



COUNTY OF DANE
DEPARTMENT OF ADMINISTRATION
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GREG BROCKMEYER
DIRECTOR OF ADMINISTRATION

March 8, 2022

Derek Wallace
Employee Group #720

RE: Grievance – ESS Overtime Opportunities

Dear Mr. Wallace:

A third step hearing was held on March 1, 2022. Linda Ramirez has summarized the primary arguments of each of the parties below:

Employee Group #720:

Derek Wallace presented.

- For context, overtime opportunities happen in December, January and February. Alternative schedules were also arranged to have some employees start ½ hour earlier or later.
- In December 2021, an announcement of overtime was made. A 2 ½ hour limit was imposed along with a 7pm cut off. Due to this, employees were not given an equitable opportunity to earn the same amount of overtime.
- If an employee is working until 5pm, they are only allowed a max of 2 hours of overtime, whereas, other different shifts can earn the 2 ½ max.
- This is a violation of the benefits clause in the Employee Handbook and overtime opportunities falls under the wages and hours section.
- The request for settlement is for all employees who worked less than the 2.5 hours max overtime in December, shall be compensated by the County. Also, going forward, the County will give equal opportunities for all employees.

Management:

Tony Sis presented:

- A discussion with supervisors was held to decide overtime and the decision was to allow overtime until 7pm and not adjust schedules due to it throwing off workload and complicate protected time. It was also brought up that the staff was feeling burnt out.
- The employee group states that overtime is an existing benefit they have a right to regardless of situation, needs, or scheduling.

- Management believe they do not have factual basis for claims and believe that the Employee Group is attempting to re-write the Employee Benefit Handbook through the grievance process.
- Corporation Counsel stated that overtime is not an existing benefit and Employee Relations stated that overtime is not an existing benefit that is guaranteed to employees on equal basis.
- An existing benefit would not need approval ahead of time nor denied like in the case of overtime. Therefore, overtime is not an existing benefit nor right.

Decision

The need to have employees work overtime is based upon a myriad of factors related to the business needs of the department. In order to address these needs, management has the right to set parameters on how much overtime the department should authorize. Management's authority to do so has not been abridged by the Employee Benefit Handbook, and there was no evidence presented that demonstrated management had previously guaranteed overtime on an equal basis. Therefore, the assigning of overtime in this case cannot be characterized as an existing benefit, but rather as a way management exercised its right to plan, direct and control the workforce in order to address a significant business need.

For the reasons cited above, the grievance is denied.

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

Sincerely,

Greg Brockmeyer
Director of Administration

Cc: Sunny Kurhajetz
Neil Rainford
Tony Sis
Nikia Morton
Shawn Tessman