



GREG BROCKMEYER
Director of Administration

COUNTY OF DANE
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Date: December 8, 2023

To: Employee Group #720
Chad Haanan
Derek Wallace

From: Greg Brockmeyer
Director of Administration

Nick Bubb
Assistant Director

Subject: Step 3 Grievance Decision – Re: Park Laborer Recruitment

A third step hearing was held on November 21, 2023. We have summarized the primary arguments of each of the parties below:

Employee Group #720:

Chad Haanan presented:

- During the recruitment of a park laborer position at the Land and Water Department, eighteen total names were referred to the hiring manager and that was a cause for concern. A skills test had been applied after the names were certified, a few did not pass and that was the reason for requesting additional names.
- This is a violation of the employee handbook under hiring, firing and voluntary demotion. It states the applicants with the eight highest composite scores shall be considered to be hired and or promoted and in no event should more than the above referenced applicants be considered.
- The purpose of this language is to provide voluntary promotion to 720 members and this violation is an infringement of those benefits.
- The only way to receive and request replacement names is outlined in the county ordinance 18.09(15). Reasons include a candidate's decision to decline or the inability to reach a candidate for an interview.
- The remedy has three parts.
- The first is to terminate the current probationary period for the individual hired in August and hire one of the six applicants who passed the skills test or provide sufficient written evidence that the employee hired would have been hired all along for this position if the correct process would have been followed.
- The second is for Employee Relations to cease the practice of providing additional applicants to appointing authorities after the certification list has been provided, unless provided under the ordinance or employee handbook.

- The third is for all park technicians and laborers to be involved in the discussions regarding changes to the skills testing.

Management:

Joleen Stinson presented:

- The breakdown on the types of parks laborers, the types of skills each position requires and a full scope on what they do around the seventy different properties they could be working at.
- The position that was hired for is the park laborer that works in paint and park signs. Nine candidates were referred due to tie, one veteran and an additional three transfer candidates were sent for consideration as well. All were invited to a skills test and interview.
- Regarding the transfers, one candidate declined, another did not meet minimums due to lack of CDL class A and a third did schedule an interview and did a skills test. From the group that was originally referred, four failed, new names were requested and five were referred due to tie. No candidates were removed due to the interview performance.
- The department's goal is to always hire the best candidate for the job. It wasn't until this grievance that we had any indication that the process we were doing was incorrect. Since then we have agreed and confirmed that going forward we will be following the preferred hiring process.
- The margin between what happened and what we know is the correct hiring sequence is not wide enough to justify an action that hurts one individual so significantly, especially a Dane County employee of seventeen years.

Decision

The grievance is denied in part and sustained in part.

In their Step 3 filing, the Employee Group makes two requests for remedy. One request for remedy was to end the practice of interviewing candidates before an essential skills test is administered. As discussed during the hearing, the Land and Water Resources Department recruited for a Park Laborer position using a two-step process, where candidates had a "paper" evaluation (a review of the candidates' submitted Achievement History Questionnaire) and a subsequent evaluation for essential skills, such as the operation of a chainsaw.

Over the course of this grievance process, all parties have agreed to evaluate essential skills prior to interviewing candidates in future recruitments. Further, Employee Relations is being directed not to forward additional names of candidates to a Department unless the Department exhausts all of the names on the list. This portion of the Grievance is sustained.

In the Employee Group's other request for remedy, the Employee Group requests that the individual hired into the position be fired because the Department had erred in this hiring process. The employee hired from this recruitment has done nothing wrong and that employee's conduct is not a part of the discussion of this grievance. Additionally, as the discussion below shows, the employee hired would have been included on the lists of candidates. The request to terminate the Employee hired from this process is denied.

As an alternative to terminating the individual, the Employee Group requested documentation that the candidate who was hired would have been included on the initial list. In response to the Step 3 Grievance,

Employee Relations provided this documentation and provided additional email responses to the Employee Group, to help the Employee Group better understand the documentation provided. Upon receiving the requested documentation and having engaged in questions about that information over email, the Employee Group acknowledged that the information provided shows that the individual hired would have been included in the initial list of names. Please see the attached email acknowledgement from Chad Haanen. Accordingly, this discussion shows that the individual would have been on the list even if the appropriate procedures had been followed. As such, there was not a significant violation of the Employee Benefit Handbook that would warrant firing an employee without any discipline. Finally, the requested remedy has been satisfied.

However, the alternative request for a remedy continues with additional conditions. The Step 3 Grievance requests that, "the County acknowledges in writing that a violations of the Handbook and County Ordinance occurred when additional names were requested after a Certified List of names had been provided and notify all Department Heads and Appointing Authorities in Dane County that such actions will not be tolerated by County Administration." This request is denied.

The purpose of the grievance process is to provide remedial relief to the aggrieved, not to publicly chastise. Further, the County and the Employee Group's mutual goal should be to address issues on a productive and collaborative basis, rather than being punitive. In any case, Employee Relations has already instructed hiring managers on the correct process, and have taken measures to ensure that errors will not be repeated.

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

Sincerely,

A handwritten signature in black ink that reads "Greg Brockmeyer". The signature is written in a cursive style with a horizontal line underlining the name.

Greg Brockmeyer
Director of Administration

Cc: Joleen Stinson
Laura Hicklin
Neil Rainford
Nick Bubb