

BEFORE THE ARBITRATOR

In the Matter of the Arbitration of a Dispute Between
WAUKESHA DEPUTY SHERIFFS LABOR UNION
and
WAUKESHA COUNTY

Case ID: 488.0008
Case Type: MA

AWARD NO. 7976

Appearances:

Attorney Kevin Todt, for the Union.

Attorney Saveon Grenell, for the County.

ARBITRATION AWARD

On December 14, 2020, the Waukesha Deputy Sheriffs Labor Union 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 a member of an arbitration panel as to a suspension grievance. A Zoom hearing was held on April 7, 2021. The hearing was recorded, and the parties made oral argument at its conclusion.

ISSUE

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

DISCUSSION

The Union concedes that the grievant failed to appropriately investigate a citizen complaint regarding a violation of a temporary restraining order. However, the Union asserts that the County had failed to properly train the grievant as to how to proceed with a temporary restraining order and thus that a suspension of 2-3 days would be a more appropriate disciplinary penalty.

The County contends that that if the grievant had appropriately investigated the citizen complaint, she would have learned that a mandatory arrest was required when a temporary restraining order is violated. Because appropriate investigations are a fundamental part of the grievant's job, the County asserts that there was no lack of training that might explain the grievant's misconduct in such a potentially dangerous scenario. Particularly in light of the prior suspensions the grievant had received earlier in her career with the County (one of which was for failing to properly investigate a matter), the County argues it had proper cause to impose a five-day suspension.

The arbitration panel finds the County's arguments to be persuasive. The grievant failed to perform a fundamental part of her job in the potentially serious matter. Given the grievant's disciplinary record, the panel finds there to be no mitigating factor that might warrant a reduction in the length of the suspension.

Therefore, the arbitration concludes that there was proper cause for the five-day suspension.

Issued at Madison, Wisconsin this 1st day of June, 2021.

Peter Davis

/s/ Erik Weidig

Erik Weidig

I dissent.

/s/ Maggie Frawley

Maggie Frawley