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COUNTY OF DANE

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March 2, 2023

Joanne Weber
Local 895

RE: Grievance Decision – Nurse Scheduling

Dear Ms. Weber:

A third step hearing was held on February 17, 2023. Linda Ramirez has summarized the primary arguments of each of the parties below:

Employee Group #895

Neil Rainford presented.

- There are concerns and issues regarding the changes made to the RN & LPN vacation selection process.
 - The first issue is that if a nurse cancels vacation before schedule is in progress, the name gets removed from the book. The previous process was if a nurse canceled the vacation, the first alternate will/may be granted their vacation.
 - The second issue is regarding the switching of shifts and picking up shifts. When an employee wants to switch a shift, there's a requirement where employee has to fill holes prior to being able to switch with a co-worker.
 - The third issue is, as the year develops, additional changes are being implemented. It is no longer time off based off minimums, instead, scheduler has discretion to refuse them, a decision that is withheld until the schedule is developed.
- This is a violation in the language of vacation provision which allows employees to select their vacations for their period due to seniority.
- The corrective action is to cease and desist from making these vacation practices and stick to what is specified in the RN & LPN 2020 document.

Joanne Weber presented.

- There are twenty-five nurses on the grievance and more are requesting to be added. Many are concerned about adequately planning and availability in case of emergencies, especially those that have families outside of the country. It's critical for nurses to feel respected. Everyone loses if they don't feel supported.

Management

Bill Brotzman presented.

- Management agrees that nursing is a stressful profession and there is worry about burnout. We share the same mission of supporting the staff and giving staff ample time off.

- There are errors in Mr. Rainford's statement stating nurses weren't conferred about changes coming. The Director of Nursing met with the nurses in 2022 and asked for their input after being made aware of the process.
- There has been much challenge with scheduling. The industry has changed and it's no mystery about the nursing shortage. What is a mystery is that COVID, regardless of media, continues to be real. Employees are still testing positive and that removes them from the schedule.
- The problem is we've evolved and we don't have the same numbers as previous years. Numbers are greatly reduced.
- Management agrees on being fair and if a nurse adds a block, as long as the request is presented prior to the schedule, we do what we can to accommodate the nurses.
- The main response is that under the Employee Handbook, management has rights. They have the authority to make decisions to properly operate the facility.

Laura Klitzke presented.

- It is important to clarify that the parameters for time off are four nurses on Monday thru Friday and 3 for the weekend.
- Covering the schedule is a 24-hour job and providing adequate staffing focuses on us not working short. Everything is done to make sure all spots are filled.
- One of the points when I met with nurses is that this isn't forever. This year we just had to change them.

Decision

The grievance is denied.

Badger Prairie is currently experiencing a shortage in nursing staff. In October, the Director of Nursing met with nursing staff to discuss potential changes in order to ensure coverage. The Director of Nursing met with staff again to receive feedback and find ways to improve the situation in November, but nursing staff held firm that no changes were necessary. In Management's response to the Step 2 Grievance letter, there is a detailed explanation as to why the current situation was unworkable given the current staffing crisis. Local 895 and their representative did not dispute the issues related to staffing during the hearing.

Badger Prairie initially proposed reducing the three permitted vacation allowances on the weekend and four during the week day to two and three respectively. After listening to staff feedback, Badger Prairie did not move forward with that change. Instead Badger Prairie made a different modification. Previously, after proceeding with the vacation selection process, four staff were guaranteed days off on each week day and three on each weekend day. If a person canceled their vacation request, Badger Prairie would proceed to the next person to receive a guaranteed day off. Due to the staffing shortage, Badger Prairie decided it could no longer automatically award an additional day off to a different staff person if a staff person cancels their vacation day. This modification did not affect seniority rules and vacation selection still followed the procedures established in the Employee Benefit Handbook.

The Employee Benefit Handbook states, "Each Dane County department head shall designate vacation periods for employees within their department according to classification or types of job of employees." Badger Prairie has a document titled "RN/LPN Vacation Time Off Rules" that provides how nurses can request time off. This policy complies with the EBH's language to have a vacation selection period. Importantly, the EBH does not say that the vacation selection process must never be altered. As discussed in the hearing, past practice contradicts the assertion that the RN/LPN Vacation Time Off Rules cannot be altered as this document was altered in 2020.

Further, management needs to ensure that the entire facility is properly run and to assure that the residents receive the necessary care and services. The proposed modification to the RN/LPN Vacation Time Off Rules appears to be a reasonable way to ensure the facility is properly run and that the residents receive proper care, giving the staffing issues.

Local 895 also raises a concern that nursing employees “have long been allowed to ‘find their own replacement’ on a day that they were scheduled to work and preferred to be off of work...” Badger Prairie Management responded that this statement is not true, writing,

“Staff are still able to find their own replacements if other holes don’t exist in the scheduled shift that the pickup is occurring. Staff were never able to give a shift away if there were already openings/overtime in the schedule for that shift. Employees are not told they need to find additional staff—it is just that the pickup would not be approved. This is the same situation as it always has been. With less staff to cover the guaranteed vacations this past year, there were more times that overtime was needed to be used to cover openings in the schedule.”

Local 895 raises the concern that they were not notified of the change and they were not allowed to provide input. As described by management, employees were notified and offered several opportunities for input before the RN/LPN Vacation Time Off Rules were altered for 2023. When this was pointed out in the hearing, Local 895 did not dispute this fact.

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

Sincerely,



Greg Brockmeyer
Director of Administration

CC: Laura Klitzke
Paula Kolb
Bill Brotzman
Astra Iheukumere
Neil Rainford