

THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD A GRIEVANCE HEARING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON TUESDAY, FEBRUARY 9, 2016 AT 10:35 A.M.

PRESENT: Warren V. Nash, president and Mickey Thompson, member. Cheryl Cotner-Bailey, member, recused herself.

ALSO PRESENT: Police Chief Bailey, Assistant Police Chief Fudge, Shane Gibson, Stan Robison, David Dunn, Suzanne Crady and Vicki Glotzbach

President Nash called the meeting to order at 10:35 a.m.

Mr. Gibson explained that this is a grievance that was filed by Ms. Crady and Mr. David Dunn is the union representative who is here on Ms. Crady's behalf regarding filling of spots. He said that Ms. Crady felt that aggrieved by the action of Police Chief Bailey with the way that he organized the department.

Mr. Nash asked why this took so long because it was back in August, 2015.

Mr. Gibson stated that there were just conflict issues and scheduling issues.

Mr. Dunn stated that he is the union president of the Communications Workers of America, Local 4703, in New Albany and he represents members of AT&T and the 911 Dispatch Center. He explained that the grievance is not a scheduling conflict and we don't disagree that the chief has the right to mandate power or positions as he sees fit to fill scheduling vacancies. He said that the issue at hand is that Ms. Crady was in a supervisory position and against her will was taken out of that position and placed on second shift position. He stated that based on her seniority alone which is 26 years of service, we believe that she should've been given the opportunity to have a first shift position when there are people on that shift currently with five years of service which is much less than her. He explained again that the issue is not whether the chief has the right to place people and schedule people as he sees fit but it's just a matter of contractually, he is not doing it by seniority and that's the question here today.

Police Chief Bailey stated that on the 14th of August, 2015, he received the grievance from Ms. Suzanne Crady. He said that the grievance stated that she felt that she was unfairly removed from a day shift position and placed on a second shift position and that her seniority was not taken into consideration regarding that move. He said that on August 17th, 2015, he responded to Ms. Crady and declined the grievance and stated that Article 8 of the CWA contract allows for management to adjust shift assignments as necessary to accomplish departmental needs. He explained that on August 27th, he received from Mr. Dunn a rebuttal to the grievance being denied and the process is then to have a hearing before this body. He stated that he thinks what is being suggested is that because of Ms. Crady's seniority, we would bump someone who is in a currently assigned position and there is no provision for that from what he sees in the CWA contract. He also stated that when Ms. Crady was placed in that position, in his view that was the only available position to fill at that time. He said that as management, we may fill as many position as we deem necessary to handle the work load that is necessary for a particular shift. He explained that second shift carries a higher volume work load and there was no availability to place Ms. Crady on first shift where the work loan is approximately one quarter of what the entire department does as compared to second shift which is somewhere in the neighborhood of about half of what the department does. He said he does feel that at some point here in the future this would likely resolve itself because of hiring which we are still in the process of doing but he can make no promise to that or when it would be. He added that as far as Ms. Crady's ability as

a dispatcher, it is not in question and there is no agenda here this is just simply where we needed her at that point in time to fill the needs of the police department, fire department and emergency services.

Mr. Nash asked what the hours are for first shift and second shift.

Police Chief Bailey replied that second shift is 1:00 p.m. until 9:00 p.m. and first shift is 5:00 a.m. until 1:00 p.m.

Mr. Dunn stated that they are not negating the fact that there might be a need on second shift more so than first but it was a matter of seniority because she force adjusted out of her supervisory role and told she would be on second shift. He said that because she was force adjusted and didn't choose to leave the supervisory position, he feels she should be allowed to regain her first shift service because of her years of seniority. He added that she has 24 years of service and was force adjusted out of her role and placed on a shift that quite frankly doesn't work for her and her other job. He also added that it is just the fact that her seniority is being overlooked and if there is a position that needs to be filled on second shift then they need to backfill based on seniority. He said that they are just asking that seniority take a part based on contractual obligations.

Police Chief Bailey stated that when Ms. Crady was in the supervisory role, that is not a defined first shift job, it is as needed. He said that his supervisor is aware that supervisor may have to work other shifts from time to time and you fall outside of that defined bidded shift. He feels what is being suggested is that for someone who has bidded a shift previous to this event should be bumped to place Ms. Crady in their position so that we can maintain our numbers. He said that if we are talking about fairness, that would be a problem. He explained that when he assigns supervisors to that position in the past, he has stated that this is not a defined 8:00 a.m. until 4:00 p.m. job because it is when we need you to fill in and quite frankly the supervisor needs to visit all of the shifts. He added that Ms. Crady was previously a supervisor when he took over the police department. He also added that he doesn't agree that seniority was overlooked because the needs of the Communications Department of the City of New Albany were factored in primarily in this decision.

Mr. Dunn stated that the current supervisor was on a third shift position and was given first shift when they took that role and so as a rebuttal, he could have been left on third shift where he was already at and Ms. Crady could have been moved to first shift.

Police Chief Bailey stated that he could show where his supervisor has currently worked other shifts other than first shift on many occasions.

Mr. Dunn stated that he is not negating that, it is just a matter of the need is there and why wouldn't her seniority take precedence.

Police Chief Bailey stated that typically the supervisor, more times than not, the availability during those day shift hours is more relevant for things like payroll, billing, etc. but when you are talking about the management and supervision of staff you do need to have some flexibility built in.

Mr. Nash thanked Ms. Crady for her 26 years of service and asked if she wanted to add anything.

Ms. Crady stated that when she was in the supervisory role there were still shifts that needed to be filled but we didn't have the personnel to put there. She explained that the girls on second shift wanted to go to first shift so we went ahead and moved them to first shift and the last

person moved to first shift was Ms. Ashley Miller who has five years of service. She stated that Ms. Miller was on first shift for only two months when they removed me from my spot. She said that is a problem for her because she has more seniority than Ms. Miller. She stated that she was on day shift for 10 years and when she was moved to a different shift for a couple of months during Chief Knight's term, she was put back on day shift. She said she was allowed to return to first shift the first time she was moved and then reassigned back to supervisor back in December, 2014. She just feels that her seniority and being on first shift for 10 years should've been taken into consideration.

Mr. Thompson asked if there are any time constraints on this.

Mr. Gibson stated that it should just go by the normal schedule.

Mr. Nash stated that he would like to take it under advisement and make an announcement at the next board of works meeting.

Mr. Gibson stated that the board could hold an executive session before the next meeting and then make its decision at the following meeting.

Mr. Nash stated that he would like to review the contract and everything that has been said here.

Mr. Robison scheduled the executive session for 9:30 a.m. on Tuesday, February 16th in the Assembly Room on the third floor.

ADJOURN:

There being no further business before the board, the meeting adjourned at 11:00 a.m.

Warren V. Nash, President

Vicki Glotzbach, City Clerk