



COUNTY OF DANE

DEPARTMENT OF ADMINISTRATION
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GREG BROCKMEYER
Director of Administration

Date: September 5, 2024

To: Employee Group #720
Chad Haanen

From: Greg Brockmeyer
Director of Administration

Subject: Step 3 Grievance Decision – Brittney Baltus – Alternative Schedule

A third step hearing was held on August 21, 2024. I have summarized the primary arguments of each of the parties below:

Employee Group #720:

Chad Haanen presented:

- Brittney's supervisor, Lisa Bina, denied an alternative schedule request. We believe her request is reasonable and its implementation is practical for her role in child support agency with no negative impact.
- Director Pabellon's denial letter highlights the term "encourages" in the handbook and makes note that it does not force or mandate. We believe the interpretation of the handbook language does not conform to what the spirit of the language states. It helps focus on a healthy work life balance of employees.
- There is an existing policy that states 50% of staff within a team can have an alternate schedule. This policy should be questioned. The employee group was not provided proof as to why it's not practical for a greater number of staff to be on an alternative schedule.

Derek Wallace presented:

- In the Economic Assistance Division, the workers, leads and managers have the ability to request alternate schedule and the majority have that and they appreciate it. This division services the general population and walk-ins. Dozens if not hundreds come in daily. New employees have standard schedules and when the lead workers are gone, they do independent case work. It's a successful model that is feasible and practical.
- It is also important to point out that lack of alternative schedule for employees is a reason for not to seek promotion.

Brittney Baltus presented:

- When I started in 2014, my lead worker worked 4-10s and was not available to train me on Fridays. One hour is not going to make or break. It can be handled the next morning. In March of 2020, I was working 6:15 to 3pm as a lead worker for six months. During these months, I showed I could stay late and make sure to make myself available.

- If a customer service complaint is received, it is escalated to management and they are to file a written complaint. It is required to call and write back, something that can be handled the next morning.
- If we go by the statement that only 50% of staff can have an alternate schedule, as a lead employee, I make up 33% and should be granted the opportunity.

Management:

Vue Yang presented:

- Our agency consists of over 50 employees. There are five managers and three leads with five different duties. Ms. Baltus is lead of thirteen staff members with monitoring and enforcing court orders. She works directly and indirectly with courts, sheriff's office, job center and other non-profits.
- There's possibility she may need to cover another team and even though she may not be trained, she may be needed to still assist when something comes up.
- This position was created in 2014 and the purpose was to assist the direct superior, Lisa Bina, with duties and tasks she may not be able to handle because Lisa handles other managerial duties. Ms. Baltus is not expected to covert manager duties, just day to day duties that involve her team and the rest of the operations, and step in as a leader in the absence of her direct superior.
- During this one hour, situations can come up at any time even if it has not happened often. As a federally funded agency, we are bound to state and federal guidelines and must respond as expected, even during the hour at issue.
- It is also important to remember we work with many other partners with similar operating hours.
- This denial was not in bad faith. What we have to do for the public remains a priority.
- This is not about how many times issues come up, it's about being available. We cannot rely on "we are not available, come back tomorrow." The three-day return call rule does not mean we wait until the third day. Our needs have not changed only the way our staff work. Our lobby is open to the public
- We trust Ms. Baltus will do her work and we trust she is willing to do those things. However, for us that schedule does not fit the agency. If granted, Ms. Baltus becomes less of a lead and more of a worker. Her work may inadvertently become another leader's responsibility. That is five hours a week, 22/23 hours a month that another leader has to provide coverage.
- As leaders it's our responsibility to be available during public hours.
- I would also emphasize if Department of Administration makes a decision and offers opportunity, we do have a system in place where members of each team are put on a waitlist for that team and we cannot backdate. Each request is reviewed individually. Ms. Baltus would be considered part of the Enforcement team.

Decision

The grievance is denied.

As is required under the grievance process established by the Employee Benefit Handbook, my decision must be based upon the language of the Handbook itself. The Employee Benefit Handbook provides the following:

The County places great value on promoting a family friendly workplace and employees' professional growth and development. The County realizes that alternative work schedules provide flexibility to our

*employees and to the people we serve. The County **encourages** all managers to review employee requests for an alternative work schedule and to approve them when they are **practical**.*

(EBH 720, Alternative Scheduling, §1.)(emphases added)

The language of the Employee Benefit Handbook does not hold that the Department must grant alternative schedule requests. Instead, the Handbook uses the words “encourage” and “approve... when... practical.” This language creates a deferential standard towards management’s decision when evaluating alternative schedule requests. As a result, this section does not abrogate a manager’s authority to plan or control the operation of the work force. (See EBH 1871, Management Rights, §1.)

The Department has explained why approving an alternative schedule is not practical. Contrary to the Employee representative’s claim, the Handbook does not require management to provide a “compelling” reason before denying a request. The Handbook does not impose any greater requirement than one of being reasonable. In this case, Management considered the request and explained why it would not work. Nothing more is required under the handbook.

Further, even if the language of the Handbook were to require an assessment of whether the request was “practical,” the Department has gone on to explain why such a request is not practical. One compelling reason was that the Department explained that the Child Support Agency has a number of strategic partners and these partnerships depend upon prompt responses from the employee to support the mission of the agency.

If you have any questions, you may contact me at (608) 266-4519.

Sincerely,



Greg Brockmeyer
Director of Administration

Cc: Brittney Baltus
Derek Wallace
Neil Rainford
Carlos Pabellon
Vue Yang
Lisa Bina