

BEFORE THE ARBITRATOR

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In the Matter of the Arbitration of a Dispute Between  
RACINE COUNTY DEPUTY SHERIFFS' ASSOCIATION  
and  
RACINE COUNTY

Case ID: 426.0002  
Case Type: MA

AWARD NO. 7974

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**Appearances:**

Attorney Kevin Todt, for the Association.

Attorney Mary Nelson, for the County.

**ARBITRATION AWARD**

On December 20, 2020, the Racine County Deputy Sheriffs' Association filed a grievance arbitration request with the Wisconsin Employment Relations Commission. Pursuant to that request and the terms of an applicable collective bargaining agreement, the Commission assigned me to serve as arbitrator as to a suspension grievance. A Zoom hearing was held on March 25, 2021. The hearing was recorded, and the parties made oral argument at its conclusion.

**ISSUE**

The parties agreed that I had authority to formulate the issue after considering their positions. Having done so, I conclude the following statement of the issue is appropriate:

Was there cause to suspend the grievant for 10 days? If not, what is the appropriate remedy?

### **DISCUSSION**

The grievant was a member of a crowd control unit assigned to the civic unrest in Kenosha in August 2020. He failed to report for duty as assigned and then refused a directive to report. After he received a second directive, he did report for duty. The Sheriff imposed a 10-day suspension for the grievant's insubordinate conduct.

The Association concedes that the grievant engaged in misconduct but asserts the length of the suspension should be reduced to something in the range of 3-5 days.

Insubordination is commonly viewed as a "capital offense" which can result in discharge. The insubordination in this instance is particularly aggravated because it involves a sworn law enforcement employee who was assigned to serve with fellow employees at a time of great need and potential danger. Therefore, it is clear that there was cause for a 10-day suspension.

Issued at Madison, Wisconsin, this 28<sup>th</sup> day of May, 2021.

### **WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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Peter G. Davis, Arbitrator