



# Wayne County Deputy Sheriff's Association

Member-Police Officers Association of Michigan  
27056 Joy Road Redford, MI 48239  
Phone: (313) 937-9000 Fax: (313) 937-9165

*Rec'd  
11/06/09  
WS*

<b>Grievance # 2009-44</b>  <b>POAM # 09-452</b>  <b>Step 2:</b>  <b>Step 3:</b>  <b>Step 4: Labor Relations</b>	<b>Article #</b>	<b>Grievance Report</b>  <b>11-5-09</b>   
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<b>Primary Member: All</b>	<b>Union Officer: Cpl. Brian Earle</b>
<b>Other Members:</b>	<b>Chief Steward:</b>

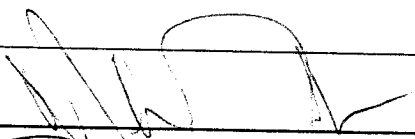
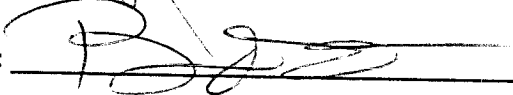
**Nature of Grievance:** The Sheriff Department has hired new officers and started a jailers training class on 10-26-09. This is in direct contrast to a settlement agreement which states that all officers currently on lay-off will be brought back to full time status prior to the hiring of new officers. There are currently over 45 officers still on lay off as of this date.

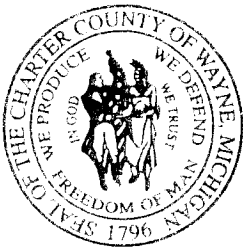
**Violation:**

The Association, on behalf of officers named and the WCDSA is at this time charging Sheriff Benny Napoleon with a violation that includes, but not limited to the below listed article(s):

- (1) Settlement agreement for grievance 2009-025:** The County will rehire non-status probationary employees separated by the county on or about 10-12-08, for the classification of police officer, prior to any individuals being hired.
- (2) Civil service rule # 8 Section 1:** Whenever a position is to be filled by certification from an eligibility list, certification shall be made first from the re-employment list for the class to which the position is allocated then from the promotional list if promotion be practicable, and finally from the eligible list resulting from an open competitive examination.

**Resolution:** Make an offer for current officers that were laid off as of 10-12-08 to return to full time status effective 10-26-09 and make them financially whole.

<b>Received by:</b> 	<b>Date:</b> <u>11/6/09</u>
<b>Served by:</b> 	<b>Date:</b> <u>11-6-09</u>



Robert A. Ficano  
County Executive

RECEIVED  
DEC - 9 2009  
P.O.A.M.

December 7, 2009

Mr. Gregory Hattaway, President  
Police Officers Association of Michigan  
Wayne County Deputy Sheriff's Association  
27056 Joy Road  
Redford, MI 48239

BB	IT	GR	RG	IN	VA	LI
FG	MS	DS	DM	LE	CB	TE
TP	SA	CR	EL	BR	ND	OS
Memo	Other <i>LaMontaine</i>					
	<i>Wayne County</i>					

RE: Grievance No. 2009-44 – Policy Grievance

Dear Mr. Hattaway:

Pursuant to Article 8.01 of the parties' collective bargaining agreement (CBA), a Step 4 grievance meeting was held on November 19, 2009 regarding the above-referenced grievance. In attendance for POAM were yourself and Cpl. Brian Earle. Attending for the WCSO was Deputy Chief Gerard Grysko.

**Facts**

On or about October 26, 2009, the WCSO commenced a Jailer's Training Class. The class was for the training of individuals who would be participating in the "pool" program, filling non-status and temporary police officer positions in accordance with the terms of the parties' Memorandum of Agreement dated July 13, 2009 (MOA). On November 5, 2009, POAM filed grievance # 2009-44, alleging that the WCSO violated the terms of a settlement agreement entered into on June 9, 2009, in settlement of Grievance No. 2009-025. The settlement agreement provides that the County would rehire certain terminated probationary employees separated from County employment on or about October 12, 2009, upon the availability of approved and budgeted police officer positions, prior to hiring individuals from an applicable Open Competitive List.

**POAM Position**

The union contends that the October 12 settlement agreement pertains to certain probationary employees whose employment was terminated prior to the completion of their probationary periods. It states further that the settlement agreement requires the County to "recall" such eligible probationary employees from "layoff" prior to hiring "new officers". The union's position is that the eligible probationary employees were "laid-off" on October 12, 2008 and are entitled to recall to police officer positions effective October 26, 2009.

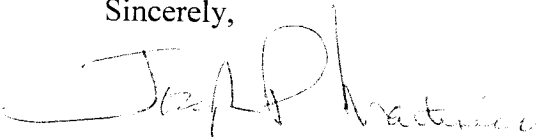
### WCSO Position

WCSO states that, as probationary employees, the individuals referenced in this matter were not laid-off but rather were separated from employment prior to the completion of their probationary period. As such, they are not eligible for recall. Rather, the settlement agreement provides that such individuals would be eligible for rehire upon the availability of approved budgeted police officer positions. The Training Class was given NOT for “new officers” hired into approved budgeted positions, but rather for temporary, non-status positions that essentially involved the short-term continuation of employment by officers pursuant to the July 13, 2009 MOA.

### Findings

The settlement agreement that the union alleges was breached in this case is not applicable in this matter. The former probationary officers who were separated from employment on October 12, 2008 are not entitled to recall as they were not laid off. Rather, under the terms of the settlement agreement, such individuals are eligible for rehire upon the availability of approved, budgeted police officer positions. The October 26, 2009 Training Class was not for “new hire” police officers hired into “approved budgeted police officer positions”. Instead it was for temporary, non-status “pool officer” positions that the parties contemplated and provided for in their July 13, 2009 MOA. Therefore, there the union has failed to establish any violation of the June 6, 2009 settlement agreement or of the CBA in this matter. In light to the foregoing, the grievance is denied.

Sincerely,



Joseph P. Martinico  
Labor Relations Division

Cc: Deputy Chief Gerard Grysko

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Gregory J. Hattaway  
President

Brian Earle  
1st Vice President

Brian Connelly  
Treasurer

## GRIEVANCE STATUS REPORT

January 26, 2010

**To: All members**

**Re: Grievance #2009-44 / POAM # 09-452**

The following is the current status of the grievance that was filed on the members behalf by the WCDSA/POAM.

Filed as Grievance # 2009-46at Step 3on: 10/26/2009

Received Step #3 Reply: denied

Moved to Step #4: 11/5/2009

Received Step #4 Reply: denied

Intent to Arbitrate Letter sent: request sent to POAM to arbitrate this matter on 12/11/2009

Arbitration Date: N/A

Remarks:

Corporal Brian Earle, 1<sup>st</sup> Vice President  
On Behalf of the WCDSA Grievance Committee