



GREG BROCKMEYER  
Director of Administration

## COUNTY OF DANE

DEPARTMENT OF ADMINISTRATION  
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Date: October 15, 2024

To: Employee Group #65  
Erik Anderson

From: Greg Brockmeyer  
Director of Administration

Subject: Step 3 Grievance Decision – Time Off Policy

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A third step hearing was held on October 1, 2024. I have summarized the primary arguments of each of the parties below:

### **Employee Group #65:**

Erik Anderson presented:

- Step 1 was in response to the time off policy being sent out without all staff having the opportunity to provide feedback and/or ideas first. Failing to reach a mutual agreement – it then went to step 2. During that time, adjustments from the 2024 policy were removed and it was re-sent out to Zoo staff.
- The step 2 grievance was held in abeyance and was to go back to step 1 for further discussion and meetings regarding the vacation policy. Those meetings have been scheduled, cancelled and rescheduled multiple times and now we have not heard anything further from the Zoo regarding this.
- Staff are putting in for vacation for next year already and we haven't agreed on the 2024 policy let alone the 2025 policy.
- Animal collection has gone down but there seems to be more staff and moving of the goal posts in regards to allowing staff to take time off. The Zoo is the only department that requires staff to use superfluous days in order to get weekend off.
- Going forward would like any revisions to the policy to be taken to the Employee Benefit Handbook Meet & Confer meetings. Also requesting that taking additional days off in order to get the weekend off be eliminated and the single day restriction for taking vacation be removed. This was presented at Meet & Confer (9/9) & is on the employee engagement website.

### **Management:**

Ronda Schwetz presented:

- There seemed to be some misunderstandings which is why it was referred back to Step 1. Thought the meeting was successful and things had been working well.
- In the Employee Benefit Handbook, it states Management rights include but are not limited to the following: the right to plan, direct and control the operation of the work force, determine the size and composition of the work force.
- The issue we've been having is staffing on weekends due to illness, law abiding time off, etc. There is a continued concern about lack of animal care staff on weekends and management is working hard to make sure the animals are being taken care of and that there is safety in both directions. There no

longer is an appetite for working overtime. I am happy to work with the Employee Group to figure out a solution.

- We have moved out animals but have also moved some in and we are preparing for a large expansion in the future. And it doesn't matter the number of animals that you have but the care that you provide them. More importantly, it's about the number of staff you have per day and the unexpected absences. It takes away training from staff which prevents flexibility of them working in other areas.

Beth Petersen presented:

- Historically, overtime was only offered on evening events and was based on seniority but the last few years weekends have been short staffed unexpectedly so overtime is constantly offered. Usually the overtime request goes unanswered (which is their right as it's not mandated), but it makes it extremely difficult to take care of the animals and keep safety on both sides.
- I started in 2006 and the time off policy required employees to take 5 days of vacation if you wanted a weekend off and was asked to give 2-weeks notice if possible. The policy stayed pretty much the same for about 10 years before things started to evolve. At least 18 years of a time off policy with some of the same elements we have today.

Johanna Soto/Katie Pionkowski presented:

- In the January meeting, staff discussed changes for the 2024 time off policy. Compromises were made in that policy which then came out in July. The changes that were made included: 1. Changing the number of minimum staff that need to be here. 2. Approved a single day vacation request (each keeper can have a single Saturday or Sunday off without having to take 5 consecutive days off). 3. Five consecutive days was dropped down to four days. 4. The calendar broken down into 2 separate sections (requests for Jan/Feb/Mar submitted end of Sept and will know soon so they can plan vacations).
- Talked about having a follow up meeting in July. Due to staffing issues and it getting worse, that meeting was cancelled and rescheduled for September. That meeting was also cancelled due to not having many staff working that day. It has not yet been rescheduled to discuss the 2025 policy.
- Staffing has not improved – part time Zoo Attendants are working full time. And one LTE can only work 16 hours per week in order to not go over hours.
- Breakdown of hours – planned vs unplanned: 6,800 hours total for last 12 rolling months – 3,840 hours are approved and granted & 2,960 hours are unplanned absences (includes FMLA). The unplanned absences do impact our daily operation.

### **Decision**

The grievance is denied.

The Employee Group Representative has been unable to explain which provision of the employee handbook has been abridged. In the Step 3 documentation filed with the request for this hearing, the Representative vaguely cites the "vacation" section and the "existing benefits" section. However, neither the written documentation nor the presentation at the hearing explain how either of those sections of the handbook have been violated.

The Employee Group Representative seems to be arguing that the Zoo cannot implement changes to how vacation may be requested for the following year, without first discussing the potential changes with the employee groups. However, as the Department explained, and went unrefuted during the hearing, after the policy was put on hold, several discussions were held and the policy was modified. The facts of this case reveal that there was not only consultation, but also that parts of the policy were modified because of that consultation.

Additionally, the Zoo is well within the established Management Rights under the Employee Benefit Handbook to determine how many staff need to be available on weekends and to modify those requirements. The Management Section of the Employee Benefit Handbook states, "These management rights include, but are not limited to the following: The rights to plan, direct and control the operation of the work force, determine the size and composition of the work force..." Determining the minimum number of staff that need to be available during the weekend is a determination of the size and composition of the workforce. Moreover, this finding is consistent with past decisions regarding vacation selection at the Zoo, see: <https://admin.danecounty.gov/documents/pdf/grievance/E-Anderson---Nov-20-decision.pdf>.

Further, the Department has also presented its issues related to ensuring that there is adequate staffing on weekends. The Zoo has to meet certain animal care standards and ensuring weekend staffing is a major aspect in seeing those animal care standards are met.

Finally, topics that are currently a part of the discussion of the Annual Review of the Employee Benefit Handbook, have no bearing on this process. The County has agreed to abide by the current Handbook. Proposals that have yet to be agreed upon are not germane to the discussion.

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 underneath the name.

Greg Brockmeyer  
Director of Administration

Cc: Nick Bubb  
Travis Thomas  
Ronda Schwetz  
Beth Petersen  
Johanna Soto  
Katie Pionkowski