

Wayne County Deputy Sheriff's Association

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

Grievance # 2009-46

Article # 1, 2 & 43

Grievance Report

11-23-09

POAM # 09-478

Step 2:

Step 3:

Step 4: Labor Relations



Primary Member: All

Union Officer: 1st VP Brian Earle

Other Members:

Chief Steward:

Nature:

On several occasions including but not exclusive to 1/1/09 "temporary" workers were utilized to replace members on FMLA on a holiday. Pool workers have also been utilized to replace full time members who are on FMLA, but have exhausted all of the benefit time. Pool workers have been utilized to replace "drop" program members who have called in sick "Pool" workers are compensated at a significantly reduced rate of pay with no benefits, this while accepting the same hazards as a full time Deputy/Cpl.

These "temporary" officers have not been held to the same standard of conduct, (some of which are zero tolerance) as full time officers as required by Article 2.02.

- 1) "Temporary" officers are not being drug tested as required under Article 43.
- 2) Routinely violate the uniform standards of appearance
- 3) Disciplinary offences, i.e., breach of security, unsatisfactory job performance go unpunished.

These "temporary" officers constitute an Officer Safety violation, "temporary" workers are given the same unrestricted access to all three jail divisions as full time Deputies/Cpl. The "temporary" workers have no vested interest in the WCDSO, as a result of their hourly compensation, lack of benefits and employment status (at will). These facts have and continue to provide both the opportunity and the in some cases the necessity to import contraband into the Jail Division for monetary gain.

Received by:

Tonia R. Guzman

Date:

11/23/09

Served by:

[Signature]

Date:

11-23-09

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Violation:

The Association, on behalf of officer name 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. Article 1.05; not withstanding Article 1.02 of this Agreement, the Sheriff shall have the right to utilize the services of temporary police officers to fill absences or vacancies created by a leave of any kind for any work assignments located in the Jail Division.
2. Article 2.02; The Sheriff may cause reasonable rules of conduct and disciplinary procedures which are not in conflict with Article 9 to be compiled in a departmental manual which shall be furnished to all members of the Bargaining Unit. The Sheriff shall have the right to amend the departmental manual at his or her election with appropriate modifications or deletions. Actions implementing the manual shall be equitably and uniformly applied.
3. Article 43; et.al

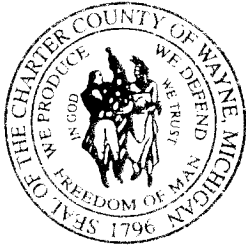
Resolution: Only allow the "temporary" officers to be used to fill leave time (sick, vacation or FMLA if the person has sick or vacation in the bank). All "temporary" officers are to be held to the same security and policy standards as the full time officers. All "temporary" officers are to be disciplined according to the disciplinary standards set forth by WCSD policies.

Received by: [Signature]

Date: 11/23/09

Served by: [Signature]

Date: 11-23-09



Robert A. Ficano
County Executive

RECEIVED
JAN 15 2010
P.O.A.M.

January 11, 2010

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

BB	JT	OR	KG	ID	PS	OP	TG
FG	MC	DG	GM	LS	WH	JB	KL
TR	SA	CS	BJ	312	Negot's		
Memo	Other: LaMontain Wayne County						

RE: Grievance No. 2009-46 – Policy

Dear Mr. Hattaway:

Pursuant to Article 8.01 of the parties' collective bargaining agreement (CBA), a Step 4 grievance meeting was held on December 17, 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.

Union Position

The grievance alleges that “temporary” or “pool” officers have been improperly utilized to replace DROP program employees who are absent due to illness, as well to replace officers on unpaid leave status. The union claims that temporary officers may be utilized, under Article 1.02 of the CBA, only to replace full-time, permanent officers who are absent on paid status (vacation, sick-leave or FMLA), and are not to be utilized to replace DROP program officers. Additionally, the grievance claims that the use of temporary officers in this manner is improper because such officers have not been held to the same performance and security standards as full-time officers. The union seeks to have temporary officer assignments restricted to the replacement of full-time permanent officers who are on paid absence/leave status.

WCSO Position

The WCSO contends that the grievance is not supported by the language of the CBA which places no restrictions on the utilization of temporary “pool” officers. Moreover, it states that temporary officers have indeed been held to the same performance and security standards and rules as are applicable to full-time permanent officers. Therefore, no violation of the CBA has occurred.

Findings

Article 1.05 of the CBA provides as follows:

... the Sheriff shall have the right to utilize the services of temporary police officers to fill absences or vacancies created by a leave of any kind for any work assignments located in the Jail Divisions" (emphasis added).

Clearly, the Agreement does not place any of the restrictions on the utilization of temporary officers as are alleged in the grievance. Additionally, the grievance fails to cite any specific example or occasion wherein a temporary officer was allegedly subject to different or lesser standards of performance or security than is applied for permanent full-time officers. In the absence of any evidence in support of this allegation or any specific incident in which the application of lesser standards was alleged to have occurred, the grievance cannot be substantiated. Moreover, it is clearly the intent of the WCSO, as stated by Deputy Chief Grysko, that all officers, including both temporary and permanent officers, be subject to the same standards and rules in order to promote efficiency, consistency, safety and proper conduct within the department.

Grievance denied.

Truly yours,

A handwritten signature in black ink, appearing to read "Joseph P. Martinico". The signature is written in a cursive style with a long horizontal line extending to the left.

Joseph P. Martinico

CC: Deputy Chief Gerard Grysko
Undersheriff Daniel Pfannes

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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 #2009-46 / POAM # 09-478

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: 11/10/2009

Received Step #3 Reply: denied

Moved to Step #4: 11/23-2009

Received Step #4 Reply: denied

Intent to Arbitrate Letter sent: request sent to POAM to arbitrate this matter on 1-25-10

Arbitration Date: N/A

Remarks:

A large, stylized handwritten signature in black ink, appearing to read "B. Earle".

Corporal Brian Earle, 1st Vice President
On Behalf of the WCDSA Grievance Committee

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