

BEFORE THE ARBITRATOR

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

Case ID: 488.0010  
Case Type: MA

AWARD NO. 7982

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**Appearances:**

Attorney Kevin Todt, for the Union.

Attorney Saveon Grenell, for the County.

**ARBITRATION AWARD**

On July 16, 2021, 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 October 7, 2021. The hearing was recorded, and the parties made oral argument at its conclusion. The hearing recording became available on October 11, 2021.

**ISSUE**

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

**DISCUSSION**

The grievant was with friends shooting rifles on private property. One round hit a car. The car owner reported the incident to the Dodge County Sheriff's Department. A Dodge County deputy came to the property and advised the shooters that although he did believe there was any criminal conduct, he would be preparing an informational complaint and referring the matter to

the Dodge County District Attorney for review. The District Attorney did not file charges against any of the shooters.

The grievant did not report the matter to the Waukesha County Sheriff's Department. Subsequently, a citizen brought the matter to the attention of the Waukesha County Sheriff's Department.

Following an investigation, the Sheriff sought to impose a five-day suspension on the grievant for three alleged types of misconduct related to the incident. Subsequently, the Grievance Committee of the Waukesha County Board imposed a two-day suspension on the grievant limited to his "failure to follow Policies & Procedures of the Sheriff's Department in not notifying the Waukesha Sheriff's Department that he was subject to an investigation by a law enforcement agency other than the Waukesha Sheriff's Department."

Because there was the potential for criminal charges to be brought against the grievant, it is apparent that he was "the subject of an investigation" and should have notified his employer. The grievant's subjective belief that no charges would be filed is irrelevant under the plain meaning of the rule in question. His failure to report violated the relevant Department rule and establishes proper cause for a two-day suspension.

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

Issued at Madison, Wisconsin this 10<sup>th</sup> day of January, 2022.

Electronically signed by Peter Davis  
Peter Davis

I concur:

Electronically signed by Erik Weidig  
Erik Weidig

I dissent:

Electronically signed by Brynne Reilly  
Brynne Reilly