



COUNTY OF DANE

DEPARTMENT OF ADMINISTRATION
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GREG BROCKMEYER
Director of Administration

Date: April 19, 2024

To: Employee Group #65
Erik Anderson

From: Greg Brockmeyer
Director of Administration

Subject: Step 3 Grievance Decision – Susan Bertrand 0.6 FTE Transfer and Voluntary Leave Request

A third step hearing was held on April 10, 2024. The Grievance had two parts. I have summarized the primary arguments with respect to each of the parts below:

Part 1 – Processed used for recruiting the 0.6 FTE

Employee Group

Erik Anderson

- Local 65 worked with the department creating these positions for career lateral opportunities for folks getting in the business and for new mothers wanting to spend more time at home.
- The .6fte zookeeper is not a new position and has the same responsibilities making it a perfect opportunity for it to be offered based off on seniority. That didn't happen and it was instead posted externally, initially, and then internally with interviews being conducted.
- There were particular questions regarding working with dangerous animals. The interviewers knew that the member was not comfortable working with primates due to the primary keeper.
- There was another question inquiring about a four day stretch. Management is fully aware that our member can't work long stretches. Susan worked hard to get Fridays and Mondays off. To ask during the interview is a curve ball and not surprised that she didn't interview well.
- The position description does not state that we the zookeeper needs to work bears, cats and primates. It does not indicate the hours that the position will be working. The position has no differences from the full-time position description.
- We believe Susan not getting it is a form of retaliation due to Susan filing a complaint with the state for discrimination when pregnant and a case of favoritism and/or crafted to fit the other candidate.
- The resolution is for the grievant to be assigned a .6 fte zookeeper position. This can happen by creating a new one in the budget or reclassifying an existing position.

Management

Ronda Schwetz

- Agree with Erik that we worked together for those .6fte positions. The .6fte zookeepers were meant to help provide work life balance. It wasn't just for new mothers.

- With regards to the keeper that did take the .6 and got another job, you have intent and we can't control what the other candidate did after offered the job.
- In terms of seniority-based transfer, I had not talked about it as such only as internal. Anyone can apply and we followed the same process with the lead zookeeper positions.

Joanna/Katie

- There were two internal candidates who were interviewed with 7-8 questions. The dangerous animals questions were to confirm that they were still willing to work in that area. We do not want to lose a dangerous animal area zookeeper.
- In terms of the schedule, we looked at our shortest days and created a schedule for the .6 zookeeper. We presented the schedule to both candidates and then selected the candidate that was better prepared.

Part 2 – Voluntary Leave Request

Employee Group

Erik Anderson

- Susan Bertrand had requested a 90-day voluntary leave and had been denied.
- Local 65 think there is adequate staff to help, including a second janitor position to help with housekeeping chores that zookeepers do. We also recommend the use of a vet tech to assist.
- During the second step grievance on February 27th and a decision on March 11th, the department head stated, "I do ask that the zoo managers communicate with Susan about volunteer leave in the future since Dane County is committed to promoting work life balance." Our knowledge is that the zoo managers have not communicated in the last month.
- The remedy is to have a favorable decision in the first grievance where we request Susan to be offered the .6 zookeeper position. Absent that, we're asking for grievant to be granted a voluntary leave. We also believe that offering her the .6 zookeeper position would be better than the voluntary leave.

Management

Ronda Schwetz

- Believe there was a miscommunication. We're looking at options for Susan and I think that they thought Susan was coming to them. Let them speak for themselves but think there is some flexibility.
- The janitors have picked up some of the cleaning but some keepers do not want any help. We'll check in to see where we're at.

Joanna Soto/Katie Pionkowski

- There was a miscommunication. We have added more staff but it has taken years to get to that point.
- It wasn't feasible at the time of her request and we're till training some of our new staff.

Decision

The grievance in Part 1 is denied and the grievance in Part 2 is held in abeyance pending a further discussion between management and the employee groups.

The Employee Group's argument in Part 1 is that the County should have used seniority in the selection for the 0.6 FTE position.

The core issue with the Employee Group's argument is that the complaint about the Department not using seniority for this recruitment is filed *after* the result of the recruitment was determined, and not *before* the process was completed. The Department decided to use an interview to determine the best candidate for this position. There is nothing in the Employee Benefit Handbook that would require that this position be recruited for on only a seniority basis. If the Employee Groups wanted to grieve this method of recruitment, they should have filed the grievance *before* the recruitment process completed. As a result, the grievance with respect to the outcome of the process used is not timely and the grievance is denied.

Indeed, the discussion at the hearing revealed that there was substantial back and forth between the Department and the Employee Groups regarding this recruitment. The position was initially posted, mistakenly, as an external recruitment. The Employee Group worked with the Department to correct this and use an internal recruitment. This demonstrates that the Employee Group was involved with the recruitment and could have filed a grievance on the method of this recruitment before an individual was selected.

Now that an individual has been selected, there's nothing in the handbook that would authorize the county to take a position assignment away from one employee and provide it to a different employee.

As to the issues raised by the Employee Group Representative during the hearing about the nature of the questions asked during the interview. The questions asked were regarding the employee's availability and willingness to work with dangerous animals. These questions appear materially relevant to the job duties and are necessary in order to provide the position to the best qualified candidate.

The grievance in Part 2 is held in abeyance at this time until the parties have had a further opportunity to discuss the topic. It appears that there is a miscommunication between the parties and the Department has demonstrated a willingness to work with the Employee on this issue. If no resolution is reached by May 15, 2024, I will schedule another hearing and decide this issue.

If there are any questions regarding this decision, please contact me at me at 608-266-4519.

Sincerely,



Greg Brockmeyer
Director of Administration

Cc: Ronda Schwetz
Nick Bubb
Susan Bertrand
Neil Rainford
Joanna Soto
Katie Pionkowski