



## COUNTY OF DANE

DEPARTMENT OF ADMINISTRATION  
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GREG BROCKMEYER  
DIRECTOR OF ADMINISTRATION

December 16, 2020

Erik Anderson  
Employee Group #65

RE: Grievance No. EGR65112320 -- Change to Vacation Requests

Dear Mr. Anderson:

A third step hearing was held on December 3, 2020. Linda Ramirez has summarized the primary arguments of each of the parties below:

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

Erik Anderson presented.

- There was surprise that the time off policy was changed unilaterally without any kind of discussion of consensus around the issues which had been agreed to previously. This goes against our existing benefits clause.
- The vacation section in the handbook indicates that vacation will be selected by seniority and that will not be the case with the most recent change.
- The request for settlement is deleting the added language from the time off guidelines and then tackle during the meet and confer process.

### **Management:**

Beth Petersen presented.

- As we have many new keepers, it has become challenging to get them the full benefit and employees should be encouraged to use their time off for a week or two. There was no language in our previous vacation memo.
- It's important to elaborate that the process is only limiting single use vacation for requests submitted prior to the start of the new year. Keepers can still request up to 4 single-day vacation days prior to the December 31<sup>st</sup> seniority cut-off. There are no restrictions on requests for more than one day. After January 1<sup>st</sup>, any single-day requests will be honored in the same manner they have been in the past. .
- We're trying to adhere to the language in the Employee Benefit Handbook and after January 1<sup>st</sup>, anyone can request a single day vacation. We're just trying to make sure a large percent of our staff is able to use it.

At the end of the meeting, the Director of Administration offered both parties the chance to meet and possibly come to an agreement before he makes a decision. Both parties declined.

## **Decision**

The grievance is denied. The Employee Benefit Handbook states that: *“Employees shall be encouraged to use vacations in sustained periods of one (1) or more weeks, thereby deriving what is commonly accepted as the greatest value from the vacation. In the event that an employee shall wish to use vacations credit in small increments, this provision shall not be a bar to such use. Such smaller increments of vacation credit use shall be allowed with department head approval where such use does not interfere with the normal use of vacation credit by other employees or adversely affect departmental operation.”*

Further, the Employee Benefit Handbook section Management Rights states that: *The County shall operate and manage its affairs in all respects in accordance with its responsibility and powers or authority which the County has not officially abridged, delegated, or modified by this Handbook and such powers or authority are retained by the County. 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, to hire, to lay-off, to discipline or discharge for just cause, to establish and enforce reasonable rules of conduct, to introduce new or improved methods of operation, to contract out work, to determine and uniformly enforce minimum standards of performance, all of which shall be in compliance with and subject to the provisions of this Handbook.*

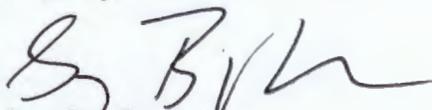
Taken together, these two sections demonstrate that the selection of vacation is subject to management's determination that the use of vacation does not negatively impact a department's other employees or departmental operations. In this case, the Zoo's policy fits within management's discretion as set forth under these two sections.

The Zoo's policy on vacation usage states that, “When submitting vacation requests for the 2021 calendar year, prior to the January 1, 2021 deadline, only the first four (4) single day requests will be considered per person, still based on seniority. After January 1st, single day requests will be processed under all other applicable rules (2 people per day, 5 day increment for weekend days etc.).

The policy provides parameters that encourages the use of vacation credits in sustained period of one or more weeks while still honoring the seniority of those individuals. The Zoo's vacation policy conforms with the Employee Benefit Handbook and allows employees to use their seniority in the first round of vacation selection by selecting up to four individual days. After that first round, employees can select as many individual days on a first come first serve basis. Further the Zoo's testimony revealed that the policy was necessitated by the increased difficulty of other employees being able to use their own vacation credits. For these reasons, the grievance is denied.

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

Sincerely,



Greg Brockmeyer  
Director of Administration

Cc: Ronda Schwetz  
Beth Petersen  
Neil Rainford