

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**
(Official Minutes)

PUBLIC SAFETY BOARD OF APPEALS MEETING

Thursday, October 28, 2010

Chairman George Spadoni called the meeting of the Village of Fontana Public Safety Board of Appeals to order at 5:47 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Board of Appeals members present: Roll call vote: Spadoni, Robert Chanson, Robert Youngquist

Also present: Police Lieutenant Brad Buchholz, Officer Mark Chalchhoff, Officer Derrick Goetsch, Village Administrator/Treasurer Kelly Hayden, Wisconsin Professional Police Association Business Agent David Hendrickson, Village Clerk Dennis Martin, Chief of Police Steven Olson

Open Session Business

Read Grievance No. 10-582. Wisconsin Professional Police Association Law Enforcement Employee Relations Division Into Record

Martin read into the record Grievance No. 10-582, dated September 7, 2010 filed by the Fontana Police WPPA/LEER Local for Mark Chalchhoff and Derrick Goetsch.

Presentation by WPPA

Hendrickson stated that the grievance is a matter of a language interpretation in the WPPA union contract with regard to the compensation Officers Chalchhoff and Goetsch received for working on July 4, 2010. Hendrickson stated that two provisions of the contract concern holiday pay and being called into work outside the regular schedule. Hendrickson stated that other Fontana police officers have been paid in the manner being sought by Chalchhoff and Goetsch on prior occasions. Hendrickson stated that the officers should be compensated for what is equal to triple time for working on a scheduled day off and for working on a holiday. Chalchhoff stated that when officers have to work on holidays they receive additional compensation and they get to bank the holiday hours. Chalchhoff stated that since the Fourth of July was on a day that he and Goetsch were scheduled for a day off, they should also receive compensation at an additional time and a half rate. Chalchhoff stated that Officer Jeff Cates and former Fontana police officer Jeff Recknagel were paid that way in the past.

Questions from PSBA members

Spadoni asked if there was evidence of officers receiving the total compensation level as sought in the grievance by the petitioners, who are citing "past practice evidence." Hendrickson stated that he has been told by Chalchhoff and Goetsch that it has occurred in the past. Spadoni stated that the board would have to see evidence of past examples. Hendrickson responded that he can only state that he has been informed that it has happened in the past and it hasn't been previously disputed. Chalchhoff stated that it has been several years since Recknagel left the Village to work for the Walworth County Sheriff's Department, and Officer Cates had the same situation on a Fourth of July a few years ago; however, the situation has definitely occurred on the Fourth of July in previous years. Chanson stated that the issue stems from an interpretation of the contract and asked if the Village attorney has given an opinion on the matter. Hendrickson stated that the holiday and overtime language in the current contract just needs to be cleaned up and it is unfortunate that a formal grievance hearing had to come up in order to resolve the issue. Hendrickson stated that in the upcoming contract renewal negotiations, he would like to see the language be made more clear so both management and the employees can go forward with a complete understanding of the contract.

Chanson stated that the issue equates to about \$330 in additional compensation for the two officers and it apparently only comes up once every five years. Chalchhoff stated that it is a rare event and in many years it is not an issue. Youngquist asked about the circumstances on the officers being called in to work on July 4, 2010. Following discussions it was clarified that no officers called in sick, Officers Chalchhoff and Goetsch were prescheduled by Chief Olson to work that day. Youngquist stated that he was confused by what was written in the grievance form and what was being asked for at the hearing. Goetsch stated that it is their position that officers who get called in to work on a holiday that also was supposed to be their scheduled day off should receive more compensation than officers who get called in to work on a scheduled day off when it is not a holiday. Goetsch stated that if an officer gets called in on a holiday and it was going to be a scheduled day off, the officer should get a little more compensation.

Presentation by Village of Fontana

Hayden presented a written report to the Board of Appeals and explained the scheduling situation for the Fourth of July. Hayden stated that the compensation issue was discussed with the officers prior to the holiday, and if the officers chose not to work on the very busy holiday, the Village could have called in officers on a mutual aid agreement with the county. Hayden stated that the administration was very grateful that Officers Chalchhoff and Goetsch decided to work. Chalchhoff responded that the issue of bringing in officers to cover on the Fourth of July under a mutual aid agreement was not presented to them, and they were ordered to come in on July 4, 2010 by Chief Olson. Chalchhoff stated that they did talk to Chief Olson about the compensation issue ahead of time, but a lot of circumstances changed the week prior to the holiday. Chalchhoff stated that the initial schedule called for them to work on Saturday, July 3, 2010, and not on Sunday, July 4, 2010. Chalchhoff stated that when they were asked to also work on July 4, 2010, there was no way the officers would not have come in as requested.

Questions from PSBA members

Youngquist asked Hayden what the officers were compensated for July 4, 2010. Hayden stated that the officers were able to bank the eight holiday hours, they received their normal salary for the day, and they received an additional time and half overtime rate. Youngquist stated that the written grievance and testimony presented by Hendrickson and the officers conflicted. Spadoni asked if the grievance was asking for time and half compensation and not banking the eight holiday hours, which is his interpretation of the contract language. Hayden stated that the officer have already received the eight banked hours for the holiday. Spadoni stated that the current contract is clear in the overtime section, and it is not an “and” situation; it is an “or” situation for time and half compensation or banking the holiday hours. Hendrickson stated that is why he dropped the banking of holiday hours from the testimony presented at the hearing. Spadoni stated that the pyramiding of benefit hours is not allowed, although it is not specifically stated in the current contract. Chanson stated that then the issue at hand comes down to a matter of \$122 for each officer.

Announcement for Board to Consider Going Into Closed Session

Spadoni/Chanson 2nd made a MOTION to go into closed session pursuant to Chapter 19.85 (1) (a) Wis. Stats. to deliberate concerning Grievance No. 10-582. Wisconsin Professional Police Association Law Enforcement Employee Relations Division, and the Roll Call vote followed:

Spadoni – Aye

Chanson – Aye

Youngquist – Aye

The MOTION carried on a 3-0 vote.

During the closed session, the board members asked Hayden, Olson and Hendrickson to join them various times during the discussion.

Spadoni/Chanson 2nd made a MOTION to adjourn the closed session and to reconvene in open session at 6:36 pm. The MOTION carried without negative vote.

Spadoni/Youngquist 2nd made a MOTION to direct the Village administration to pay Officer Chalchoff and Officer Goetsch at the next regular pay period an additional 8 hours of work at half their current pay rate with the conditions that the decision to pay time and a half and bank the holiday hours is not precedent setting, and that the union members agree to address in future collective bargaining act negotiations the prohibition of the pyramiding of benefits. The MOTION carried without negative vote.

Chairman Spadoni asked Hendrickson and Officers Chalchoff and Goetsch if they would state for the record that they agreed to the conditions as specified in the motion approved by the Public Safety Board of Appeals. Hendrickson, Chalchoff and Goetsch stated that they agreed with the conditions.

Adjournment

Chanson/Youngquist 2nd made a MOTION to adjourn the Public Safety Board of Appeals meeting at 6:39 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Public Safety Board of Appeals, the official minutes will be on file at the Village Hall.

Approved:

George Spadoni _____

Robert Chanson _____

Robert Youngquist _____