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Director of Administration

COUNTY OF DANE

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Date: June 3, 2024

To: Employee Group #2634
Kate Gravel
Joe Aguilar

From: Greg Brockmeyer
Director of Administration

Subject: Step 3 Grievance Decision – Joe Aguilar License Reimbursement

A third step hearing was held on May 14, 2024. I have summarized the primary arguments of each of the parties below:

Employee Group #2634

Kate Gravel presented:

- Our member Joe Aguilar requested compensation for time to take his Social Worker license exam, payment of the exam and mileage for traveling to take exam but he was denied.
- There are two sections of the handbook, Education & Training and Licensing & Certifications, with newly added language that could be apply to Joe.
- He had reached out to his immediate supervisor, Leanne Grimm, who in turn referred to Beth Freeman, who in turn consulted with Employee Relations. The response was no, however, we do believe that management is supportive and sympathetic.
- For years, other places in the county have provided, purchased and paid for licensures for those in professional associations, Employee Relations staff, Corporation Counsel Attorneys and Planning and Development staff. At meet and confer, we focused on making the language more equitable.
- Joe is required by his job to have this specific license. The license that Joe took is covered by his exam. License and exam fee should be covered and that is clearly stated in the handbook. The other section is the time being allowed. When an employee attends a training, such attendance shall be in paid status even if the training session occur outside regular business hours and flexible scheduling may be used.
- It was pointed out that the reasons listed for Joe was not allowed due to 1) the County does not reimburse for initial license fee or test. 2) Paying for time is not current practice. 3) The department allows employees the one year to study and pass the exam.
- In a previous grievance, filed in March 2023, Worker A was allowed to take exam on work time while Worker B was denied. This didn't escalate because we were already in talks of changing the handbook language. However, there is proof of past practice that an employee was allowed to take an exam on work time.

- During the past meet and confer, we discussed on making these changes so that everyone would be treated the same way. It should not be left up to the supervisor and division and shouldn't be dependent on whether a worker makes the request or not. It should be well known.
- The intent and spirit of the new handbook language is so that it is enforced consistently not just one division but by all departments in the county.

Joe Aguilar presented:

- Some background is that I had been out of school for almost 10 years. There had been intentions to take the exam after graduating college, however, I got busy working in a long term care program.
- After being hired here, I was granted a temporary license. On my own for the next year, I paid for all studying materials, zoom trainings and apps.
- I registered in December to sign up but didn't sign up right away to take the test in Madison because I wanted a couple more months to study. I wanted to take the test only once.
- The test in Madison was booked by that time and I booked in March in Waukesha, the closest testing center. I requested my one time renewal of my temporary license and my probationary period was extended to give me the time.
- I passed the exam and as I was aware of the handbook changes, I requested the reimbursement but was denied.

Management

Beth Freeman presented:

- Upon receipt of the reimbursement, it was consulted with Amy Utzig and Nancy Ortegon Johnson to get their perspective on the request. They gave feedback where they indicated that the department has not paid for an initial license, work time nor mileage. With that confirmation, I did send the email to Joe denying the request.

Angela Velasquez presented:

- The initial decision was based on current practice and awaiting clarification from the Department of Administration regarding the new handbook policies in terms of paying for exam while employee was in probationary status.
- During his term of employment he has requested and been granted several learning opportunities. And has attended national conferences and other request for training. He is aware of the process on how to request trainings.
- Astra was in agreement with the decision made and that the time to take the test is not work time and coverage for mileage is done only on work time.

Decision

The Grievance is sustained.

The Management of the Department of Human Services has correctly stated the Department of Administration's current interpretation that *initial* professional licenses are not eligible for reimbursement. The Department of Administration stated this intention during the Annual Employee Benefit Handbook Review (referred to as "Meet and Confer") for the development of the 2024 Employee Benefit Handbook. The County holds this view because it is a civil-service employer and makes hiring decisions based on merit. If a position requires a licensure at the time of hire, individuals need to hold those licenses prior to making an offer of employment.

However, employees for this position do not require a Social Work License at the point of hire. Instead, Employees are required to have Temporary Training Certificate provided by the State of Wisconsin and are given up to one-year in order to complete the Social Worker License. To acquire a Social Worker License, individuals must pass an exam. The language in the Employee Benefit Handbook on this section is as follows, emphasis added: "Where an employee is required by their position to hold a professional license or certification from the State of Wisconsin, Department of Safety and Professional Services, Department of Health Services, or Department of Agriculture, Trade and Consumer Protection, the County shall pay the fees associated with the employee's continuing education, recertification, **exams**, or licenses."

Since employees to this classification are not required to hold a license prior to the point of hire and the Employee Benefit Handbook describes exams for a license issued by the State of Wisconsin Department of Health Services as an exam for which the County shall pay the fee, the grievance is upheld.

As to whether the employee should be allowed to use worked time and reimbursed for mileage during that work time, the Employee Groups presented evidence that past-practice shows that some employees were allowed to use work time to take the exam. If management would have read the exam as a covered activity, then management likely would have approved work-time and a mileage reimbursement for this request.

Payroll is instructed to make the necessary adjustments to show that the employee was in work status for the time to take the exam and should honor mileage reimbursements for the necessary travel.

If there are any questions regarding this decision, please contact me at me at 608-266-4519.

Sincerely,



Greg Brockmeyer
Director of Administration

cc: Tammy Haynes-Sauk
Beth Freeman
Angela Velasquez
Nick Bubb
Neil Rainford
Rylee Schuchardt, Payroll Manager