



COUNTY OF DANE
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GREG BROCKMEYER
DIRECTOR OF ADMINISTRATION

May 4, 2020

TO: Brian Standing, Vice President / Chief Steward
Dane County Professional Employees Local 1871

FROM: Greg Brockmeyer
Director of Administration

RE: Decision on Step 3 Grievance re: Employee Advocate Manager Position

The grievance is denied. The Employee Group Representative (“EGR”) does not have the ability to challenge the creation and placement of a position in the Management Class.

Under Dane County’s Ordinances, “an employee group’s representative may grieve the location of a position or positions in an employee group.” Dane Co. Ord. §18.06(6). The EBH then provides further guidance:

The salary and classification as shown in the employee group wage schedule shall be the minimum salaries for the classifications shown and shall be attached hereto and made a part hereof for the life of this Handbook. This Section shall not be construed to prevent the County from creating new classified positions within the salary structure shown. The County shall notify the Employee Group Representative of the creation of any new job classification within their employee group and provide the job description. The Employee Group Representative shall have the right to grieve the placement of the classification in the pay structure within ten (10) days after receipt of notice.

Employee Benefit Handbook - Salary, Section 2. Taken together, these provisions clearly limit an EGR’s ability to grieve the placement of a new classification to one that falls within their employee group, and specifically only to challenge the placement of the classification in the pay structure. The creation of the Employee Advocate Manager position does not fall within this scope of review.

First, the Employee Advocate Manager has been placed in the Management class. Positions in the Management Class are not covered in the EBH, and therefore do not fall within an employee group. Dane Co. Ord. §18.04(17). Second, the EGR’s grievance is based in part on there “already being ample

supervisors and managers” in Employee Relations. Such a rationale has nothing to do with whether the position was appropriately placed in the correct classification. Instead, it appears to be based upon the EGR’s attempt to intrude upon a core management right (i.e. the right of an employer to decide when a managerial position is necessary). Finally, the EGR’s scope of review is limited to a ten-day period after receiving notice of the new position. In this case, every EGR was notified on March 19 of the new position. The grievance, however, is dated March 31 which is beyond the ten-day review period.

Even if the EGR had the ability to grieve the placement of a position into the Management Class, the grievance would still have been denied. A review of the reclassification memo and position description reveals that the position was correctly placed in the Management Class. According to the reclassification memo, the position will be participating in formulating, developing, and implementing management policies. These duties constitute a long-recognized justification under the Municipal Employee Relations Act to place a position in a managerial classification. Likewise, the position description for the Employee Advocate Manager includes the responsibility to supervise the Benefits Administration Specialist. Clearly, when a position has supervisory authority of an employee, the position belongs in a managerial classification.

In a supplemental filing, the EGR claims that despite the Employee Advocate Manager’s foregoing duties and supervisory responsibilities, the position should not be placed in the Management Class because the incumbent did not have knowledge of her supervisory duties before the reclass, a different department was listed in the position description, the organizational structure did not work, and that the position would be more effective if placed in the professional class. None of these claims changes the fact that the EGR does not have the ability to challenge a reclassification decision in this way. Further, most of the EGR’s claims are examples of its attempt to violate the employer’s management right to plan and control its workforce, and to introduce improvements.

For the reasons set forth above, the grievance is denied.

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