

Grievance Form

Arlandria County Sheriff's Office
Arlandria County, Wisconsin

Grievance Number: 2024-11-20-01

Date Filed: November 20, 2024

Date of Incident: November 16, 2024

1. Names of Aggrieved Parties

Grievant: Deputy Sarah Staley, Badge No. 114, Patrol Division

Represented By: APPA (Arlandria Professional Police Association), Steward: Deputy Patrick Hawkins

2. Applicable Contract Provisions

Article X (Premium Pay), Section 10.02 (Call-In Time):

Any employee who is called in to work outside of the employee's regularly scheduled shift and who reports for duty as requested shall receive a minimum of two (2) hours of compensation at the rate of one and one-half (1½) times the employee's regular hourly rate of pay. The two-hour minimum guarantee shall apply regardless of actual hours worked during the call-in.

Article III (Grievance Procedure), Section 3.02 (Timelines for Filing): Referenced for procedural context.

Any other provisions as may apply.

3. Facts Pertaining to the Grievance

On Saturday, November 16, 2024, at approximately 4:47 a.m., Lieutenant Chris Shiflett contacted Deputy Staley at her home and requested her response to a structure fire with possible occupant rescue on County Trunk Highway BB in the Township of Riverdale. Deputy Hawkins was already on scene as first responder and had requested backup for perimeter control and traffic diversion. Deputy Staley was not on her regularly scheduled shift at the time of the call.

Deputy Staley accepted the assignment, departed her residence, and arrived on scene at 5:08 a.m. She assisted with perimeter control, traffic diversion, and witness intake until 5:55 a.m., at which point the scene was secured by the Arlandria County Fire District. From 5:55 a.m. to 6:10 a.m., she completed an on-scene preliminary incident report. She departed the scene at 6:10 a.m., returned to the Sheriff's station for document turnover at 6:30 a.m., and was released from call-in duty at 6:30 a.m.

Deputy Staley's regularly scheduled Saturday shift began at 7:00 a.m. and ended at 3:00 p.m. She reported for her regular shift at 7:00 a.m. and worked the full shift.

Total call-in hours worked: one (1) hour and twenty-two (22) minutes, between 5:08 a.m. and 6:30 a.m.

Deputy Staley's November 23, 2024 pay stub reflects call-in compensation of two (2) hours at one and one-half (1½) times her regular hourly rate, consistent with the two-hour minimum guarantee in Section 10.02. Her regularly scheduled shift hours were paid at her regular rate.

Deputy Staley grieves that the compensation paid understates her entitlement. She contends that a longstanding past practice within the Sheriff's Office has been to pay a three (3) hour minimum at one and one-half times the regular rate for any call-in preceding a regularly scheduled shift, and that this past practice is enforceable notwithstanding the two-hour figure stated in Section 10.02. In support, Deputy Staley has identified two prior call-in events from

calendar year 2023 in which she received three (3) hours of compensation at time and one-half (call-in events of March 8, 2023 and June 14, 2023, pay stubs attached to the grievance file).

Deputy Staley further asserts that the pre-dawn call-in resulted in a disruption of her personal time and sleep for which the Section 10.02 compensation does not adequately account, and that the same two-hour versus three-hour concern applies to three additional call-in events during calendar year 2024 in which she was compensated at the two-hour minimum.

4. Remedy Sought

Deputy Staley requests the following remedies:

- **Additional Call-In Pay (November 16, 2024 incident):** Payment of one (1) additional hour at time and one-half the regular hourly rate, representing the difference between the two-hour minimum paid and the three-hour past-practice minimum claimed.
- **Retroactive Adjustment of 2024 Call-Ins:** Review of three prior call-in events during calendar year 2024 (dates specified in attached payroll log), and payment of the additional one-hour differential at time and one-half for each event at which the two-hour minimum was applied.
- **Disruption Compensation:** One (1) hour of compensatory time off, as acknowledgment of the disruption caused by the pre-dawn call-in.
- **Practice Confirmation:** Written confirmation from the Department of Administration that the past practice of applying a three-hour minimum for pre-shift call-ins will be recognized and applied consistently in payroll administration going forward.

Supervisory Grievance Investigation Notes (Lt. Shiflett, Department Designee)

Factual corroboration. The call-in timeline as described by Deputy Staley is accurate. Department records confirm the 4:47 a.m. call, the 5:08 a.m. arrival on scene, and the 6:30 a.m. release. Deputy Staley's performance on the call was appropriate and is not at issue.

Contract application. The Department applied Section 10.02 as written. The Section provides a two-hour minimum at one and one-half times the regular rate. Deputy Staley worked one hour and twenty-two minutes during the call-in period, which is less than the two-hour minimum. Accordingly, she was paid the two-hour minimum at time and one-half, consistent with the express language of the provision.

Past practice claim. The Department disputes that a three-hour minimum constitutes established past practice. A review of Sheriff's Office payroll records for calendar years 2022 through 2024 indicates that the overwhelming majority of pre-shift call-ins were compensated at the Section 10.02 two-hour minimum. The two prior 2023 pay events identified by Deputy Staley reflect inadvertent calculation errors by a supervising sergeant who has since departed the Department, and together represent fewer than five percent of comparable call-ins during the period. The Department does not concede that two isolated calculation errors establish a binding past practice superseding express contract language.

Remedy review. The Department's position is as follows. Additional call-in pay for the November 16 incident and retroactive adjustment of 2024 call-ins are denied; Section 10.02 was correctly applied in each instance. No provision in the collective bargaining agreement supports disruption compensation. The Department will not confirm a three-hour minimum practice; the payroll policy is to apply Section 10.02 as written. Any claim for retroactive adjustment of pay events occurring more than thirty (30) calendar days prior to the filing of this grievance may additionally raise timeliness questions under Article III, Section 3.02.

Grievant: _____ **Date:** _____ **Union Rep:** _____ **Date:** _____

Department Rep: _____ **Date:** _____