



COUNTY OF DANE

DEPARTMENT OF ADMINISTRATION
Room 425 City-County Building
210 Martin Luther King Jr. Blvd.
Madison, WI 53703-3342

Phone: (608) 266-4941
Fax: (608) 266-4425 TTY WI Relay 711

GREG BROCKMEYER
Director of Administration

Date: April 26, 2024

To: Employee Group #705
Michael Moody

From: Greg Brockmeyer
Director of Administration

Subject: Step 3 Grievance Decision – Yangchen Tso Mandation Credit

A third step hearing was held on April 19, 2024. I have summarized the primary arguments of each of the parties below:

Employee Group #705

Yangchen Tso presented:

- I was mandated at around 5:30am on January 13th to work the day shift. Someone came in by accident and wanted to take the shift. The scheduler asked me if I wanted to go home and I considered it an easy mandate.
- I asked Nicole if it was still considered a mandate and Nicole said to talk to Laura, who in turn said no. When asking around, most people said it was a mandate. So I went to the employee group.

Michael Moody presented:

- In the Employee Handbook under Overtime and compensation labeled section 4c, it is explained that a mandate has to happen two hours prior to that shift and from proceeding shift and that was followed.
- It is only a mandate when less than a full shift and zero minutes is less than a full shift. There is nothing stating they must work any part of the shift even a second into the shift.
- The mandate should have stayed and counted as used. When you're mandated you might be cancelling things and plans for that day like doctor appointments, second job or care for kids.
- We are not attempting to change the language, we are simply going by what is already in the policy.

Management

Bill Brotzman presented:

- The Employee Group is asserting that since she was mandated, stress should qualify for her to receive credit.
- During the step 1 grievance, we asked for examples and none were provided. We can provide examples of when CNA Nima was mandated to work but someone else volunteered. CNA Nima wanted credit for the mandate and we said no so they stayed and worked the mandate. CNA Jori

was also mandated that day but the volunteer worked for them and they were not credited for the mandate.

- Management has attempted to change processes to make things better for employees and every time the Employee Group has mentioned it is not permitted by the Employee Handbook. An organization making changes at a step 3 grievance is not the method. Per the ordinance, changes should be proposed and discussed via the meet and confer process.
- There is concern of a slippery slope when giving credit for services not provided. The handbook does not call for credit of mandate. To allow credit for zero work will create a bad practice.
- We are also getting far into the language and the discussion of clarity of said language should be more reasons for us to sit down at meet and confer.
- We respectfully ask you deny the step 3 grievance.

Decision

The grievance is denied.

In this situation, the employee, Yangchen Tso, was working the night shift and was mandated to work the morning shift due to coverage issues. Another employee unexpectedly showed up on their vacation day and offered to fill Yangchen's mandated shift. The Department consulted Yangchen on what she would like to do – stay for the mandated shift or go home. The employee elected to go home, allowed the other employee to fill the coverage need, and clocked out for her initial shift at 6:17 am.

The employee requested to receive credit for being mandated, despite that another employee filled the mandatory staffing need. The Department denied the request as the employee elected to go home and the employee did not work anytime for the mandatory additional shift.

The Employee Group argues that past practice supported awarding a credit to similarly situated employees and that employees should be allowed this credit, even when they did not work on the shift.

During the hearing, the Employee Group was not able to present any evidence to demonstrate this past practice. To the contrary, the Department presented evidence that past practice supported their interpretation that mandation credits are not awarded when another employee takes the shift of the mandated employee.

As the Employee Benefit Handbook does not address whether a credit should be awarded in these circumstances and the past practice supports the Department's interpretation, the grievance is denied.

Further, the Employee Group's questioning of "which shift" was Yangchen on when she clocked out is utterly without merit. Shifts at Badger Prairie overlap in order to provide coverage. The employee was asked if she would like to remain for the morning shift or go home. The employee elected to go home and clocked out within two minutes of her shift ending. The mere fact that the shifts overlap does not mean that the employee stayed on to the following shift. That the employee elected to go home is not in dispute. Further, the fact that the employee elected to go home clearly demonstrates that it was well understood that the employee was not working the morning shift. More to the point, the Employee Group Representative's argument that "zero is less than 1" further demonstrates that the Employee did not work the morning shift. If the employee worked "zero" minutes on the morning shift, then she was not on the morning shift when she clocked out.

Finally, any questions about what the proper policy ought to be are not a topic for the grievance process. Those discussion should be handled with in the Annual Review and Update Process of the Employee Benefit Handbook.

If there are any questions regarding this decision, please contact me at 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 large initial "G".

Greg Brockmeyer
Director of Administration

Cc: Bill Brotzman
Paula Kolb
Laura Klitzke
Yangchen Tso
Astro Ihueukumere
Nick Bubb
Neil Rainford