoenas under ch. 885.

(e) If the board determines that the charges are not sustained, the accused, if suspended, shall be immediately reinstated and all lost pay restored. If the board determines that the charges are sustained, the accused, by order of the board, may be suspended or reduced in rank, or suspended and reduced in rank, or removed, as the good of the service may require.

#### **Wisconsin Statute §62.13(5)(em) (Just Cause Defined)**

No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the board under par. (e), based on charges filed by the board, members of the board, an aggrieved person or the chief under par. (b), unless the board determines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the board shall apply the following standards, to the extent applicable:

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
2. Whether the rule or order that the subordinate allegedly violated is reasonable.
3. Whether the chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.
4. Whether the effort described under subd. 3. was fair and objective.
5. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
6. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.

7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.

**Wisconsin Statute §62.13(6m)**

If a city of less than 4,000 population has not by ordinance applied subs. (1) to (6) to the city, the city may not suspend, reduce, suspend and reduce, or remove any police chief, combined protective services chief, or other law enforcement officer who is not probationary, and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction or removal, unless the city does one of the following:

- (a) Establishes a committee of not less than 3 members, none of whom may be an elected or appointed official of the city or be employed by the city. The committee shall act under sub. (5) in place of the board of police and fire commissioners. The city council may provide for some payment to each member for the member's cost of serving on the committee at a rate established by the city council.
- (b) Appoint a person who is not an elected or appointed official of the city and who is not employed by the city. The person shall act under sub. (5) in place of the board. The city council may provide for some payment to that person for serving under this paragraph at a rate established by the city council.

**CONCLUSIONS**

The Wisconsin statutes include a specific process by which a sworn law enforcement officer may be terminated. Wis. Stat. §62.13(5). Pursuant to that process, the undersigned conducted an evidentiary hearing on the charges of Chief Terpstra for the termination of Officer Jackson based on the actions which took place on December 10, 2020, i.e., when Officer Jackson left work without authorization or permission.

In making my determination, the seven standards set forth in Wis. Stat. §62.13(5)(em) shall apply, to the extent applicable. Each will be addressed in turn.

***1. Whether Officer Jackson could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.***

Based upon the preponderance of the evidence, I conclude that Officer Jackson could reasonably be expected to have knowledge of the probable disciplinary consequences, including termination, of walking off the job at the start of her shift without authorization or permission. Officer Jackson testified that she was aware of

CCPD's Rules of Conduct. The policy provides, in pertinent part, that all employees of the police department *may be subject to disciplinary action* for failure to perform the duties of their assignment or for any violation of any Policy, Rule or Code of Conduct.

Further, CCPD Policy 1.13 Neglect of Duty requires that all department employees comply with all rules, regulations, policies and procedures. It specifically prohibits leaving a duty assignment without being properly relieved or without proper authorization, being absent from duty without proper authorization, and conduct which impedes the CCPD's efforts to achieve its objectives. It forewarns that any employee failing to carry out completely the duties and responsibilities of the office to which she is assigned *will be subject to disciplinary action*.

Finally, common sense dictates that if one walks off their job, they will be subject to disciplinary action, including termination.

***2. Whether the rules that Officer Jackson allegedly violated are reasonable.***

The CCPD Rules of Conduct, Policy 1.13 Neglect of Duty, and Policy 1.10 Insubordination are reasonable.

***3. Whether Chief Terpstra, before filing the charges against Officer Jackson, made a reasonable effort to discover whether she did in fact violate the rule.***

Chief Terpstra had firsthand knowledge that Officer Jackson walked off the job and left her shift uncovered. Prior to issuing the charges, he on two occasions communicated with Officer Jackson, who did not explain why she walked off the job on December 10, 2020. At the pre-disciplinary meeting on January 8, 2021, Officer Jackson first claimed that she walked off the job because she felt sick. Chief Terpstra weighed her explanation before issuing the charges. He concluded that Officer Jackson violated the CCPD Rules of Conduct, Policy 1.13 Neglect of Duty, and Policy 1.10 Insubordination. I conclude that Chief Terpstra made a reasonable effort to discover that Officer Jackson did, in fact, violate CCPD rules and policies before filing charges against her.

***4. Whether the effort described under 3 above was fair and objective.***

The evidence shows that, based on a citizen's complaint, Chief Terpstra conducted an investigation into Officer Jackson's conduct on the night of December 9,

2020, and that he concluded that no discipline was warranted arising out of those facts. This demonstrates Chief Terpstra's ability to fairly and objectively evaluate whether Officer Jackson violated rules and/or policies. I, therefore, conclude that the effort described under 3 above was fair and objective.

***5. Whether the Chief discovered substantial evidence that Officer Jackson violated the rule or order as described in the charges filed against her.***

While there are non-substantive errors in the charges that were filed against Officer Jackson, they are not material errors.

Officer Jackson does not dispute that she left work on December 10, 2020. Chief Terpstra believed that Officer Jackson had quit when she walked off the job. Thereafter, he communicated with Officer Jackson on two occasions. While Officer Jackson said she wasn't resigning, she never said she was sick that day until the pre-disciplinary meeting on January 8, 2021. Chief Terpstra had good reason to conclude that illness did not cause Officer Jackson to leave work without permission on December 10, 2020. Based on the record before me, I conclude that Chief Terpstra discovered substantial evidence that Officer Jackson violated CCPD rules and policies when she abandoned her shift on December 10, 2020.

***6. Whether Chief Terpstra is applying the rule or order fairly and without discrimination against Officer Jackson.***

There has been no evidence presented to suggest that Chief Terpstra has applied CCPD rules and policies unfairly, or that he is biased in any way against Officer Jackson. I conclude that Chief Terpstra has applied the work rules fairly and without discrimination against Officer Jackson.

***7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to Officer Jackson's record of service with the CCPD.***

First I will consider the impact of Officer Jackson's record of service with the CCPD. There is no evidence of outstanding performance, nor of unsatisfactory performance. As of the time she walked off the job, Officer Jackson had only been on the

job for one year and eight months, six of which were her probationary period. I conclude that Officer Jackson's short time with the CCPD does not mitigate in her favor.

Next I turn to the issue of whether the consequences reasonably relate to the seriousness of the violation. I concur with Chief Terpstra that Officer Jackson violated the CCPD Rules of Conduct, Policy 1.13 Neglect of Duty, and Policy 1.10 Insubordination.

Law enforcement officers play a crucial role in maintaining the safety and security of the citizens of the communities they serve. A police chief has the added burden of operating the police department in an efficient manner while protecting the safety of the community's citizens. In this case, Chief Terpstra has an obligation to balance the cost of staffing, i.e., regulating the accrual of overtime, with safety. That is his call to make.

On December 10, 2020, Chief Terpstra talked to his officers about the necessity, or lack thereof, to have two officers make an emergency transport to a facility in Madison, WI, and in the process rack up 11 hours of overtime. He wasn't happy about the overtime, but his point was to impart upon his officers the circumstances which would warrant a two-person transport and those which would warrant a one-person transport.

The evidence clearly shows that this case is not about the emergency transport situation at all. This case is about what transpired when Chief Terpstra had the same conversation he had with Officer Kennicker about overtime and transports with Officer Jackson. When she went into work on December 10, 2020, Officer Jackson was already angry that Chief Terpstra had questioned the overtime. She pressed the two-person transport issue. She didn't like the fact that Chief Terpstra said there would indeed be times that she alone would have to transport a subject to the emergency detention facility in Madison, WI. She was angry. She punched out and left. She didn't ask Chief Terpstra if she could leave. She didn't tell Chief Terpstra that she was feeling ill and request sick leave. She simply left. In so doing, she also left the City without an officer on duty for the majority of her shift.

In short, Officer Jackson had no legitimate basis to abandon her duties. Her actions increased the risk of safety to the citizens of the City of Cuba City. To say that

discipline short of termination is warranted would be acknowledging that it's acceptable for a law enforcement officer to walk off the job once - as long as they never do it again. I cannot conclude that some other form of discipline is warranted. It is simply not ever acceptable for a law enforcement officer to walk off the job in circumstances such as those before me.

Officer Jackson committed a profoundly serious offense when she walked off the job without authorization or permission. Her actions could have had serious ramifications for the City and its citizens as a result of the lack of adequate coverage she caused. I conclude that termination is the only reasonable disciplinary consequence appropriate given the facts of this case.

### **DECISION AND ORDER**

For the reasons set forth herein, it is the decision of the undersigned that the Charges are sustained, and there is just cause for the removal of Officer Jackson from the City of Cuba City Police Department. Therefore, I order the removal of Officer Jackson from the City of Cuba City Police Department.

At hearing Respondent requested that I order the City of Cuba City to apply Officer Jackson's sick leave to her absence on December 10, 2020, thus requiring the City to pay her for the hours she would have worked that day had she not left. There is insufficient evidence to conclude that Officer Jackson was sick on December 10, 2020, which would justify use of sick leave. More importantly, however, the statute limits my authority to restore lost pay only if the Charges are *not* sustained. Here, the Charges have been sustained. Therefore, I lack authority for such an order.

Issued this 9th day of March, 2021, by:

*Malina Piontek*

Malina R. Piontek,  
Hearing Officer