

**GRIEVANCE REVIEW BOARD MINUTES**  
**January 10, 2012**

**Present:** LeRoy Dahms, Tom Shandonay, Jeff Brandt, Joe Hotynski

**Excused:** John Nichols

**Also present:** Ron Montgomery, Sheriff Matz, Chief Deputy Christopherson, Jim Godlewski

**Meeting called to order at 9:15 by Joe Hotynski**

**Approval of the minutes of the 10-19-11 meeting**

**Motion by Tom Shandonay**

**Seconded by LeRoy Dahms**

**Carried 4-0**

**Procedural Questions from Members**

Members had questions and concerns about the following: 1. Are suspensions treated like vacation days, or can vacation time be substituted for suspension time? 2. When a Deputy is suspended without pay, how much money does he or she actually lose? 3. Have affected Deputies already served their suspensions by the time the Board hears their cases? 4. When a Deputy is away from work due to a suspension, does he or she have to be replaced during his or her shift(s)? 5. Does a disciplinary suspension go onto an employee's record? 6. Does the Deputies' union contract provide for any type of erasure or expunging of Grievance Review Board disciplinary action after a certain period of time?

Sheriff Matz and Ron Montgomery gave the following replies: 1. Unpaid suspensions are not the equivalent of vacation time, although an affected Deputy could have the time deducted from his/her compensatory time bank. 2. The actual amount of pay lost varies based on a given Deputy's pay rate. Should the Board sustain the Sheriff's recommendation in the currently pending case, the affected Deputy would lose approximately \$200. 3. Sanctions are not imposed until after the Board acts on the Sheriff's recommendation. 4. Generally the Sheriff's Office attempts to schedule the suspension day in a way that it doesn't negatively affect staffing levels. 5 and 6. Chapter 59.26 of the Wisconsin Statutes, rather than the labor agreement, controls the Grievance Review Board process. In reaching its decision, the Board can take whatever action it deems appropriate against an accused Deputy and may use any information available to it, including disciplinary actions that have aged.

Joe Hotynski asked if there were anymore questions. Jeff Brandt noted that he disagreed with the need for the Board to go into Closed Session. Attorney Godlewski advised that in order to maintain appropriate confidentiality of the affected Deputy's private record, the Board would need to convene in Closed Session. Such confidentiality might not be able to be maintained if the Board hears this matter in Open Session.

**Motion by Tom Shandonay to go into closed session, **seconded by LeRoy Dahms**, pursuant to an exemption provided in Section 19.85 (1)(b), Wisconsin Statutes, for the purpose of investigating charges against public employees and considering the possible discipline of public employees. Roll call vote: Dahms, aye; Shandonay, aye; Brandt, naye; Hotynski, aye. **Carried 3-1****

Ron Montgomery stated that the minutes should show that all Members voted Aye, with the exception of Jeff Brandt.

## **Discussion**

Joe Hotynski noted that the Board had convened to consider disciplinary action of a one day unpaid suspension against Deputy Kurt Brester for violation of Rule of Conduct .03 Reporting for Duty and Rule of Conduct .10 Level of Competency.

Sheriff Matz stated Deputy Brester initiated the shift switch request on September 23, 2011 which was approved by his Lieutenant. The shift switch was for November 16, 2011 and Deputy Brester failed to show up. Deputy Brester was contacted and he thought the switch was for the following day. Deputy Brester did come in to work the remaining partial shift after he was contacted. Joe Hotynski noted that the record presented to the Board showed that Deputy Brester had two prior offenses and wondered how long such infractions stay on a Deputy's record. Ron Montgomery replied that there is no time limit on infractions the Board may consider when determining how to rule on a Deputy's sanction. Jeff Brandt asked if there is a posted schedule. Sheriff Matz said the schedule is on a shared file and the Deputy can look at it anytime. The supervisor gets the shift switch request and updates the schedule. Jeff Brandt asked how many hours of the switch did he work. Sheriff Matz said 4 hours, from 10AM to 2PM.

LeRoy Dahms said this violation seemed like an oversight, not intentional. He inquired about the frequency of such switches. Sheriff Matz said only six switches are allowed per employee (per calendar year). The least senior employees have a hard time getting time off on desirable days, so this is a way to do that, but it needs to be kept at six. Joe Hotynski observed that this is the third offense in 4-5 months and wondered if this matter had been discussed with the Deputy. Sheriff Matz said yes, and the employee is on a performance improvement plan. Subsequent offenses, depending on their nature and severity, could jeopardize the Deputy's employment. Joe Hotynski asked how long he's been an employee and Sheriff Matz said for 2 ½ years. LeRoy Dahms asked about the amount of time put into employee investigations and interviews? Sheriff Matz replied that the time varied depending upon the allegation, number of witnesses and other evidence. Thorough investigations can be labor-intensive.

**Motion by Jeff Brandt** to accept the Sheriff's recommendation of a one day unpaid suspension against Deputy Kurt Brester.

**Seconded by Tom Shandonay**

Roll call vote: Dahms, aye; Shandonay, aye; Brandt, aye; Hotynski, aye.

**Carried 4-0**

**Motion by Jeff Brandt** to reconvene in open session. **Seconded by LeRoy Dahms**

Roll call vote: Dahms, aye; Shandonay, aye; Brandt, aye; Hotynski, aye.

**Carried 4-0**

Motion to adjourn at 9:50 by Jeff Brandt

Seconded by Tom Shandonay

Carried 4-0

Submitted by Kathy Rumlow, Human Resources Confidential Secretary/Receptionist.